KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

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ANNUAL REPORT 2024-2025

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STATEMENT FROM THE VICE CHAIRPERSON/ACTING

The Kenya National Commission on Human Rights (KNCHR) presents its annual report for the financial year 2024/2025, reflecting on achievements, challenges, and future priorities in advancing constitutional rights and freedoms. The Commission's work remains grounded in Kenya's progressive Constitution and international human rights commitments. However, its efforts have been constrained by chronic underfunding, delays in funds disbursements, and staff shortages, with operations running at less than a quarter of the required capacity. Limited regional presence; covering only six regions, further compounds inequalities in access to human rights services.

Beyond these structural challenges, KNCHR has confronted new and evolving human rights concerns, including cyber harassment, online gender-based violence, data privacy violations, harmful cultural practices, and the impact of climate change on vulnerable populations. Despite these obstacles, the Commission has adopted a comprehensive strategy of innovation, partnerships, and financial accountability to sustain its work.

During the year under review, KNCHR processed thousands of complaints - as contained elsewhere in this report. The Commission also investigated systemic violations such as police brutality, forced evictions, and corporate misconduct, and expanded mediation services as alternative pathways to justice. Public education remained central to its mandate, with campaigns on digital rights, gender equality, and refugee protection reaching wide audiences through digital platforms and academic partnerships. On the policy front, the Commission reviewed legislative proposals to align them with human rights standards, advanced intersex persons and environmental justice, and maintained active engagement with regional and global human rights bodies. It also advanced accountability through public interest litigation, detention facility inspections, inquiries into business-related abuses, and the introduction of technological upgrades that enhanced service delivery and safeguarded client confidentiality.

Looking ahead, KNCHR calls for urgent measures to strengthen human rights protection in Kenya. These include reviving its internship program to nurture future defenders, investing in staff welfare and operational infrastructure, and expanding services to all the 47 counties through a phased decentralization strategy in collaboration with county governments. The Commission also urges stronger action against impunity by ratifying key international conventions, fully implementing the Prevention of Torture Act, and expediting resolution of pending human rights violation cases. Moreover, human rights principles

must be embedded in climate action, corporate regulation, and development planning, with immediate operationalization of the National Action Plan on Business and Human Rights.

Despite resource constraints, KNCHR has continued to deliver impact through landmark court rulings, exposure of systemic violations, and influencing of positive policy reforms. The Commission emphasizes that protecting human rights requires collective responsibility, by government, civil society, partners, and citizens alike. Only through shared commitment can constitutional guarantees translate into lived realities for all Kenyans.

Dr. Raymond Nyeris, PhD
Vice-Chairperson
Kenya National Commission on Human Rights

**Note: The Chairperson, Ms. Roseline Odede, was deceased as of 3rd January, 2025*

STATEMENT FROM THE COMMISSION SECRETARY/ CHIEF EXECUTIVE OFFICER

It is with great pride that I present the Kenya National Commission on Human Rights (KNCHR) Annual Report for the Financial Year 2024–2025, a reflection of another year of committed service to the people of Kenya in the promotion and protection of human rights. This report captures the Commission's achievements, challenges, and the evolving human rights landscape within which we continue to operate.

Over the past year, the Commission strengthened its oversight and advocacy role amid a complex socio-economic environment marked by rising living costs, public protests, and growing demands for accountability in governance. Through our interventions, we monitored over 140 investigations into alleged human rights violations, handled more than 3,300 public complaints, and reached over 5,000 Kenyans through community outreach, legal aid forums, and human rights education programmes. These efforts reflect our enduring commitment to expanding access to justice and amplifying the voices of those most at risk of exclusion and abuse.

Institutionally, KNCHR continued to uphold prudent resource management, achieving a budget absorption rate of 94% despite fiscal constraints and delayed exchequer disbursements. Strategic partnerships with development partners and state agencies enabled the Commission to sustain its operational momentum and implement critical programmes across thematic areas such as migration governance, business and human rights, equality and inclusion, and access to justice for detainees.

Among the notable highlights was the nationwide audit of detention facilities, which informed actionable recommendations for policy reform and improved treatment of persons deprived of liberty. The Commission also made important strides in promoting gender-responsive business practices, supporting community dialogues in refugee settlements, and advancing rights-based approaches to policing, labour, and environmental governance.

However, the reporting period was not without challenges. Persistent economic strain continued to affect the realization of socio-economic rights, while shrinking civic space and emerging digital and environmental human rights issues presented new frontiers for monitoring and advocacy. Despite these headwinds, KNCHR maintained a visible and credible presence both nationally and internationally, engaging with human rights mechanisms and contributing to Kenya's commitments under regional and global frameworks.

As we look ahead, the Commission remains steadfast in its mission to build a culture of respect for human rights, strengthen institutional accountability, and ensure no Kenyan is left behind in the pursuit of justice and equality. I wish to extend my heartfelt appreciation to the Commissioners, management, and staff for their unwavering dedication, and to our partners and the Kenyan public for their continued trust and support. Together, we reaffirm our shared vision of a Kenya where the rights and dignity of every person are protected and upheld.

Dr. Bernard Mogesa, PhD, CPM
Commission Secretary/Chief Executive Officer
Kenya National Commission on Human Rights

LIST OF ABBREVIATIONS AND ACRONYMS

ASK	Agricultural Society of Kenya
CMS	Complaints Management System
CRPD	Convention on the Rights of Persons with Disabilities
CRVWWDA	Central Rift Valley Water Works Development Agency
CUC	The Court Users Committee
DOJ	Department of Justice
DRS	Department of Refugee Services
ELC	Environment and Land Court
GANHRI	Global Alliance of National Human Rights Institutions
HRBA	Human Rights-Based Approaches
IEC	Information, Education and Communication
IPICC	Intersex Persons Implementation and Coordination Committee
KeNHA	The Kenya National Highways Authority
KFS	Kenya Forest Service
KICD	Kenya Institute of Curriculum Development
KNBS	Kenya National Bureau of Statistics
MCAPs	Model County Action Plans

NANHRI	Network of African National Human Rights Institutions
NAP	BHR: National Action Plan on Business and Human Rights
NCAJ	National Council on Administration of Justice
NCCK	The National Council of Churches of Kenya
NEMA	National Environment Management Authority
NGAOs	National Government Administrative Officers
NVPG	National Values and Principles of Governance
POMAC	The Power of Mercy Advisory Committee
SDG	Sustainable Development Goals
SGBV	Sexual and Gender-Based Violence
SOPs	Standard Operating Procedures
TOTs	Trainer of Trainers
UNGPs	United Nations Guiding Principles on Business and Human Rights
WRA	Water Resources Authority

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CHAPTER ONE

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 No. 14 of 2011.

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;

(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.

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;

(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.

1.3 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	• 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	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: (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;

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			(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; (h) development of mechanisms to ensure the timely, coordinated, and effective response to cases of trafficking in persons; (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; (j) mechanisms to screen persons entering or leaving Kenya to determine if they are victims of trafficking in persons; (k) public information campaigns against trafficking in persons; (l) establishment of and support community-based initiatives that address trafficking in persons; (m) implementation of effective pre-employment orientation seminars and pre-departure counselling programmes to applicants for overseas employment;
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 *ex-officio* 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))

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
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
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 co-ordinated, 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	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

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
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. (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.

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
12.	NCAJ Committee on review of Laws and Policies relating to sexual offences and gender-based violence	Gazette Notice No. 9302	Terms of Reference of the Committee (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 (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.

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
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 9th 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 4th 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; (c) In conjunction with the Judiciary Training Institute to pilot and bench-mark 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;

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			(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	• Section 4(2) of the Mental Health Act. Under section 5 of the Act, the role of the Board are as follows: • 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 • inspect mental health units and mental health facilities to ensure that they meet the prescribed standards

S/NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			• 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.	Inter-Agency Coordinating Committee (IAAC) Coordination Committee of the WHO Quality Rights Initiative[1]	--	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. 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.

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
19.	Kenya National Bureau of Statistics (KNBS) and Disability Statistics Committee Inter-Agency Coordinating Committee (IAAC)		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. 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.
20.	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.
21.	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 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, is 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.

Leadership and Management

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 Strategic Framework

The Commission 2018-2023 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 deliver on the key strategic objectives, KNCHR employed various strategies including *public education and training, advocacy for reforms through submission of advisories to Parliament, enhancing strategic partnerships with different stakeholders through referral partners forum, redress mechanisms through Alternative Dispute Resolution (ADR), and seeking judicial interventions* as petitioners, co-petitioners, interested party or as an *amicus curiae* (friend of the court) to guarantee human rights and freedoms are enjoyed by all in Kenya.

CHAPTER TWO

Enhance education and capacity building on human rights

Section 8(g) of the Kenya National Commission on Human Rights Act (KNCHR Act) mandates the Commission to formulate, implement, and oversee programs that raise public awareness on the rights and obligations of citizens under the Constitution. This function is central to KNCHR's mandate of promoting human rights and constitutionalism by educating the public on their entitlements and responsibilities.

During the reporting period, the Commission made significant strides in enhancing public understanding of human rights through education, outreach, and training initiatives. More than 1,000 individuals drawn from public and private institutions—including Ministries, Departments, and Agencies (MDAs), civil society organizations (CSOs), and private entities—were trained on human rights principles, the Human Rights-Based Approach (HRBA), and Alternative Justice Mechanisms. To further institutionalize knowledge, the Commission developed national training curricula and manuals on key thematic areas, particularly Business and Human Rights, to guide private sector alignment with the UN Guiding Principles and Kenya's National Action Plan.

Public awareness efforts were further amplified through both traditional and digital media campaigns, as well as public forums, collectively reaching an estimated **10 million people** nationwide. In addition, legal aid clinics and commemorative events provided platforms for citizens to strengthen their capacity to claim, assert, and defend their rights.

2.1 Training of Duty Bearers on Human Rights

State actors trained on human rights and fundamental freedoms

The Commission undertook extensive capacity-building initiatives targeting duty bearers to enhance their ability to promote and protect human rights in line with constitutional, national, and international standards. Public officers drawn from Ministries, Departments and Agencies (MDAs), County Governments, prison institutions, and other key sectors were trained on human rights principles, the Human Rights-Based Approach (HRBA), and thematic areas including Alternative Justice Mechanisms, refugee rights, environmental rights, and the rights of marginalized groups. These efforts enhanced institutional accountability and promoted rights-compliant service delivery.

A major focus was placed on correctional services, where **227 senior prison officials** from facilities in Nakuru, Nairobi, Makueni, Kericho, and Nyeri Counties were trained on mainstreaming HRBA within correctional facilities. The training emphasized adherence to minimum international standards for the treatment of inmates, as outlined in the Mandela Rules, and strengthened officers' capacity to handle vulnerable populations. As an outcome, participating officers developed actionable institutional plans and established advocacy platforms to promote accountability and continuous monitoring of human rights compliance in prisons.

Capacity-building also extended to the intersection of human rights, environment, and climate change across five counties. **Nakuru (16), Samburu (18), Kirinyaga (17), Taita Taveta (20),** and **Makueni (22)** participants benefitted from these sessions, which emphasized inclusive participation by actively involving persons with disabilities in shaping responses to environmental and climate-related human rights challenges.

Regionally, the Commission delivered targeted trainings through its field offices, reaching **122 MDA staff** on diverse thematic areas such as Business and Human Rights (BHR), intersex persons' rights, conservation, refugee rights, and ECOSOC rights. Highlights included training **15 KenGen managers** in Nakuru County on BHR, **30 Court Users Committee officials** in Meru County on intersex rights, **30 county officials** in Samburu and Laikipia on climate change and human rights, and **25 Kenya Wildlife Service officers** in Laikipia on HRBA in conservation. Collectively, these sessions deepened the participants' understanding of human rights obligations and reinforced the integration of rights-based approaches across state institutions and sectors.

In the **North Rift Region**, the Commission, in collaboration with the Refugee Consortium of Kenya (RCK) under the Haki na Ushirikiano project, trained **58 State actors** on human rights principles and refugee rights. Of these, **28 participants** drawn from agencies including the Independent Policing Oversight Authority (IPOA), National Population Council (NPC), National Gender and Equality Commission (NGEC), County Commissioner's Office, and County Government were trained on the Human Rights-Based Approach (HRBA). An additional **30 Court Users Committee (CUC)** members were trained on refugee rights and access to justice. These sessions enhanced coordination among State actors in refugee management and strengthened their capacity to apply HRBA in handling refugee-related matters.

In the **Western Region**, the Commission trained **63 immigration officers** from the Directorate of Immigration Services in Kisumu on migration laws and HRBA. Conducted in two phases following a formal request from the Directorate, the training ensured that new officers integrated human rights principles into their day-to-day service delivery.

KNCHR officer makes remarks during the joint forum with KENGEN, NEMA, KWS and the local community in Olkaria on September 24, 2024.

Complaints handling forum on the proposed Olkaria VII Geothermal Power Project on September 24, 2024 in Olkaria, Nakuru County.

In the **Coast Region**, the Commission reached **238 State actors** from the Directorate of Children's Services (DCS), National Police Service (NPS), Office of the Director of Public Prosecutions (ODPP), Kenya Prison Service (KPS), Migration Officers, and National Government Administration Officers across Mombasa, Kwale, Taita Taveta, and Kilifi Counties. The training focused on intersex persons' rights, refugee rights, HRBA, and complaint handling mechanisms. Notably, the turnout exceeded the initial target of 120 participants, underscoring the growing demand for human rights capacity-building and reinforcing the Commission's role as a trusted partner in advancing rights-based governance.

Overall, these initiatives resulted in **800 State duty bearers** acquiring enhanced knowledge and skills on human rights and HRBA, contributing to more rights-compliant service delivery across sectors. The trainings also highlighted systemic challenges faced by duty bearers in implementing human rights obligations, providing the Commission with valuable insights to inform future programming. Importantly, strengthened partnerships with State actors laid a solid foundation for sustained collaboration and a more coordinated, accountable approach to protecting the rights of vulnerable and marginalized groups nationwide.

Despite these achievements, challenges persisted, including high turnover of trained personnel in key institutions, limited resources constraining training coverage, and systemic gaps within institutional policy frameworks. Moving forward, the Commission will prioritize **follow-up and refresher trainings** to sustain momentum, deepen partnerships with line ministries and county governments, and leverage civil society to institutionalize HRBA within policies and practices. Targeted interventions will also be developed to address systemic gaps, particularly in correctional facilities, refugee management, and inter-agency collaboration mechanisms.

Empowered civil society and grassroots leaders to drive human rights advocacy

The Commission advanced its mandate of promoting human rights by strengthening the capacity of non-State actors—including civil society organizations (CSOs), community-based organizations (CBOs), human rights defenders (HRDs), and private sector representatives. These trainings aimed to equip stakeholders with practical skills, legal knowledge, and advocacy tools to monitor, protect, and promote human rights, while fostering constructive engagement with State actors. The sessions addressed critical thematic areas such as Business and Human Rights (BHR), intersex persons' rights, refugee rights, the Bill of Rights, and Economic, Social, and Cultural (ECOSOC) rights.

A total of **433 participants** were reached through regional trainings. In the **Central Region**, 27 representatives of the Laikipia County Chamber of Commerce were trained on BHR and dissemination of IEC materials on the National Action Plan. In the **Northern Region**, 103 CSO and HRD representatives from Moyale and Marsabit counties were trained on human rights standards and ECOSOC rights, with sessions providing space to address emerging local challenges. In the **Western Region**, 30 CSO representatives from Siaya and Migori counties were trained on the UN Guiding Principles on Business and Human Rights, enhancing their ability to monitor and promote corporate accountability. The largest intervention took place in the **Coast Region**, where 273 participants (185 male, 88 female) from CSOs and grassroots groups across Kwale, Kilifi, and Mombasa counties were trained on intersex rights, refugee rights, the Bill of Rights, and BHR.

These initiatives deepened non-State actors' understanding of international and national human rights frameworks, strengthened grassroots advocacy, and enhanced collaboration with State agencies. The sustained demand for additional

training, as reflected in multiple follow-up requests, underscores the impact of these engagements. Challenges included limited resources to meet the growing demand, varying levels of human rights knowledge among participants, and the need for continued mentorship to ensure long-term impact. Looking ahead, the Commission will prioritize ongoing technical support and mentorship, expand training on BHR and intersex rights, and create multi-stakeholder platforms to institutionalize collaboration between State and non-State actors in advancing human rights nationwide.

2.2 Public awareness on human rights

During the reporting period, the Commission significantly amplified public awareness of human rights through a blend of media campaigns, community forums, legal aid clinics, and commemorative events. These initiatives collectively reached hundreds of thousands directly and millions more through traditional and digital media, equipping citizens with knowledge to assert and defend their rights. Beyond awareness, the interventions also fostered peaceful coexistence between refugees and host communities, reinforcing the Commission's role in cultivating an informed, rights-conscious society across Kenya.

Driving Community Awareness and Action on Human Rights

The Commission, in collaboration with UNFPA and regional partners, convened **seven (7) thematic forums** across Kisii, West Pokot, Kirinyaga, Kitui, Baringo, Bungoma, and other counties, reaching **311 participants**. These forums focused on **Sexual and Reproductive Health and Rights (SRHR), Gender-Based Violence (GBV)**, and harmful practices such as **female genital mutilation (FGM)** and **child marriage**. Using a participatory approach of presentations, group discussions, and peer knowledge-sharing, the sessions translated Kenya's SRHR and GBV policy commitments into tangible county-level actions while sensitizing participants on disability rights monitoring and the role of KNCHR.

The forums strengthened local understanding of SRHR, GBV, and disability rights, while emphasizing the importance of integrating human rights-based approaches into governance processes. Persistent challenges—including entrenched cultural practices, misinformation, stigma, and limited trust in formal systems—were acknowledged, with participants **recommending deeper community engagement, capacity building for law enforcement and health officials**, and the integration of economic empowerment and education initiatives through culturally sensitive methods. Going forward, the Commission will leverage these insights to scale inclusive forums that foster **community-led accountability and action** against GBV and harmful practices.

Image showing government officials in West Pokot County sensitised on Kenya's Obligations on SRHR, GBV and harmful practices.

Image showing engagements in Marsabi tCounty on Kenya's Obligations on SRHR, GBV and harmful practices

Image showing awareness sensitisation in Kitui county on SRHR, GBV and harmful practices and Kenya's Obligations

Image showing the Joint meeting session in Elgeyo Marakwet county on SRHR, GBV and harmful practices and Kenya's Obligations

The Commission undertook a nationwide exercise to monitor the human rights situation of migrants in detention and holding facilities. Building on the 2018–2019 KNCHR assessment, the activity focused on testing and refining the **Standard Operating Procedures (SOPs)** developed to guide monitoring of migrant rights.

Pretesting of the tools was carried out at three border points: Lunga Lunga (Coast Region), Malaba (North Rift), and Namanga (Kajiado County). The meetings provided valuable insights into Alternatives to Detention (ATD) practices from diverse stakeholders, including immigration and border officials, probation and aftercare services, children's services, the judiciary, and civil society organizations supporting victims of trafficking and child migrants. This feedback informed revisions to the SOPs and the development of cost-effective, rights-based **ATD guidelines** aligned with national laws and international human rights standards.

The meetings also served as a platform for disseminating KNCHR's Human Rights Status Survey Report, with copies distributed. Broader community forums in Uasin Gishu, Mombasa, and Nairobi Counties reached over **3,200 participants**, including refugees and host communities. In partnership with Trace Kenya, the Commission also convened public sensitization forums in Mombasa, Nairobi, and Eldoret, engaging 122 participants on a rights-based approach to migration and promotion of ATDs in line with the **Global Compact for Migration (GCM)**.

Further strengthening access to justice, **450 participants** in Nandi County benefited from joint complaints-handling forums and legal aid clinics, resulting in **109 complaints received** and **processed**. In Laikipia County, **150 participants** were sensitized on proposed civil registration reforms, while **1,235 learners and youth** across Nyahururu and Tharaka Nithi were engaged on child rights, disability rights, and SGBV. In the Coastal Region, **7,962 participants** across six counties were sensitized on the Bill of Rights, with outreach deliberately targeting **47% youth (18–34 years)** and **43.8% adults (35–59 years)** to embed a culture of rights among both emerging and mature community leaders.

These interventions not only strengthened grassroots awareness but also created momentum for sustained civic participation and rights-based governance. Looking ahead, the Commission will deepen community engagement through culturally sensitive approaches, expand collaboration with local partners, and continue embedding human rights into county-level governance to ensure inclusivity and long-term social transformation.

Advanced Rights Awareness through Commemorative Events

In FY 2024/2025, the Commission used commemorative platforms across the North Rift, Western, and Central regions to engage nearly **6,000 participants** on diverse human rights concerns. These forums targeted refugees, host communities, duty bearers, learners, women, and professionals, enhancing public knowledge on rights and responsibilities, strengthening

civic participation, and reinforcing accountability in governance.

The table below provides a detailed breakdown of participants and the issues addressed:

Event/Region	Participants Reached	Issues Addressed
International Human Rights Day (Kalobeyei, Turkana - NORRO)	850	Refugee rights; shared roles of State and non-State actors
International Refugees Day (NORRO)	1,320	Refugee rights; responsibilities of duty bearers in protection
Katiba @14, 16 Days of Activism, Human Rights Day (Western Region)	400	Constitutional rights; GBV prevention; civic participation
Child Justice Awareness Month (Laikipia - Central Region)	2,400	Child justice and protection rights
International Women's Day (Nyahururu Prison - Central Region)	300	Gender equality; rights of women in custodial settings
World Social Workers Day (Nyahururu - Central Region)	120	Social work practice and human rights linkages
International Day for Girls and Women in Science (Laikipia University)	500	Girls' and women's participation in science; equality in education
World Environment Day (Central Region)	500	Environmental rights and community responsibilities

Expanded human rights awareness through mass and digital media

In FY 2024/2025, the Commission amplified its visibility and impact by leveraging both traditional and digital media platforms to expand nationwide awareness of human rights. Through radio, television, newspapers, and social media, KNCHR reached an estimated **20 million people**, ensuring broad access to rights-based information and dialogue. These platforms played a vital role in promoting inclusivity, accountability, and access to justice, while strengthening a culture of human rights across Kenya.

The Commission implemented **137 public awareness campaigns** across multiple social media channels and produced **46 YouTube videos** to deliver accessible and engaging digital content. Media engagement was further reinforced by 58 media reports, **5 KNCHR Online shows, 1 E-newsletter,** and **116 pieces of content** disseminated across platforms such as X,

Facebook, TikTok, Instagram, and webinars. This multi-layered approach maximized outreach by tailoring content to diverse audiences, including youth and marginalized communities, thereby broadening participation in human rights discourse.

These efforts underscore the Commission's strategic use of media to inform, empower, and mobilize the public on issues of justice, equality, and accountability. Looking ahead, KNCHR will continue to strengthen its digital presence, invest in innovative media formats, and build partnerships with media stakeholders to ensure sustained nationwide reach and deeper citizen engagement in human rights promotion.

2.3 Establish and Support Accountability and Advocacy Networks

The Commission strengthened accountability and advocacy networks across the country to ensure that civic education and capacity-building efforts translated into **systemic change**. These networks, drawn from faith leaders, civil society, State institutions, and communities, enhanced collaboration, delivered justice, and shaped policy reforms that advance human rights protection.

40 Faith Leaders Mobilized as Champions for Intersex Rights

In the Coast Region, the Commission worked with the **Inter-Religious Council of Kenya (IRCK)** to transform faith leaders into advocates for intersex rights. Forty representatives were trained to challenge stigma and defend the rights of intersex children and adults. This intervention leveraged religious influence to shift entrenched community attitudes, creating a foundation for sustained inclusion and acceptance.

109 Cases Resolved Through Joint Legal Aid in Nandi County

In the North Rift, civil society platforms in Uasin Gishu and Nandi Counties were convened to deliberate on Business and Human Rights (BHR) and the protection of human rights defenders (HRDs). This collaboration produced a **joint complaints-handling and legal aid initiative in Nandi County**, through which **109 cases were processed**. The initiative reinforced grassroots access to justice and strengthened regional accountability mechanisms.

Launched a toolkit that sets benchmark for gender-responsive governance

In the Western Region, the Commission spearheaded **eight advocacy interventions** that collectively improved accountability. Among them, the development and launch of the **Vihiga County Gender-Responsive Management Toolkit** stood out as a landmark achievement. The toolkit provides county officials with a practical framework to embed gender responsiveness in planning, budgeting, and service delivery, setting a precedent for institutional reforms in other counties. Other initiatives

included supporting victims of police brutality in Criminal Case E074 of 2022, promoting children's rights during the Judiciary Children Service Week, advancing women's rights with the Kisumu County Assembly, and fostering community participation through accountability dialogues.

Draft Intersex Persons Bill, 2024 anchors legal recognition

At the national level, the Commission led the **Intersex Persons Implementation and Coordination Committee (IPICC)** in refining the **Intersex Persons Bill, 2024**. By incorporating the Attorney General's recommendations, the Bill established a framework to secure the **legal recognition of intersex persons**, guarantee equal access to justice, health, education, and employment, and eliminate discrimination. This represented a significant policy milestone in advancing equality and protection for marginalized groups.

Strengthened multi-agency response to GBV and FGM

The Commission advanced inter-agency coordination in Wajir, Mandera, Marsabit, Garissa, and West Pokot Counties to respond to persistent Gender-Based Violence (GBV) and Female Genital Mutilation (FGM). A **needs assessment** across seven counties involving **140** government and law enforcement officials revealed gaps in evidence management, training, and coordination. In response, KNCHR convened inter-agency forums to improve collaboration and data collection and developed a **comprehensive e-learning module for law enforcement**. The module emphasized victim-centered approaches, ethical evidence handling, child protection, and coordinated engagement with health and judicial actors, while addressing structural barriers such as corruption and political interference. These measures collectively improved prevention, accountability, and the quality of protection services.

Through these deliberate initiatives, the Commission strengthened inclusive and rights-respecting networks that empower communities to claim their rights and reinforced the capacity of State institutions to meet their human rights obligations. Going forward, KNCHR will scale up multi-stakeholder platforms, deepen policy advocacy, and expand community and faith-based accountability mechanisms to entrench a resilient culture of human rights across Kenya.

2.4 Integrate human rights knowledge in formal and informal learning institutions

The Commission deepened collaboration with **Laikipia University** to integrate human rights into academic spaces, ensuring that both students and faculty are empowered with knowledge that promotes a rights-based culture. A flagship achievement

was a public lecture that reached over **2,700 new students**, equipping them with an understanding of digital rights—such as privacy, protection from cyberbullying, and access to information—as well as the freedoms of assembly and association. By engaging students at the outset of their university journey, the Commission embedded human rights principles as part of their academic and civic orientation.

Beyond the lecture, the Commission supported the **Human Rights Club** at Laikipia University, reinforcing student leadership as a driver of peer-to-peer advocacy. This platform ensures that human rights literacy is not limited to one-off sensitizations but is sustained through student-led activities that foster dialogue and accountability among young leaders. To institutionalize these gains, the Commission also partnered with the university's **Research, Human Rights and Gender Directorate** to develop a joint framework for collaboration. This framework provides for ongoing initiatives that embed human rights into teaching, research, and campus life, creating a model for higher education institutions nationwide.

Through these interventions, the Commission not only expanded awareness among thousands of students but also anchored human rights within university structures and student leadership, ensuring long-term sustainability of rights education in formal learning institutions.

KNCHR's Regional Coordinator addressing first year Laikipia University students on 23rd August, 2024

CHAPTER THREE

Enhance 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 International, regional and national reporting obligations

As a National Human Rights Institution (NHRI) with "A" status accreditation, the Commission actively engages in regional and international human rights mechanisms. This includes participation in treaty body reviews, the UN Human Rights Council, and various regional and global NHRI networks, as well as collaboration with special procedures and mandate holders at both continental and UN levels.

Through these engagements, the Commission provides an independent and evidence-based assessment of Kenya's human rights situation—highlighting progress, emerging concerns, and persistent gaps. Moreover, by contributing to regional and global human rights dialogues, the Commission helps shape policy priorities and strengthen Kenya's standing within the international human rights community.

3.1.1 Preparation of state of human rights report

Alternative Report on Article 132 Report for 2024/2025

In line with its mandate under Articles 59 and 254 of the Constitution and the KNCHR Act (Cap. 7I), the Commission prepared an alternative report assessing Kenya's implementation of national values and principles of governance for 2024/2025. The report reviews progress in realizing human dignity, equity, social justice, democracy, good governance, integrity, and accountability.

It notes progress through initiatives such as the Social Health Authority (SHA), the Affordable Housing Programme, and judicial rulings reinforcing labour and privacy rights. However, persistent extrajudicial killings, enforced disappearances, police brutality during protests, and media censorship continue to erode the rule of law and civic freedoms.

The Commission commends steps toward inclusivity, including the Persons with Disabilities Act, 2025, and the draft National Disability Policy, while urging broader efforts to protect marginalized groups. The report recommends that national and county governments strengthen institutional accountability, promote participation, and uphold constitutional values and human rights as anchors of good governance.

Prepared the State of Human Rights Report for 2024/2025

During the period December 2024 to November 2025, the Commission documented a deteriorating human rights environment characterized by persistent violations across civil, political, economic, and social rights. The **State of Human Rights Report (2024/2025)** records **25 violations** of the right to life and **93 complaints** related to the right to freedom and security of the person, reflecting a rise in enforced disappearances, abductions, and police brutality during peaceful demonstrations. The excessive use of force, resulting in multiple injuries and fatalities—including the fatal shooting of Boniface Kariuki in June 2025—underscores deep-rooted accountability gaps within the security sector.

Despite these challenges, the period registered notable **policy and legislative progress**, including the enactment of the **Persons with Disabilities Act, 2025**, ongoing implementation of the **Social Health Authority (SHA)**, and the completion of **2,379 affordable housing units** under the government's housing initiative. Improvements in food self-sufficiency were also recorded, though nutrition levels declined in several arid counties.

The report highlights continuing inequalities in access to healthcare and education, the rising cost of higher education, and a troubling increase in femicide and child conflict with the law. It commends the judiciary's decision decriminalizing attempted suicide and Kenya's engagement in international mechanisms such as **CEDAW** and the **Universal Periodic Review (UPR)**, while urging ratification of the **Convention on Enforced Disappearances**.

The Commission recommends urgent investigations into extrajudicial killings, criminalization of enforced disappearances, enhanced police accountability, and greater protection of civil and political freedoms. Broader structural reforms are needed to advance equality, inclusivity, and full realization of human rights, steering Kenya toward a human rights-compliant state.

3.1.2 Engagement with international, regional and sub-regional human rights mechanisms

During the review period, the Kenya National Commission on Human Rights (KNCHR) actively engaged with various international and regional treaty body mechanisms through written submissions, oral statements, and participation in consultations convened by the Office of the High Commissioner for Human Rights (OHCHR) and other bodies. These engagements provided an avenue for the Commission to present independent assessments of Kenya's human rights situation, propose recommendations, and showcase best practices in the promotion and protection of human rights.

The table below consolidates KNCHR's submissions, highlighting the thematic issues addressed, the bodies to which submissions were made, and the key issues raised or outcomes achieved.

Table 1: Schedule Of Submissions Made To International And Regional Human Rights Bodies During The 2021/2022 Financial Year

Title of Submission & Thematic Issue	Body Submitted To	Summary of Issues Raised / Outcome
GANHRI Survey on the Role of NHRIs in National Mechanisms for Implementation, Reporting and Follow-Up	GANHRI	To inform a position paper on NHRIs' roles in establishing and strengthening national mechanisms, GANHRI sought NHRI input through a survey. KNCHR, as a member of Kenya's National Committee on International and Regional Human Rights Obligations (established 29 March 2019), responded on 16 Aug 2024. Submission covered mandate, functions, experiences, good practices, and challenges in implementing and following up treaty body recommendations.

Title of Submission & Thematic Issue	Body Submitted To	Summary of Issues Raised / Outcome
KNCHR Submission on the Rights of Persons with Disabilities and Digital Technologies	OHCHR (pursuant to HRC Resolution 55/8)	KNCHR, as Kenya's designated CRPD monitoring agency, contributed to OHCHR's annual thematic study. The submission addressed digital technologies in governance, care and support systems, and social protection services. It assessed successes and challenges in access to information, services, and assistive technologies; outlined privacy protection measures; and identified barriers to digital assistive technologies with proposed solutions.
Proposals on Amendments to GANHRI SCA General Observations on Paris Principles	GANHRI Sub-Committee on Accreditation (SCA)	In response to GANHRI's review of General Observations on the Paris Principles, KNCHR, as a member of the Working Group, undertook research and suggested substantive amendments. The submission identified provisions needing revision, detailed issues for improvement, and proposed methods to strengthen NHRI independence and effectiveness. Submission made on 13 Sept 2024.
Contribution to OHCHR Comprehensive Report on Mental Health and Human Rights (HRC Res 52/12)	OHCHR	Following HRC Resolution 52/12, KNCHR submitted input to OHCHR's call for contributions on 4 Oct 2024. The submission detailed Kenya's normative and policy measures for persons with psychosocial disabilities, highlighted community-based support gaps, challenges in access to mental health care, and good practices in legal reforms.
Input at OHCHR Consultation on Mental Health and Human Rights	OHCHR	During OHCHR's one-day consultation (23 Oct 2024, Geneva), KNCHR highlighted progress achieved through amendment of the 1989 Mental Health Act, emphasizing autonomy, independence, and community-based mental health care. It also called for stronger NHRI roles in monitoring data under CRPD Article 33.
Statement to CESCR Informal Briefing on Kenya's Sixth Periodic Report	UN Committee on Economic, Social and Cultural Rights (CESCR)	On 19 Feb 2025, KNCHR informally briefed CESCR ahead of Kenya's review at its 77th Session. The Commission's statement assessed Kenya's implementation of ESC rights, providing insights on systemic challenges such as funding gaps, social security, and inequalities in service delivery.

Title of Submission & Thematic Issue	Body Submitted To	Summary of Issues Raised / Outcome
Statement during UPR Pre-Session for Kenya (Fourth Cycle)	UPR Info Pre-Session (Geneva)	At Kenya's UPR pre-session (18 Feb 2025), KNCHR presented concerns on torture prevention (underfunded KNCHR mandate), violations of freedom of assembly during protests, health system transition challenges from NHIF to SHIF, and budget cuts affecting education and school feeding. The Statement influenced UPR recommendations.
Statement at HRC 58th Session – International Day for the Elimination of Racial Discrimination	Human Rights Council (58th Session)	On 27 Mar 2025, KNCHR served as panelist during the ICERD 60th anniversary commemoration. Its statement highlighted Kenya's efforts and gaps in eliminating racial discrimination, with emphasis on the rights of indigenous peoples, persons with albinism, migrants, refugees, and asylum seekers. It stressed the role of NHRIs in ICERD implementation.
Joint Statement with Centre for Reproductive Rights at Kenya's UPR (Fourth Cycle)	Human Rights Council (UPR 4th Cycle, 49th Session)	During Kenya's UPR on 1 May 2025, KNCHR and the Centre for Reproductive Rights issued a joint statement on SRHR. It underscored Kenya's failure to ensure availability, accessibility, acceptability, and quality of SRHR services, with particular concern for adolescents, women, and girls with disabilities.
Statement to African Committee of Experts on the Rights and Welfare of the Child	African Committee of Experts on the Rights and Welfare of the Child	At the 44th Ordinary Session (2–12 Oct 2024, Lesotho), KNCHR presented its first statement since gaining affiliate status. It reviewed progress and setbacks in children's rights in Kenya between Apr–Aug 2024, and made recommendations to enhance protection, including access to education, healthcare, and protection from abuse.
Submission of KNCHR Best Practices on Human Rights (pursuant to UNGA Res 78/204)	OHCHR / UN General Assembly	In response to GA Resolution 78/204, KNCHR submitted best practices on 7 May 2025. These included: creation of an Indigenous Peoples and Minorities Committee, a climate change and human rights project focused on vulnerable groups, and strategic litigation success on mental health rights (declaration of Penal Code Section 226 as unconstitutional).

Title of Submission & Thematic Issue	Body Submitted To	Summary of Issues Raised / Outcome
Preparation and Submission of Kenya's Fourth Cycle Universal Periodic Review (UPR) Report	Government of Kenya (Office of the Attorney General and Department of Justice)	KNCHR provided technical input to the Government's draft UPR report (12–14 Nov 2024, Machakos) on issues including: NHRI and policy framework, counter-terrorism, freedom of assembly, protection of human rights defenders, transitional justice, right to life and abolition of the death penalty, rights of persons with disabilities, HIV prevention, and sexual and reproductive health rights. KNCHR also participated in the validation workshop (11 Dec 2024), noting that the State streamlined its report to meet the 10,700-word limit while acknowledging civil society reports. The State was on course to submit its report by 27 Jan 2025.
Drafting of Kenya's Periodic Report on Implementation of the Maputo Protocol	African Commission on Human and Peoples' Rights	Following concluding observations from April 2022, Kenya was required to respond by Jan 2025. KNCHR participated in a drafting workshop (2–6 Sept 2024, Machakos) convened by the State Department for Gender and UN Women. The workshop brought together MDAs, NGEC, and CSOs. KNCHR contributed inputs focusing on monitoring compliance and observance of women's rights in line with its Strategic Objective 2. A draft report was produced for submission.
Supporting State's Reporting on the African Charter on Democracy, Elections and Governance (ACDEG)	African Union (African Commission) via Office of the Attorney General and Department of Justice	Kenya, having acceded to ACDEG in Feb 2022, was obligated to report biennially under Article 49. KNCHR joined a multi-agency team led by the DoJ to draft the State's initial report. At the inaugural meeting (24 Apr 2025, Nairobi), KNCHR submitted inputs on 27 May 2025 covering: the regulatory environment of non-state actors; constitutional, legislative and other instruments; Kenya's treaty ratifications, reservations, and declarations; and measures on democracy, rule of law, elections, governance, peace, security, and development.

Commissioner Prof. Marion Mutugi speaking at the UPR Session

3.2 Compliance with human rights principles and standards in Public and Private Institutions

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

Reviewed 18 bills and submitted 14 advisories to relevant national and county focal points on legislation and policy making

The Commission submitted 14 advisories of which 3 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.

Title of Bill/ Public Petition	House/Committee Submitted to	Mode of Submission (Written)	Date of Submission
Public Service Human Resource Management Bill 2024	Clerk of the National Assembly	Written	29th May 2025
The Nairobi City County Pornography Control Bill 2025	Nairobi County Assembly	Written	7th July 2025
The Finance Bill, 2025	National Assembly Departmental Committee on Finance and National Planning	Written	27th May 2025
The Public Petition No. 04 of 2024 regarding proliferation of LGBTQ persons in Kenya	Clerk of the National Assembly	Written	13th May 2025
The Public Petition No. 08 of 2024 regarding amendment of the penal code	Clerk of the National Assembly	Orally	13th May 2025
Public petition No. 13 of 2024 regarding decriminalization of attempted suicide	Clerk of the National Assembly	Orally	13th May 2025
Sexual Offences (Amendment) Bill, 2023	Clerk of the National Assembly	Written	6th March 2025
The Computer Misuse and Cybercrime (Amendment) Bill, 2024	Departmental Committee on Communication, Information and Communication	Written	5th March 2025
The Constitution of Kenya (Amendment) Bill, 2024	Clerk of the Senate	Written	28th October 2024

Title of Bill/ Public Petition	House/Committee Submitted to	Mode of Submission (Written)	Date of Submission
Advisory on Extra-judicial killings, Abductions and Enforced Disappearances	Clerk of the National Assembly	Orally	5th November 2024
The Assembly and Demonstration Bill, 2024	Clerk of the National Assembly	Written	9th September 2024
The Political Parties (Amendment) Bill, 2024	Clerk of the Senate	Written	19th July 2024
County Governments Elections Laws (Amendment) Bill, 2024	Clerk of the Senate	Written	19th July 2024
Elections (Amendment) Bill, 2024	Clerk of the Senate	Written	19th July 2024

Other legislative interventions

During the reporting period, the Commission actively contributed to ongoing national legislative and policy development processes in fulfilment of its constitutional mandate.

- As a member of the **Technical Committee on the Public Participation Bill**, established by the Office of the Attorney General and Department for Justice, the Commission participated in several consultative and stakeholder engagements. These included moderating a national stakeholder forum and participating in public consultations held in Kilifi County from 20–23 May 2025, as well as a subsequent technical review meeting on 24 June 2025. By that time, public participation had been conducted in 12 counties, with the process expected to expand to 25 counties. Overall, the Bill received positive feedback, though discussions continued on which institution should take lead responsibility for its implementation.
- The Commission also contributed to a multi-agency **task force on the development of the Older Persons Bill**, providing human rights-based input to ensure the legislation reflects the rights and dignity of older persons.
- In addition, the Commission held a consultative meeting with the Senate Standing Committee on Justice, Legal Affairs and Human Rights on 17 June 2025, focusing on the **implementation of resolutions from the *Muindi Mbingu Memorial Ngelani Association Petition* and Kenya's** Fourth Cycle Universal Periodic Review (UPR) outcomes. The Senate Committee expressed its commitment to enhanced collaboration with KNCHR in advancing human rights obligations and addressing historical injustices.

3.2.2 Audit of institutional compliance with human rights standards

Strengthened oversight and accountability in places of detention through human rights audits

During the 2024/2025 financial year, the Commission conducted **human rights inspections in 44 prisons and detention facilities** across the country to evaluate adherence to constitutional and international standards on the treatment of persons deprived of liberty.

The audit revealed that **35%** of facilities operated beyond capacity, with the most affected being urban remand prisons. Over **60%** reported inadequate access to clean water and sanitation, while **47%** lacked functional healthcare units. Cases of delayed access to justice, prolonged pretrial detention, and insufficient separation between juveniles and adults were recurrent concerns.

However, notable progress was observed in rehabilitation initiatives, skills training programs, and the introduction of gender-responsive correctional practices in select facilities.

The Commission recommends urgent measures to decongest prisons, improve living and health conditions, expand legal aid services, and enhance oversight and accountability within the correctional system. Implementation of these reforms is essential to uphold the dignity, welfare, and human rights of all persons in detention.

Photos of the dilapidated condition of the watchtower at Kwale men Prison taken during the institutional audit on March 6, 2025

Promoted gender-responsive business practices through human rights audits in the tea sector

The National Action Plan on Business and Human Rights (NAP) recognizes that business operations impact men and women differently and calls for the integration of gender perspectives in all policy actions. In line with this commitment, the Commission undertook targeted initiatives to support business enterprises in mainstreaming gender and human rights within their policies and operational processes.

During the reporting period, KNCHR conducted thematic institutional audits in selected tea and coffee sector enterprises. The audits assessed the extent to which these businesses have incorporated gender-sensitive and human rights–compliant practices in their governance frameworks, workplace policies, and remedial mechanisms.

Through management consultations and focus group discussions with workers, the Commission identified progress made, existing gaps, and challenges faced by the sector in ensuring equitable treatment and safe working environments. The findings and recommendations will inform policy reforms and business practices that foster a gender-responsive and rights-respecting business environment.

KNCHR team and EPK management representatives during a tea factory visit in Nandi County

3.2.3 Monitoring the implementation of key human rights principles (e.g UNGPs, NAP on BHR)

Strengthened corporate accountability through development of a model operational-level grievance mechanism

As part of efforts to **promote responsible business conduct** in Kenya, the Commission continued to advocate for the establishment of **Operational-Level Grievance Mechanisms (OGMs)** within enterprises to enable employees, individuals, and communities to raise and resolve human rights concerns effectively. These mechanisms are designed to be gender-responsive, inclusive, and accessible, ensuring that remedial processes address the needs of all stakeholders.

In collaboration with the Office of the Attorney General and Department of Justice (OAG & DOJ), the Commission, as co-lead in implementing the National Action Plan on Business and Human Rights (NAP-BHR), led the development of a model OGM framework to guide businesses across different sectors.

A two-day technical review session was held to refine the draft guidelines, resulting in a simplified and practical framework grounded in the UN Guiding Principles on Business and Human Rights and Kenya's NAP-BHR. In November 2024, the Commission convened a stakeholder validation forum that brought together representatives from government, the private sector, and civil society to review and endorse the draft model.

Once finalized, the Model Operational-Level Grievance Mechanism will serve as a standard reference tool to help businesses strengthen accountability and uphold their responsibility to respect and remedy human rights impacts arising from their operations and business relationships.

ECOSOC led by Director RAO during a stakeholder validation meeting for model guidelines for Operational Level Grievance Mechanisms

Advanced coordination and accountability in the implementation of the National Action Plan on Business and Human Rights

The Commission continued to provide technical support to the **National Action Plan on Business and Human Rights (NAP-BHR) Implementation Committee** to enhance coordination, accountability, and consistency in promoting responsible business conduct in Kenya.

During the reporting period, KNCHR facilitated a two-day capacity-building retreat attended by 17 members of the Committee drawn from both state and non-state institutions. The retreat aimed to strengthen understanding of the human rights dimensions of business operations and equip members with the knowledge to guide their respective institutions in implementing policy actions under the NAP-BHR. Participants emphasized that business practices must remain people-centered, acknowledging that individuals and communities experience business impacts differently.

The Committee also reviewed Kenya's progress in implementing the NAP-BHR, discussed emerging challenges, and developed its Annual Work Plan for FY 2024/2025 to guide coordinated action. Members were further briefed on the ongoing development of a National Human Rights Due Diligence Framework, intended to assist businesses in identifying, preventing, and mitigating human rights risks.

This engagement contributed to strengthened institutional capacity and collaboration, supporting the realization of human rights principles across Kenya's business sector.

Conducted Human Rights Due Diligence through a Sector-Wide Impact Assessment of the Coffee Sector

In support of Kenya's National Action Plan on Business and Human Rights (NAP-BHR), the Commission partnered with the Kenya National Chamber of Commerce and Industry (KNCCI) and the Danish Institute for Human Rights (DIHR), with support from DIHR/SIDA, to undertake a Sector-Wide Impact Assessment (SWIA) of the coffee sector. The assessment sought to identify human rights risks and sustainability gaps and to strengthen responsible business conduct within the agricultural value chain.

KNCHR participated in field engagements with management and workers at coffee estates, factories, and mills in **Kirinyaga, Embu, Kiambu,** and **Kericho counties**. The findings highlighted key human rights challenges and opportunities for improvement in working conditions, gender inclusion, and environmental management.

The results were shared with state and non-state stakeholders during a validation workshop in Nairobi and are expected to guide the integration of human rights due diligence and sustainability standards across Kenya's coffee sector.

Monitored the status of migrants in detention facilities and testing of Standard Operating Procedures (SOPs)

During the reporting period, the Commission undertook a nationwide exercise to monitor the human rights situation of migrants in detention and holding facilities. This activity built on the 2018–2019 KNCHR assessment and aimed to test and refine **the Standard Operating Procedures (SOPs)** developed to guide the monitoring of migrant rights in line with international standards.

Pretesting of the tools was conducted at three border points: **Lunga Lunga (Coast Region), Malaba (North Rift)**, and **Namanga (Kajiado County)**. The visits included consultative meetings with immigration, border management, and security officials, which provided insights into current **alternatives to detention (ATDs)** practices that align with the **Global Compact for Migration (GCM)** principle of using detention as a last resort. These consultations informed adjustments to the SOPs and highlighted partial adoption of recommendations from the previous survey.

In April 2025, KNCHR, working jointly with Trace Kenya, conducted a broader survey across prisons, police stations, and border points in **over 35 locations** countrywide. The findings generated new data on ATDs, institutional practices, and conditions of migrants in custody. This work strengthened partnerships and provided evidence to support policy and institutional reforms aimed at protecting the rights and dignity of migrants in detention.

Group photo of Sate and non-state participants during consultative dialogue meeting on ATDs held in Nairobi County.

3.4 Advocacy on upholding human rights principles and standards

During the reporting period, the Commission conducted two community dialogue forums in Kakuma and Kalobeyei focused on the promotion and protection of the rights of refugees and host communities. The forums aimed to empower community members to understand, claim, and seek redress for human rights violations both within and outside the refugee camps.

Through these engagements, the Commission enhanced awareness of human rights and accountability mechanisms, including the right of refugees to participate in leadership elections. Working jointly with partners, the Commission reached approximately **750 participants** drawn from both refugee and host communities, sensitizing them on their rights and the mandates of state agencies responsible for their protection.

As a result of these dialogues, participants demonstrated increased confidence in reporting human rights violations to the Commission and have become more proactive in engaging local authorities to address issues of insecurity and service delivery within and around the camps. Several serious cases have since been formally reported to the Commission for complementary follow-up, underscoring the growing trust in KNCHR's presence and responsiveness in the region.

CHAPTER FOUR

To enhance access to justice, redress and accountability on human rights violations

In this strategic objective, 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, we aimed to promote justice, uphold human rights, and foster accountability within our society.

4.1 Complaints Processing

During the review period, the Commission received a total of **3,010 complaints** on alleged human rights violations from 3,042 petitioners across the country. Of these, 39.9% (1,201) were admitted for further processing, while 59.5% (1,791) were addressed through legal advice and referrals. A total of 141 cases were referred to partner institutions such as the Labour Department, IPOA, FIDA-Kenya, and the Law Society of Kenya for appropriate action.

Most complainants—56.5% (1,702)—lodged their complaints physically at KNCHR offices, followed by 25% (753) through public forums and 15% (450) via telephone. Complaints were received from all 47 counties, with Nairobi (14.8%), Trans Nzoia (8.8%), and Machakos (6.1%) registering the highest numbers.

Violations of Economic, Social, and Cultural Rights accounted for 52.6% (1,585) of all cases, followed by Civil and Political Rights at 39.1% (1,178) and Group Rights at 8.2% (247). Notably, 84 complaints were filed by persons with disabilities.

Through these interventions, KNCHR continued to promote accountability, strengthen referral networks, and advance access to justice for victims of human rights violations.

KNCHR Complaints Analysis for FY 2024/2025

Complaints on alleged human rights violations were received from 3,042 petitioners.

3,010
Cases received from **3,042** petitioners

Complaints lodged by persons with Disabilities

There were eighty-four (**84**) complaints received from persons with disabilities

Disability Category	No. of cases	%
Albinism	1	1.19%
Autism	1	1.19%
Communication - Stammering-Speech Disorder	1	1.19%
Epilepsy	3	3.57%
Hearing Impairment/Hard of hearing	6	7.14%
Intellectual	2	2.38%
Learning Difficulties	2	2.38%
Physical disability	49	58.33%
Psychological/Mental	17	20.24%
Visual impairment	2	2.38%
Total	**84**	**100%**

Petitions by age

Majority of the complaints (1502) were lodged by petitioners aged 35–59 years, followed by 1151 complaints from youth (18–34) and 312 complaints from complainants aged 60 years and above.

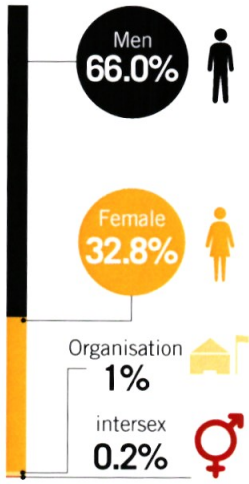
Complaint Type

97.67% (2940) of the complaints were lodged by the affected persons, **1.56% (47)** were lodged by representatives of the complainants, **0.63% (19)** were lodged by joint petitioners and only **0.13% (4)** complaints were received from organizations.

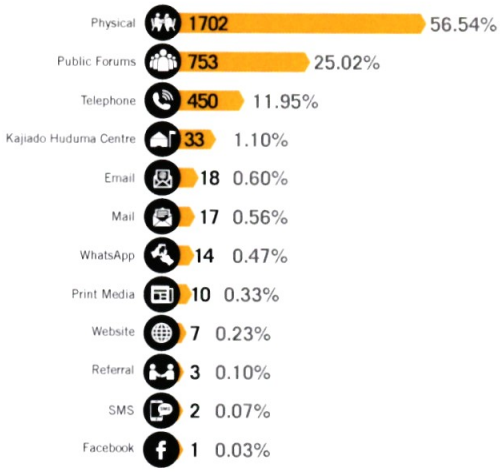
- Inpersons **97.7%**
- Representative **1.6%**
- Joint petitioners **0.6%**
- Organizations **0.1%**

Petitions by sex

Out of the 3010 complaints received by the Commission, 66.0 % (1987) were lodged by Male complainants, 32.8% (986) by female complainants. 1 % (30) by groups or organizations, while 0.2 % (7) cases were lodged by intersex persons.



Lodging Mode Summary

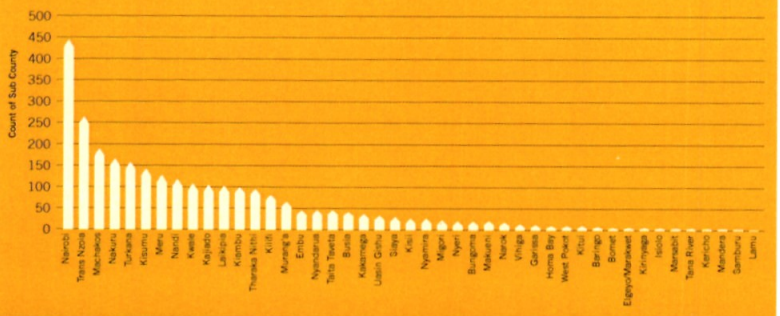


Quick Figures

1. Total No. of Petitions Received - **3010**
2. Total No. of petitioners - **3042**
3. Referred Cases to KNCHR Partners - **141**
4. Total No. of Petitioners with disabilities - **86**
5. Total No. of Investigations Conducted - **141**
6. Total No. of Petitions Reported against the State - **545**

Geographical Distribution of Complaints

Majority of the complaints 14.78% (445) were lodged by petitioners in Nairobi County, followed by 8.77% (264) from Trans Nzoia County, 6.15% (165) complaints lodged from Machakos County, 5.32% (160) from Nakuru County and 5.22% (157) from Turkana County.



4.1.2 Joint public complaints handling initiatives with Referral Partners

Over 500 people reached through legal aid and complaints forums

During the reporting period, the Commission enhanced public access to justice through four public complaints handling and legal aid forums held in Kisii, Nyamira, Busia, and Kakamega counties. The forums targeted underserviced and remote areas where the Commission has limited physical presence, enabling residents to lodge complaints, receive legal advice, and learn about their rights. Through these engagements, participants were sensitized on the Commission's mandate and key human rights themes, including **sexual and gender-based violence (SGBV), children's rights and protection, land and succession disputes, and labour rights.**

The Commission documented **77 complaints** during the sessions, primarily relating to property rights, police inaction, succession matters, labour disputes, and administrative injustices. In total, approximately 500 members of the public were reached through the forums, which also served as platforms for human rights education and legal empowerment.

To strengthen response mechanisms, the Commission convened two referral partners' meetings in Trans Nzoia County, bringing together 66 representatives from agencies involved in complaints handling. The discussions focused on challenges in addressing labour-related grievances, child protection, and violations of personal security rights, alongside instances of institutional inaction. The meetings yielded practical solutions, including formal documentation of complaints, improved inter-agency referrals, and joint resolution of cross-cutting cases.

Through these initiatives, the Commission deepened collaboration with partner institutions and expanded its reach to marginalized communities, thereby reinforcing access to justice, accountability, and effective protection of human rights across the regions served.

Public forum in Busia County on 7th November 2024

4.2 Investigations into human rights violations

Conducted 141 investigations into alleged human rights violations

During the reporting period, the Commission undertook 141 investigations into alleged human rights violations through fact-finding missions, rapid response interventions, follow-up actions, and preliminary inquiries. The investigations were conducted across 30 counties, with the highest number recorded in Nairobi (61 cases), followed by Turkana (6), Uasin Gishu (3), Elgeyo Marakwet (2), West Pokot (3), Garissa (2), Marsabit (3), Mombasa (3), and several others registering one or two cases each.

The reported violations covered a broad spectrum of human rights concerns, including the right to life, health, property, labour, and land, as well as the rights of minorities, refugees, and marginalized groups. Other cases involved excessive use of force and abuses by security agencies, sexual and gender-based violence, torture, arbitrary arrest and detention, enforced disappearances, extrajudicial killings, and infringements on freedoms of association, expression, and worship.

Through these investigations, the Commission sought to document violations, provide redress to victims, and engage relevant State agencies to enhance accountability and prevent recurrence. The findings also informed advocacy and policy recommendations aimed at strengthening human rights protection mechanisms at both national and county levels.

Below are samples of the said investigations.

Investigations on alleged case of torture of an inmate at Busia GK Main Prison

Pursuant to a court order, the Commission undertook an investigation on alleged torture claim by an inmate at Busia GK Main Prison where it established that indeed the inmate had suffered physical and bodily harm as a result of assault within the prison premises. The reliance on the Commission by the curt to establish claims of torture affirms on the importance of the Commissions mandate as espoused under section 8 on investigations as well as Prevention of Torture on the Commission's role a watchdog on matters torture within Kenya.

Probe highlights excessive force and unlawful arrests of fishermen at Sibiloi

The Commission investigated allegations of extra-judicial killings, arbitrary arrests, and other human rights violations against Turkana fishermen by Kenya Wildlife Service officers from Sibiloi National Park in Marsabit County. Arising from complaints by the Turkana County Assembly, the investigation found evidence of ongoing conflict linked to poaching incidents and reprisals, with reports of shootings, unlawful arrests and confiscation of fishing equipment. Through engagements with KWS, county and national security agencies and judicial authorities, the Commission **substantiated the complaints** and prepared a final report with actionable recommendations, which has been submitted to the Turkana County Assembly.

Investigation into the murder of Human Rights Defender "Molo President"

The human rights defender popularly known as *"Molo President"* was brutally murdered, with investigations establishing that his death resulted from extensive head injuries caused by repeated sharp-force trauma. The Commission participated in the postmortem, which confirmed these findings and subsequently completed investigations and transmitted the file to the Redress Division for further legal action. It is also notable that five suspects; three prime suspects and two bodaboda operators were arrested and charged before the Kericho High Court. The Court initially deferred plea-taking pending mental assessments at Nakuru Provincial General Hospital, which confirmed that all five accused were fit to stand trial. Pleas were thereafter taken with all accused pleading not guilty. During the hearing of a bail/bond application, the defence for the third accused alleged interference with investigations by the victims' legal counsel. The Court directed that a formal application be filed and set the matter for further directions, holding the bail/bond ruling in abeyance. The Commission continues to watch brief and observe the trial to safeguard the rights of the victim's family.

Investigations into stalled water projects in Kajiado County

The Commission received a petition on a stalled government-funded water project in Dallalekutuk Ward which, following a fact-finding mission, was successfully mediated among stakeholders. Following the successful mediation, two similar cases were reported in Kaputei North and Purko Wards, on which the Commission also conducted investigations. An investigations and interventions report covering all three cases was prepared, recommending the use of local dispute resolution mechanisms, County Government support through funding or partnerships to rehabilitate the projects and the waiving of land demarcation charges to promote community ownership and sustainability.

Investigations into alleged police brutality in Majengo, Nairobi County

The Commission received reports from the Kamukunji Human Rights Defenders Network of alleged police brutality during protests in the Majengo area, including extra-judicial killings, non-fatal police shootings, assaults causing grievous harm, and violations of the right to security of the person. The Commission documented twenty-three complaints, including cases where victims with bullet-related injuries were treated at Mama Lucy Kibaki Hospital and Kenyatta National Hospital. Preliminary investigations were conducted, with statements recorded from petitioners and witnesses, and supporting evidence obtained in the form of medical records, post-mortem reports, occurrence book entries, audio recordings, and photographs of injuries. The preliminary findings pointed to serious human rights violations arising from excessive use of force by the police. The Commission formally referred the findings, with supporting material, to the Independent Policing Oversight Authority for further legal action.

Investigation sheds light on long-standing land rights grievances

The Ndithini Community Squatters petitioned the Commission over alleged violations of their right to land and security in relation to a 36,065-acre parcel in Masinga, Machakos County, which they claim to have occupied since 1947. They cited repeated eviction attempts, police inaction and excesses, and lack of legal documentation. The Commission undertook investigations, including review of court records and engagements with Ndithini Police Station, the Masinga DCC, and the DCIO. Preliminary findings established that aspects of the dispute fell under the constitutional mandate of the National Land Commission on historical land injustices, while government-owned or private land matters were to be pursued through relevant state institutions or courts. The Commission will also await the outcome of ongoing criminal investigations to inform further action.

6 KWS officers prosecuted after KNCHR intervention on enforced disappearance case

The Commission investigated multiple complaints against Kenya Wildlife Service officers in Nakuru County, where communities alleged torture, cruel treatment, extrajudicial killings, enforced disappearances, arbitrary arrests, unlawful detention and fabrication of evidence, gender-based violence, socio-economic rights violations and police inaction. The Commission documented testimonies, medical records, post-mortem reports and other corroborative evidence while engaging KWS and other duty bearers. It also identified victims and witnesses requiring special assistance. The Commission's interventions included facilitating victims to formally lodge complaints, thereby activating stalled police investigations; in one case, this led to the arrest and prosecution of six KWS officers for enforced disappearance. The Commission continues to conduct trial observation, finalize investigations on pending cases and assess evidence for potential public interest or constitutional litigation.

Investigation exposes systemic health rights violations at Shimo la Tewa Prison

The Commission received anonymous complaints alleging serious violations of the right to health at Shimo la Tewa Prison, including deaths attributed to delayed or denied medical care, lack of access to medication and adequate food, use of abusive language amounting to psychological torture, arbitrary segregation of inmates, and low staff morale affecting service delivery. In response, the Commission conducted an investigative mission at both the Men's and Women's facilities, engaging prison authorities, medical personnel, and vulnerable groups of inmates through interviews and focus group discussions. The team also reviewed medical and death registers, and inspected dormitories, sanitation, and food conditions.

The investigation confirmed nine inmate deaths, instances of verbal abuse by prison staff, and persistent challenges in the provision of healthcare. It also observed mixed reactions among inmates and staff following recent administrative changes under the new Officer-in-Charge. A comprehensive investigation report was prepared and submitted to the relevant authorities, outlining recommendations to address systemic gaps, improve prison healthcare management, and safeguard the right to health of persons deprived of liberty.

Investigation Reveals Major Health Access Gaps for Urban Refugees in Coastal Kenya

The Commission conducted investigations in Mombasa, Mtwapa, and Denyenye to assess the right to health among urban refugees, engaging 18 vulnerable households—including persons with disabilities and minors—and five key health facilities. The findings revealed significant gaps in healthcare access and quality, particularly for refugees with chronic illnesses, mental health conditions, HIV/AIDS, and disabilities, compounded by financial, language, and discrimination barriers. The investigation highlighted the absence of affirmative policies for refugees and provided evidence for policy advocacy, health system strengthening, and inclusive service delivery to protect the rights of this marginalized population.

Rapid Response to the Torture and Unlawful Detention of Human Rights Defender Boniface Mwangi

The KNCHR responded to reports of the unlawful arrest and disappearance of human rights defender Mr. Boniface Mwangi in Tanzania, where he was detained for three days without justification despite lawful entry. After he reestablished contact with his family and returned to Kenya, KNCHR met him in Mombasa to document his critical condition and investigate the alleged torture, consistent with its mandate. Preliminary findings indicate he was held incommunicado and subjected to torture by state agents, raising concerns about Kenya's responsibility to protect its citizens abroad and the need for East African Community mechanisms to uphold human rights. The Commission continues to monitor the matter and calls for accountability.

Fact-finding mission; 'Ondoa Jangili' Security Operation in Isiolo and Marsabit Counties

The Commission conducted a fact-finding mission in Isiolo and Marsabit Counties to investigate alleged human rights violations during the multi-agency security operation 'Ondoa Jangili'. The Commission established systematic abuses, including extrajudicial killing, enforced disappearances, torture, and arbitrary arrests. The victims and witnesses' statements recorded by the Commission corroborated by medical reports and visible injuries, highlighting contravention of the existing laws. The Commission documented the killing of Galgallo Abkul Boru by the multi-agency security team, the disappearance of Jarso Wario Jarso, and the torture of several individuals, including women and children. The extra-judicial execution case has been referred to IPOA for further action. The case of disappearance has been resolved. The case of torture, cruel inhumane and degrading treatment will be dealt with by the Commission.

Intervention Leads to Renewed Community Consultations on Olkaria VII Geothermal Project

The Commission received a petition from the local community in Olkaria on the proposed project Olkaria VII Geothermal Power Project whose proponent is the State-owned Kenya Electricity Generating Company (KENGEN). The Commission conducted investigation to establish the veracity of the concerns in the petition by engaging the petitioners, local Human Rights Defenders in Olkaria and the local administration. The investigation revealed legitimate concerns including lack of adequate consultations and the non-recognition of the project affected Nuclear community's socio-economic attributes in the ESIA report. As a result of the investigation, the Commission convened a multi-agency meeting involving KENGEN, NEMA, local administration, KWS, the ESIA consultant and the community and immediately KENGEN agreed to host more community consultation meetings whose feedback would be incorporated into the ESIA report that correctly capture pastoralism as the socio economic attribute of the community as indigenous

4.3 Public Interest Litigation (PIL) and strategic engagements

PIL is one of the strategies by which the Commission influenced policy direction and interpretation of the constitution through the judicial process. It also served 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 **22 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.

Recognition of Police Brutality during the 2017 Repeat Presidential Elections

The Commission participated as an interested party in a petition[2] filed by Mr. Bernard Okeyo Onunga on 13 April 2023, seeking declarations that his constitutional rights had been violated by the National Police Service during the 2017 repeat presidential elections and for compensation. The petitioner alleged violations of Articles 28 (right to dignity), 29 (freedom and security of the person), 43(1)(a) (right to the highest attainable standard of health), and 50(1) (right to a fair hearing) of the Constitution.

In support of his claim, the petitioner relied on the Commission's report "Still a Mirage at Dusk", which had documented him as a victim of police brutality. This prompted the Commission's enjoinment in the proceedings, with the CEO testifying in support of the petition.

In its judgment delivered on 8 August 2024, the High Court found that the petitioner's rights had indeed been violated by the State. The court issued a declaration of violation and awarded the petitioner compensation amounting to Kshs. 2,000,000. Following the decision, the petitioner, through his counsel, expressed appreciation to the Commission for its support and participation throughout the trial.

2 Kisumu High Court Constitutional Petition No. E002 of 2023 – Bernard Okeyo Onunga v Inspector General, National Police Service & Another

Accountability for Police Brutality during the 2023 Azimio Demonstrations

The Commission is an interested party in an active petition[3] before the Kisumu High Court, filed by the Law Society of Kenya (LSK), Kisumu Chapter on behalf of 28 victims of police brutality during the 2023 Azimio demonstrations. The protests, which followed the disputed 2022 elections and rising cost of living, were marked by excessive use of force by police, leading to deaths, severe injuries, and long-term disabilities.

The petitioners include bereaved families and survivors, with some victims fatally shot in their homes or while engaged in daily activities. The petition alleges violations of the right to life, dignity, security of the person, and equality before the law, as guaranteed by the Constitution of Kenya.

The reliefs sought include compensation, declarations of rights violations, and accountability measures, including IPOA investigations and recognition of command responsibility. The Commission's independent documentation of violations forms part of the evidentiary record. Other interested parties include Amnesty International, Katiba Institute, IJM, and IPOA.

The case represents a significant public interest effort to secure justice for victims of protest-related police brutality and reinforce protections for assembly rights in Kenya.

3 Kisumu High Court Constitutional Petition No. E015 of 2024 – Police Brutality during Azimio Demonstrations

Safeguarding Refugee Rights through Criminal Review Applications

The Kenya National Commission on Human Rights (KNCHR) filed a criminal review on behalf of Moses Lucky Evereste—a Congolese refugee—before the Lodwar High Court. Evereste had been convicted of murder under Criminal Case No. 10 of 2017 and sentenced to 20 years' imprisonment. Following conviction, it emerged that the sentencing court had failed to account for the approximately four years Evereste spent in remand custody, from his arrest in November 2017 until his sentencing in July 2021—a mandatory consideration under Section 333(2) of the Criminal Procedure Code (CPC).

In a ruling[4] issued on 3 May 2024, Justice R.N. Nyakundi allowed the review application. The court directed that the committal warrant be amended to reflect credit for pretrial detention, effectively reducing the remaining custodial sentence. The decision reinforced existing jurisprudence on sentence credit, noting that failure to account for remand detention undermines constitutional rights to liberty, dignity, and fair trial.

4 *Moses Lucky Evereste v Republic* [2024] KEHC 4543 (KLR) (3 May 2024) (Ruling) https://new.kenyalaw.org/akn/ke/judgment/kehc/2024/4543/eng%402024-05-03?utm

Corporate Accountability and Community Rights in Denyenye vs Bamburi Cement

On 29 January 2025, the Kenya Human Rights Commission (KHRC) filed Constitutional and Human Rights Petition No. E02 of 2025 at the High Court[5], representing eleven members of the Denyenye Community in Kwale County against Bamburi Cement PLC and five others. The petition raises grave allegations of human rights violations committed by security actors contracted to protect land claimed by Bamburi Cement. Victims, aged 24 to 60, reported dog attacks, physical assaults, unlawful detention, and denial of medical care, allegedly perpetrated by G4S guards and General Service Unit (GSU) officers.

The community argues that these acts occurred while they accessed traditional routes historically used for fishing, farming, and firewood collection, thus not only constituting violence but also restricting access to livelihoods. KHRC contends that the actions amount to torture and cruel, inhuman, and degrading treatment, in violation of Articles 25, 28, and 29 of the Constitution of Kenya.

The Kenya National Commission on Human Rights (KNCHR) was later joined as an interested party and has filed a replying affidavit supporting the petition. Court mentions on 7 May and 2 July 2025 directed parties to file and serve responses within 21 days, setting the stage for substantive hearings.

This case highlights systemic abuse linked to corporate land disputes, raising questions of corporate accountability, state complicity, and protection of community land rights in Kenya's coastal regions. It also marks a test of judicial intervention in addressing the intersection of business practices, security operations, and constitutional rights.

5 Constitutional and Human Rights Petition No. E02 of 2025, Kenya Human Rights Commission vs Bamburi Cement PLC & 5 others.

4.4 Alternative Dispute Resolution (ADR)

Ten (25) human rights violations resolved through ADR as a redress mechanism

In line with its mandate, the Commission employs Alternative Dispute Resolution (ADR) mechanisms—such as mediation, arbitration, and neutral evaluation—to address matters within its jurisdiction. ADR provides a confidential, less formal, and less adversarial avenue for resolving disputes while upholding human rights principles.

During the reporting period, the Commission successfully resolved **25 disputes** through ADR interventions across **multiple counties**, including Nairobi, Kitui, Makueni, Isiolo, Uasin Gishu, Nyandarua, Laikipia, Nakuru, Kajiado, Kilifi, Mombasa, Kwale, Marsabit, Moyale, Wajir, Nandi, Kakamega, Turkana, Garissa, and Homa Bay. The disputes addressed a broad range of human rights concerns, such as labour and unfair termination cases, health rights, property and land ownership, rights of persons with disabilities, socio-economic and succession issues, children's rights and custody, education rights, environmental justice, and refugee-host community conflicts.

Through mediation and conciliation, the Commission facilitated amicable settlements that fostered peaceful coexistence, safeguarded fundamental rights, and enhanced access to justice outside the formal court system. These outcomes underscore the effectiveness of ADR as a rights-based and inclusive mechanism for resolving human rights disputes across the country.

The following is a sample from the **ten (25) cases** resolved through ADR mediation. The outcomes achieved in these cases highlight the positive impact of ADR in preserving relationships, fostering dialogue, and promoting reconciliation.

KNCHR mediates unlawful medical detention case;

The Commission received a complaint regarding the unlawful detention of Deborah Moraa Magoma at Veteran Mission Hospital, Syokimau, over an outstanding medical bill. Through the Commission's mediation, the dispute was amicably resolved: the hospital waived 50% of the bill, released the patient and agreed to allow the balance to be paid in six monthly instalments.

KNCHR mediates school injury case in Kitui County

The Commission received a complaint concerning injuries sustained by minor Shadrack Mwendwa following a scuffle with another student at St. Matthias Mulumba Matinyani Boys' School. Acting in line with the Best Interests of the Child principle, the Commission initiated a mediation process to ensure a fair, restorative, and child-sensitive resolution.

Through facilitated dialogue between the parties, the matter was amicably settled, resulting in monetary compensation to the victim's family in accordance with Kamba customary law. The intervention not only secured redress for the affected child but also promoted peaceful conflict resolution and reinforced the importance of community-based approaches in upholding the rights and welfare of children.

Mediation on the Right to Property Involving a Refugee in Kalobeyei Settlement Centre

The Commission mediated a property rights dispute between a Congolese refugee and a tenant over a business premises in the Kalobeyei Settlement Centre. The tenant had defaulted on rent payments, claimed ownership of the land, and allegedly attempted to damage the property. After verifying the tenancy agreement, the Commission facilitated separate caucuses and joint discussions, leading to a mutually acceptable resolution in which the tenant vacated the premises and committed to pay the rent arrears at a later date, thereby safeguarding the refugee's right to property and promoting peaceful coexistence within the settlement.

Mediation of land dispute in Garbatula

The Commission received a complaint from James Muriungi Marete concerning a land dispute with SDA Kariba Church in Garbatula, involving property used for a private school and worship. Through KNCHR-facilitated mediation, the matter was amicably resolved, with the church agreeing to fund Mr. Muriungi's relocation to an alternative parcel of land, facilitate its transfer to him, and retain ownership of the existing structures, thereby achieving a mutually beneficial settlement and promoting peaceful coexistence.

Mediation on the Right to Fair Labour Practices at Sangalo Tea Factory

The Commission facilitated a mediation between the management of Sangalo Tea Factory and a group of employees from Talai, Nandi County, who had raised concerns over workplace harassment, denial of unionization, and salary reductions. Through open and constructive dialogue, the parties reached an amicable resolution, agreeing to enhance labour relations and promote cooperative engagement moving forward. It was further agreed that the Commission will conduct periodic human rights audits across tea factories in Nandi to monitor compliance with fair labour and human rights standards, ensuring the continued protection of workers' rights and dignity.

Mediation on the right to health and dignity of a Person Living with Disability

The Commission mediated a family dispute involving a 34-year-old woman living with a mental health condition in Subukia, Nakuru County, following allegations of discrimination, lack of consultation on treatment decisions, and concerns over her safety during episodes of illness. In collaboration with a professional counselor from St. Martin Catholic Social Apostolate (CSA), the Commission facilitated a mediation session to enhance communication and ensure respect for the petitioner's right to health and dignity. The mediation resulted in an agreement for regular family debriefing sessions and a commitment to consult the petitioner on decisions affecting her care, with the Commission continuing to monitor and advise the parties to promote sustained understanding and protection of her rights.

Mediation on the Right to Livelihood in the Fishermen's Association and Beach Management Unit Conflict

The Commission facilitated a mediation between the Gongoni Fishermen's Association and the Beach Management Units (BMUs) in Kilifi County to address tensions affecting equitable access to marine resources and the right to livelihood. The mediation brought together the County Fisheries Department and both parties, leading to an agreement to dissolve the two entities and establish an interim committee to oversee inclusive elections and strengthen collaboration. The Commission reviewed the resolution and encouraged continued cooperation to safeguard the livelihoods and socio-economic rights of local fishing communities.

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 and mainstreaming HRBA in the justice system.

35 CUC meetings across 15 counties focussing on region specific thematic justice concerns.

During the review period, KNCHR actively participated in 35 Court Users Committee (CUC) meetings and engagements across 15 counties, addressing human rights concerns, enhancing legal awareness, and strengthening multi-stakeholder collaboration in justice delivery. These platforms focused on thematic areas such as **SGBV case management, children's justice and diversion, intersex persons' rights, refugee and migrant protection, human trafficking, land and environmental disputes, court-annexed mediation, and alternative justice systems (AJS)**.

CUCs, established by the Judiciary under the National Council on the Administration of Justice, provide a vital space for consultation, referrals, and complaints handling. KNCHR's active involvement has ensured that the **human rights-based approach (HRBA)** is mainstreamed in their work, thereby enhancing inclusivity, responsiveness, and accountability within the justice chain.

Scale and reach: KNCHR directly engaged an estimated **1,080 participants**, including women, men, youth, PWDs, and diverse justice actors. Highlights included **18 CUC** meetings at the Coast, which reached over **846 participants**, and targeted HRBA/SGBV trainings in the North Rift, North Eastern, Western, and Central regions. Innovative open forums in prisons (e.g., Manyani) and judiciary barazas (Kwale, Mombasa) brought justice closer to communities, with some sessions attracting over **200 participants**.

Key outcomes: CUC engagements led to concrete reforms such as:

- Commitments to fast-track defilement cases within six months in Wajir.
- Wider uptake of court-annexed mediation and Small Claims Courts.
- Specialized HRBA trainings on intersex rights, refugees, and SGBV.
- Adoption of anti-corruption and economic crimes guidelines in magistrates' courts.
- Data-sharing agreements among justice actors to strengthen coordination.

Emerging issues and challenges: Persistent obstacles include delays by police and ODPP, forensic bottlenecks (DNA tests centralized in Nairobi), lack of child-friendly facilities and rescue centres, officer transfers disrupting continuity, high P3 form costs (Ksh 1,500), and resource gaps for police. Rising elder abuse cases and refugee–host tensions also surfaced as emerging concerns.

Good practices and innovations: Notable innovations included the use of Mahakama Popote for virtual access, radio talk shows and barazas for SGBV awareness, prison open forums to address inmate rights, and proactive multi-agency WhatsApp coordination. These practices not only enhanced efficiency but also deepened community trust in justice institutions.

Impact and change: The CUC framework contributed to systemic shifts, including improved case tracking, expansion of mediation and Small Claims Courts, enhanced monitoring of detention conditions, and stronger inter-agency collaboration on SGBV and child protection.

CUCs have proven to be a high-impact mechanism for embedding HRBA in Kenya's justice system. Key lessons include the need for standardized reporting tools with disaggregated data, investment in child protection and forensic infrastructure, and sustained targeted HRBA trainings. Going forward, KNCHR will continue to leverage CUCs to consolidate reforms, close systemic gaps, and safeguard access to justice for all.

Photo: Inmates at Manyani Maximum Prison listening to a presentation during the open forum on respecting human rights and dignity by shunning sexual offences.

4.6 Public inquiries and mini-inquiries

Public Inquiry on the Impact of Business Operations on the Rights of Indigenous Peoples

In the reporting period, the Kenya National Commission on Human Rights (KNCHR) advanced its mandate under Article 59 of the Constitution and the KNCHR Act, 2011, by conducting a public inquiry into the impact of business operations on the rights of Indigenous and Minority Peoples (MIPs). Public inquiries remain a vital tool for promoting accountability, exposing systemic violations, and amplifying the voices of marginalized communities whose rights are often overlooked in the context of large-scale development.

The inquiry was driven by persistent injustices facing Indigenous Peoples, including land dispossession, environmental degradation, economic exclusion, and cultural erosion. Despite constitutional safeguards and international human rights standards, enforcement of protections such as Free, Prior, and Informed Consent (FPIC) remains weak, leaving Indigenous communities vulnerable to exploitation by both state and private actors. To address these concerns, KNCHR convened preparatory forums in Tana River and Lamu counties and subsequently held public hearings in Turkana, West Pokot, Baringo, Elgeyo Marakwet, and Nandi. These engagements enabled communities to present memoranda and testimonies before Commissioners, documenting violations and proposing remedies.

Testimonies revealed widespread community-specific grievances and violations:

- The **Cherang'any (Sengwer) People** decried persistent land alienation, exclusion from economic opportunities, and degradation of the Cherang'any Hills, calling for recognition as a distinct tribe and access to equalization funds.
- The **Ilchamus Community** of Baringo raised concerns over land alienation, commercialization of cattle rustling, and mismanagement of the Perkerra Irrigation Scheme, recommending resettlement and strengthened security.
- The **Endorois Community** emphasized their displacement from Lake Bogoria and surrounding lands through illegal gazettement, military occupation, and threats from mining projects, demanding restitution and environmental justice.
- The **Nubian Community** in Baringo reported exclusion from employment and corporate social responsibility benefits, urging affirmative action in business laws and policies.
- The **Keiyo Ogiek Community** underscored the injustices of forced evictions from forests, misappropriation of development funds, and lack of compensation, advocating for resettlement, recognition of traditional conservation practices, and socio-economic development initiatives.

From these accounts, KNCHR documented systemic failures in safeguarding Indigenous rights and formulated recommendations including restitution and compensation for historical injustices, enforcement of FPIC, strengthened environmental protections, equitable representation in governance, and targeted socio-economic empowerment. The inquiry further called for accountability frameworks to check impunity by corporations and state actors, underscoring that development must respect human dignity, cultural heritage, and justice.

Through this public inquiry, KNCHR provided a platform for Indigenous voices and a roadmap for government, business entities, and stakeholders to align operations with human rights obligations. The Commission reaffirmed that inclusive and rights-based economic growth requires urgent state action, corporate responsibility, and robust enforcement to break cycles of marginalization and ensure that no community is left behind in Kenya's development trajectory.

CHAPTER FIVE

Enhancing the efficiency, effectiveness, and sustainability of The Commission

During the FY 2024/2025, the Kenya National Commission on Human Rights focused on enhancing its operational efficiency and effectiveness by optimizing resources and refining its internal processes. The primary goal was to create a more agile and responsive institution that can effectively fulfil and surpass its mandated duties. This foundational strategy ensured that all the Commission's actions were productive, impactful, and prepared to meet future challenges, ultimately aiming for a higher standard of public service.

To realize this vision, the Commission implemented a comprehensive, multi-faceted strategy. During the FY 2024/2025, key initiatives included expanding its national presence to make services more accessible, mobilizing necessary resources, and investing in its workforce by fostering a culture of high performance. Simultaneously, the Commission leveraged in technology to improve data management and communication while strengthening its financial systems for greater transparency and accountability. These efforts were supported by advanced planning and monitoring systems to ensure all activities aligned with its strategic goals.

Central to its mission, the Commission actively endeavoured to build and nurture strategic partnerships with a variety of stakeholders. By participating in key task forces and committees, the Commission aligned its objectives with broader national interests, ensuring a cohesive and collaborative approach. This allowed the Commission to leverage shared expertise and resources, thereby amplifying its capacity to serve the nation effectively and deliver meaningful, impactful service to the public.

Enhanced financial reporting excellence

In FY 2024/2025, the Commission reinforced its reputation for accountability and transparency by producing high-quality, timely reports and securing a **clean audit opinion** for the year. A highlight of the year was winning the **FiRe Award 2024** as the overall winner in the Commissions and Independent Offices category. Organized by ICPAK, CMA, NSE, PSASB, and RBA, the FiRe Award recognizes outstanding sustainability reporting that leverages technology and innovation to strengthen disclosure and governance. This recognition affirmed KNCHR's commitment to sound financial management, transparency, and excellence in reporting.

The Commission also ensured robust statutory and regulatory compliance through the timely submission of required reports. These included half-year and full-year **AGPO reports,** alongside **25 financial reports** submitted to key oversight institutions such as the National Treasury, Controller of Budget, Director of Budgets and CRA. In addition, reports on the implementation of national values and principles of governance were prepared, and the **Annual Report** was submitted to the Public Service Commission (PSC), reinforcing KNCHR's adherence to public sector performance and compliance standards. Looking ahead, the Commission will continue to strengthen financial reporting systems, deepen the use of technology in disclosures, and maintain its leadership in accountability and transparency within the public sector.

Representatives from the KNCHR team lifting the FiRe Award trophy.

Strengthening Oversight through Integrated Audit and Risk Management

The Commission strengthened its governance and accountability frameworks by aligning internal audits with structured risk management. The Audit and Risk Committee held **four (4) formal sessions** and issued detailed reports on governance, risk, and internal controls, providing independent assurance on the management of financial, operational, and compliance risks. These audits enabled early detection of weaknesses, reinforced transparency, and safeguarded assets, thereby enhancing institutional credibility.

Complementing these efforts, a dedicated Risk Manager was appointed to coordinate risk management, while the Internal Audit Division provided independent risk assurance in compliance with the **Public Sector Risk Management Guidelines (2022)**. A **Risk Management Implementation Plan** was rolled out, with **six (6) managers** and the Risk Manager trained in risk management. Internal audit findings fed into risk mitigation strategies, while risk assessments shaped targeted audits, creating a continuous improvement loop. Despite persistent challenges listed below the Commission is embedding a risk-aware culture:

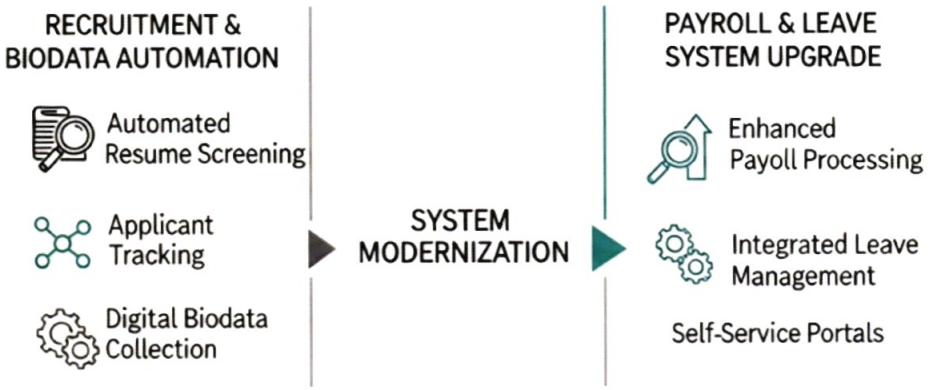
- **Inadequate and unpredictable funding** – Budgetary constraints and delayed exchequer releases, coupled with IFMIS unpredictability, undermined program implementation and strategic planning.
- **Human resource gaps** – With staffing at only 28% of the approved establishment, the Commission struggled to meet the growing demand for its services.
- **Limited regional presence** – Only six (6) county offices limited equitable access to human rights services nationwide.
- **Inadequate infrastructure** – Persistent shortages in transport, ICT equipment, office space, and WASH facilities hindered effective service delivery.
- **Documentation and structural barriers** – Incomplete complaint documentation and entrenched socio-economic inequalities slowed dispute resolution processes.

Looking ahead, FY 2025/2026 will prioritize deeper integration of risk into decision-making, enhanced risk assessment capabilities, and broader training to strengthen institutional resilience.

Built a Diverse, Skilled, and High-Performing Workforce

In FY 2024/2025, the Commission strengthened its human capital by embedding diversity, inclusivity, and a performance-driven culture across its workforce. Staff composition reflected Kenya's national outlook, with representation from 27 of 46 ethnic groups (59%) and employees drawn from 38 of 47 counties (81%). Gender balance remained compliant with the two-thirds gender principle, with 81 male staff (61%), 49 female staff (37%), and 2 intersex persons (2%), ensuring both equity and inclusion of minority groups. Alongside wellness and development initiatives, these efforts contributed to a motivated and productive workforce capable of delivering on the Commission's mandate.

The Commission also leveraged digital solutions to modernize HR management and invested in targeted capacity building. Recruitment processes and biodata management were automated, while payroll and leave systems were upgraded to enhance transparency, reliability, data security, and real-time workforce analytics. Training programs reached a wide cross-section of staff: 50 were trained on the Grants Management System (GMS), 66 in professional writing and editing, and 15 in specialized areas—6 in global internal audit, 2 in risk management, 3 in IFMIS asset inventory, and 4 in procurement. These initiatives collectively strengthened institutional performance, built technical expertise, and positioned the Commission to deliver more effectively on its mandate. Looking ahead, the Commission will continue to invest in **diversity, digital innovation,** and **continuous skills development** to build a workforce that is future-ready and responsive to evolving human rights challenges.



Enhanced Corporate Brand Awareness and Visibility

The Commission significantly expanded its public awareness initiatives, reinforcing its role as a leading voice in human rights advocacy. Through a blend of traditional and digital platforms, KNCHR reached millions of Kenyans with vital information on justice, equality, and dignity. These efforts empowered citizens to advocate for their rights and strengthened accountability across institutions. A total of **137 public awareness** and **visibility campaigns** were conducted, supported by the production of 58 media reports, **46 YouTube videos, 5 online shows, 116 pieces of media content,** and **1 E-newslette**r—demonstrating a consistent and strategic approach to public education.

The impact of these initiatives was reflected in the Commission's broad audience reach. Traditional media platforms, including radio, television, and newspapers, reached approximately **23 million people** nationwide, while digital platforms engaged **2,107,445 online viewers**. This extensive engagement highlights the Commission's success in leveraging diverse media channels to foster a more informed, rights-respecting society. Looking ahead, the Commission will build on these gains by deepening its digital engagement, scaling community-based outreach, and sustaining nationwide campaigns to ensure that human rights remain a visible and accessible priority for all Kenyans.

137
Public Awareness & Visibility Campaigns Conducted

46
YouTube Videos Produced & Uploaded

58
MEDIA REPORTS

5
KNCHR Online Shows Produced

23 Million
Members of the public reached through media

2,107,445 +2
Viewers reached through all KNCHR social media handles

Promoted Inclusive and Compliant Procurement

In FY 2024/2025, the Commission strengthened integrity and fairness in procurement by ensuring all suppliers were treated equitably and given equal opportunities to provide goods and services. Procurement from prequalified suppliers amounted to Kshs 19,664,452.00, with Kshs 7,470,894.00 (37.99%) awarded to preference groups, including Women, Youth, and Persons with Disabilities (PWDs). This exceeded the government's **Access to Government Procurement Opportunities (AGPO)** threshold of **30%,** demonstrating KNCHR's proactive role in advancing inclusivity and economic empowerment through procurement.

The Commission also maintained high levels of accountability and compliance, with no supplier complaints or litigations recorded during the year. Statutory and regulatory reports were submitted to relevant authorities, including the AGPO half-year and full-year reports, and 25 financial reports to entities such as the National Treasury, Controller of Budget, Director of Budgets, Commission on Revenue Allocation (CRA), and FiRE Award Committee. These robust reporting processes reinforced transparency and adherence to financial regulations. Looking ahead, the Commission will continue to align its procurement practices with both national standards and human rights principles, while expanding opportunities for marginalized groups to participate meaningfully in economic development.

Leveraged ICT for Efficiency and Security

In FY 2024/2025, the Commission strengthened its operations by integrating emerging technologies into key systems to enhance efficiency, transparency, and service delivery. The **Grants Management System (GMS)** was upgraded with Artificial Intelligence (AI) functionality, enabling automated analysis and intelligent summaries of activity justifications, reports, budgets, and outputs. This innovation drew from more than 5,882 activities across two strategic plans, significantly improving decision-making and reporting.

The Commission also developed **online survey monitoring tools** using SurveyMonkey to streamline data collection and analysis. Two automated tools—one auditing the status of migrants in detention facilities and another guiding interviews with police and law enforcement—produced 441 completed responses, ensuring reliable and evidence-based insights. In addition, the **Complaints Management System (CMS)**, a central operational platform for over a decade, was strengthened through critical security licenses, system upgrades, and feature enhancements. These improvements reinforced data integrity, safeguarded against cyber threats, and ensured high system availability with minimal downtime. Looking ahead, the Commission will continue to harness digital innovations to enhance accountability, secure sensitive data, and deliver timely and reliable human rights services.

Expenditure Dashboard
SMS - Dashboard
Activity Justification & Report
My List
Tagged List
Monitoring & Evaluation List
Grant Holder
Special Approval
All Reports
Mobilizers
Activity Approvals
Budgets
Procurement
WorkPlan
Acting HOD
Acting CEO
Acting Grant Holder
Acting Special Approver

Activity Justification | Budget | Activity Report | Participants | Uploads | Follow Up | Submit Report | HOD Approval | M&E Feedback
Grant Holder Approval | Special Approval | AI Summary

AI Summary

Activity Justification

Introduction: The Kenya National Commission on Human Rights (KNCHR), under the Haki na Ushirikiano project, is conducting an investigation into increasing cases of identity rights denial and labor exploitation of refugees living in Mombasa and surrounding towns. Despite legal frameworks protecting refugee rights, urban refugees face systemic discrimination and exploitation.

Findings: KNCHR has identified key issues affecting refugees, including wage theft in informal sectors, asset exploitation due to lack of legal documentation, risks related to child identity registration under proxies, and severe psychological distress from prolonged exploitation. These issues demonstrate significant human rights violations requiring urgent intervention.

- **Wage theft:** Refugees frequently face unpaid compensation for work, particularly in unregulated sectors, violating their rights to fair working conditions and equal pay.
- **Asset dispossession:** Refugees lose property acquired through proxies due to lack of legal identity documentation. Incidents include loss of motorcycles, tuk-tuks, and vehicles registered under Kenyan citizens.
- **Child identity risks:** Proxy registration of children under Kenyan families raises future concerns over citizenship and legal recognition.
- **Mental health toll:** Exploitation and systemic barriers contribute to emotional distress, including suicidal ideation in affected individuals, exacerbated by limited access to legal recourse.

Objectives: The investigation seeks to document cases of exploitation and identity barriers, evaluate the impact of documentation challenges on vital services like education and employment, analyze coping strategies and their legal risks, identify institutional and policy gaps perpetuating these violations, and provide evidence-based recommendations for legal reforms, protection frameworks, and psychosocial and legal support for refugees.

Activity Report

The provided content highlights significant challenges faced by urban refugees in Kenya, particularly in coastal regions such as Mombasa, Kwale, and Kilifi. Despite legal frameworks at national, regional, and international levels aimed at protecting refugees' rights, refugees face systemic discrimination, lack of proper legal identification, economic exploitation, and barriers to education. These issues are exacerbated by prolonged delays in transitioning asylum seekers to durable legal statuses and institutional inefficiencies.

Major concerns include the inability to secure legal documentation, such as refugee IDs or birth certificates, which hampers access to essential services like healthcare, education, and employment. Labour exploitation is prevalent, as refugees are denied fair wages, subjected to verbal agreements, and often lose assets due to proxy ownership arrangements. Refugee families and children also report challenges in accessing education and loans, with parents resorting to unsafe measures such as registering children under Kenyan proxies, leading to identity conflicts. Mental health concerns due to discrimination and systemic neglect have surfaced, reflecting the emotional strain on affected individuals.

- **Right to Identity:** Refugees face barriers in obtaining legal documentation, leading to systemic exclusion and asset loss.
- **Labour Exploitation:** Refugees experience wage theft, underpayment, and illegal proxy ownership of assets.
- **Education Barriers:** Refugee students face denial of loans and internship opportunities due to expired or inadequate documentation.
- **Institutional Failures:** Delays in transitioning to durable legal status perpetuate marginalization and forced invisibility.
- **Mental Health Impact:** Emotional distress from systemic discrimination and exploitation is widespread, requiring intervention.

Comparative insights from Uganda and Germany suggest possible solutions for Kenya. Uganda's refugee policies allow direct registration for SIM cards, asset ownership, and immediate access to work opportunities, empowering refugees economically. Germany's structured systems integrate refugee data into national databases for seamless service provision while offering job-readiness programs and labor market opportunities. Kenya could adopt these approaches to reduce discrimination and enhance refugees' integration into economic and civic life.

Excerpt from the Grants Management System (GMS) showing AI-Driven Summarization Integration

CHAPTER SIX

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 grassroot 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.
7. Non-responsiveness or delayed responsiveness from some duty bearers results in 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 downtimes 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 Financial Performance for the year ended 30 June 2025

Description	Notes	Current FY 2024/ 25
		Kshs
Revenue from non-exchange transactions		
Transfers from Exchequer	6	483,564,537
Transfers from Domestic and Foreign Partners	7	252,650,235
Total		**736,214,772**
Expenses		
Employee costs	8	335,788,045
Use of goods and services	9	342,532,529
Depreciation and amortization expense	10	224,964
Total expenses		**678,545,537**
Other gains/(losses)		
Gain/(loss) on sale of assets		0/(0)
Surplus/Deficit for the year		**57,669,235**
Net Surplus/Deficit		**57,669,235**

The Financial Statements set out on pages 1 to 4 were signed by:

Dr. Raymond Nyeris, PhD
Vice Chairperson

Dr. Bernard Mogesa, PhD, CPM
Commission Secretary /CEO

John Wamwanga
Finance Manager
ICPAK Member No: 2872

Statement of Financial Position as at 30 June 2025

Description	Notes	Current FY 2024/25 Kshs	Opening Statement 1st July 2024 Kshs
Assets			
Current Assets			
Cash and Cash equivalents	11	138,169,330	73,473,326
Receivables from non-Exchange Transactions- Impr	14a,b	696,815	2,202,485
Receivables from Exchange Transactions-CIT	14	8,767,049	11,382,117
Receivables from Exchange transactions-Dep	13	5,940,962	5,940,962
Prepayments	14C	3,672,545	6,373,794
Inventories	15	362,260	1,999,646
Total Current Assets		**157,608,961**	**101,372,330**
Non-Current Assets			
Property, Plant and Equipment	16	524,916	0
Total Non- Current Assets		**524,916**	**0**
Total Assets (a)		**158,133,877**	**101,372,330**
Liabilities			
Current Liabilities			
Trade and Other Payables	17	5,627,113	9,721,739
Current Provision	17	10,414,140	7,376,254
Total Current Liabilities		**16,041,253**	**17,097,993**
Non-Current Liabilities			
Non-Current Provisions		0	0
Total Non- Current Liabilities		**0**	**0**
Total Liabilities (b)		**16,041,253**	**17,097,993**

Description	Notes	Current FY 2024/25 Kshs	Opening Statement 1st July 2024 Kshs
Net Assets (a-b)		**142,092,624**	**84,274,338**
Reserves		0	0
Accumulated Surplus		142,092,624	84,274,337
Capital Fund		0	0
Net Assets		**142,092,624**	**84,274,337**

The Financial Statements set out on pages 1 to 4 were signed by:

Dr. Raymond Nyeris, PhD
Vice Chairperson

Dr. Bernard Mogesa, PhD, CPM
Commission Secretary /CEO

John Wamwanga
Finance Manager
ICPAK Member No: 2872

Statement of Changes in Net Assets for the year ended 30 June 2025

Description	Accumulated Surplus	Reserves	Capital Fund	Total
Fund balance as at 30th June 2024	**94,998,535**	**0**	**0**	**94,998,535**
Adjustment: Recognition of Assets and Liabilities		0	0	
Prepayments	6,373,794			6,373,794
Trade and Other Payables-(PB)	(17,097,993)			(17,097,993)
As at July 1, 2024	**84,274,337**	**0**	**0**	**84,274,337**
Return to Exchequer	-93,241	0	0	-93,241
Surplus/ deficit for the year	57,669,235	0	0	57,669,235
Revaluation gain/loss	0	0/(0)	0	
Additions to reserves	242,293		0	242,293
Other changes-Imprests in FY24 surrendered in FY25	0			0
As at June 30, 2025	**142,092,624**	**0**	**0**	**142,092,624**

Statement of Cash Flows for the year ended 30 June 2025

Description	Notes	Current FY 2024/25
		Kshs
Cash flows from operating activities		
Receipts		
Transfers from exchequers	6	483,564,537
Proceeds from domestic and foreign grants	7	252,650,235
Other income		0
Total receipts		**736,214,772**
Payments		
Employee costs	8	(345,564,139)
Use of goods and services		(325,111,509)
Social Benefits		0
Total payments		**(670,675,648)**
Net cash flows from/(used in) operating activities	18	**65,539,124**
Cash flows from investing activities		
Purchase of PPE-Donor	16	(706,880)
Purchase of PPE-GOK		(43,000)
Net cash flows from/(used in) investing activities		**(749,880)**
Cash flows from financing activities		
Return to Exchequer		(93,241)
Repayment of borrowings		(0)
Net cash flows from financing Activities		(93,241)
Net increase/(decrease) in cash & Cash equivalents		**64,696,004**
Cash and cash equivalents at 1 July 2024	12	73,473,326
Cash and cash equivalents at 30 June 2025		**138,169,330**

Statement of Comparison of Budget and Actual amounts for the year ended 30 June 2025

Recurrent and Development Combined

Description	Original budget	Adjustments	Final budget	Actual on a comparable basis	Budget utilization difference	% of utilization
	A	B	C=a+b	D	E=c-d	F=d/c %
Revenue						
Transfers from exchequer	478,074,025	7,923,163	485,997,188	483,564,537	2,432,651	99%
Transfers from Development Partners	132,010,950	0	132,010,950	252,650,235	(120,639,285)	191%
Other income	0	0	0	0	0	0
Total revenue	**610,084,975**	**7,923,163**	**618,008,138**	**736,214,772**	**(118,206,634)**	**119%**
Expenses						
Employees Costs	351,930,000	(10,042,193)	341,887,807	345,564,139	6,099,762	101%
Use of goods and services	288,775,579	47,084,474	335,860,053	325,111,509	10,748,544	97%
Social benefits	0	0	0	0	0	
Total recurrent expenses	**640,705,579**	**37,042,281**	**677,747,860**	**670,675,648**	**16,848,306**	**99%**
Capital items						
Acquisition of PPE	796,870	0	796,870	749,880	46,991	94%
Acquisition of Intangible assets	0	0	0	0	0	
Total expenses Development	**796,870**	**0**	**796,870**	**749,880**	**46,991**	**94%**
Total expenses	**641,502,449**	**37,042,281**	**678,544,730**	**671,425,527**	**16,895,296**	**99%**
Surplus/ deficit	**89,221,811**	**(29,119,118)**	**60,102,693**	**64,789,245**	**(135,101,931)**	

There was a budget variance in donor budget of Kes 121 million i.e. 191% because development partners disbursed more funds than anticipated by 91%. This pulled the overall budget funding to 119%.

Reconciliation table

Description	Operating	Financing	Investing	Total
Actual amounts on comparable basis presented in the budget and actual comparative statement	0	0	0	0
Basis difference	0	0	0	0
Timing differences	73,473,327	0	0	73,473,327
MDA differences	0	0	0	0
Classification differences	(93,241)	0	0	(93,241)
Actual in the statement of cashflows	73,380,086	0	0	73,380,086

Budget Notes

This part of report has been prepared in line with IPSAS 24.14

REPUBLIC OF KENYA

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OFFICE OF THE AUDITOR-GENERAL
Enhancing Accountability

REPORT

OF

THE AUDITOR-GENERAL

ON

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

FOR THE YEAR ENDED 30 JUNE, 2025

REPUBLIC OF KENYA

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REPORT OF THE AUDITOR-GENERAL ON KENYA NATIONAL COMMISSION ON HUMAN RIGHTS FOR THE YEAR ENDED 30 JUNE, 2025

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 are aimed at addressing the statutory roles and responsibilities of the Auditor-General 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 transitional IPSAS financial statements of Kenya National Commission on Human Rights set out on pages 1 to 52, which comprise of the statement of financial position as at 30 June, 2025 and the statement of financial performance, statement of changes net assets, statement of cash flows and the

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 transitional IPSAS financial statements present fairly, in all material respects, the financial position of Kenya National Commission on Human Rights as at 30 June, 2025 and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards Accrual Basis (including the transitional provisions permitted under IPSAS 33), and comply with the Public Finance Management Act, 2012 and The National Treasury and Economic Planning Circular No.3 of 14 April, 2025.

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 prior year's audit report, an issue on inadequate staffing was raised under the Report on Effectiveness of Internal Controls, Risk Management and Governance. Review of the status during the audit of the Commission in the financial year 2024/2025 revealed that the matter remained unresolved.

Other Information

The Commissioners are responsible for the Other Information set out on pages v to xliii, which comprises the Key Commission Information and Management, Statement by the Chairperson, Statement by the Accounting Officer, Statement of Performance Against Predetermined Objectives, Governance Statement, 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.

In connection with my audit on the 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, and I am required to report that fact. I have nothing to report in this regard.

My opinion on the financial statements does not cover the Other Information and accordingly, I do not express an audit opinion or any form of assurance conclusion thereon.

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, except for the effect of the matters described in the Basis for Conclusion on Lawfulness and Effectiveness in the Use of Public Resources section of my report, I confirm that nothing else 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

1. Presentation of Receivables in the Financial Statements

The statement of financial position reflects opening and closing balances for receivables from exchange transactions of Kshs.11,382,117 and Kshs.8,767,049, respectively. However, the debtors were classified as current receivables instead of as non-current receivables. This misclassification does not comply with accounting standards for the classification of receivables.

In the circumstances, the financial statements as presented did not comply with the Public Sector Accounting Standards Board reporting template.

2. Non-Compliance with Capacity Building Levy Requirements

Review of expenditures in respect of use of goods and services, which includes hire of conference facilities, revealed that the required capacity building levy of 0.03% on payments totaling Kshs.5,022,575 was not withheld. This was contrary to Order 3(1) of the Public Procurement Capacity Building Levy Order, 2023, which requires payment of a levy of the rate of zero point zero three per cent (0.03%) of the value of the signed contract, exclusive of applicable taxes.

In the circumstances, Management was in breach of the law.

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, based on the audit procedures performed, except for the effects of the matter described in the Basis for Conclusion on 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

Review of the staff establishment revealed that the Commission had an approved staffing level of four hundred and sixty-one (461) positions. However, only one hundred and thirty-five (135) staff members were in post, resulting in a shortfall of three hundred and twenty-six (326) employees or 71%.

This understaffing may hinder the Commission's operations and adversely affect its capacity to effectively deliver services to the public.

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 Commissioners

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Accrual 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 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 Institutions (ISSAIs). The standards require 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 it 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 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 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.