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**NATIONAL GENDER AND  
EQUALITY COMMISSION**

**ANNUAL REPORT  
2013/14**





# NATIONAL GENDER AND EQUALITY COMMISSION

## ANNUAL REPORT

2013/14

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## ABBREVIATION

NATIONAL GENDER AND EQUALITY COMMISSION

AGPO	Access to Government Procurement Opportunities
CS	Cabinet Secretary
CSW	Commission for the Status of Women
CTP	Cash Transfer Programme
EBS	Elder of the Burning Spear
FPE	Free Primary Education
HSC	Head of State Commendation
IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management Information System
ILO	International Labour Organisation
IWD	International Women's Day
MDAs	Ministries, Departments and Agencies
NACADA	National Campaign against Drugs and Alcohol Abuse
NGEC	National Gender and Equality Commission
ODM	Orange Democratic Movement
PS	Principal Secretary
PWDs	Persons with Disabilities
SDA	Seventh Day Adventist
SGBV	Sexual and Gender Based Violence
SIGs	Special Interest Groups
TJRC	Truth Justice and Reconciliation Commission
TNA	The National Alliance
TSC	Teachers Service Commission
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
URP	United Republican Party
VAT	Value Added Tax

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## FOREWORD FROM THE CHAIRPERSON

NATIONAL GENDER AND EQUALITY COMMISSION

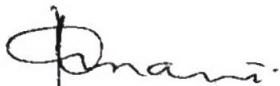
I am pleased to present to you the National Gender and Equality Commission's (NGEC) Annual Report. This is the third report since the establishment of the Commission (NGEC). The achievements made this far by the Commission resonate with the hard work of Commissioners and secretariat. They have steered the Commission to making sure that to the greatest extent possible rights of Special Interest Groups are upheld. During this financial year, the Commission has undergone tremendous changes and saw most of its structures set up including moving offices from NSSF Building to Upper Hill where its current office is located. We welcomed the appointment of Commissioner Dr. Florence Nyokabi M.B.S, to carry out the equality and inclusion work with specific focus on youth and children. A few additional staff in the various departments were also recruited. In its quest to upholding the organization's mission of effectively and efficiently promoting gender equality and freedom from discrimination of all persons in Kenya, the Commission with its lean and dedicated staff has devolved its services to the Counties and established three regional offices in Garissa, Nakuru and Kisumu Counties.

As a fairly new organization with a huge mandate, the Commission was nominated by the Hon. Attorney General to convene the technical working group comprising of government and civil society to find a framework for the implementation of the two-thirds gender principle in compliance with the constitution. We are also undertaking a public inquiry on child pregnancies, as well as publishing several reports on equality and inclusion. In the same year, the Commission forged strategic partnerships with the National and County Governments, civil society organizations and private sector.

I wish to specially acknowledge and appreciate the unwavering support of the Government of Kenya and the Commission's development partners who offered their technical and financial support during the financial year under review. We aspire to have our presence felt more by the citizens through our service delivery, and to that end, we continue welcoming the support and suggestions of all stakeholders. I also wish to sincerely thank the Commissioners and staff for their great contribution during the year and urge them to sustain their efforts in the forthcoming year.

Finally, we appreciate the trust that all the people of Kenya have bestowed on us to promote gender equality and freedom from discrimination.

Mrs. Winfred O. Lichuma, EBS



Chairperson.

## STATEMENT FROM THE SECRETARY

NATIONAL GENDER AND EQUALITY COMMISSION

The National Gender and Equality Commission (NGEC) has progressively grown in its programs as well as in establishing a competent and dedicated Secretariat. During the 2013-2014 FY, the Commission acquired larger space at Solution Tech Place building, Upper Hill, 1st, 2nd and 3rd Floors to ensure all staff have adequate space to work from.

Through the dedication of Commissioners and staff, and in collaboration with stakeholders, development partners and the public, the Commission managed to undertake various interventions across the. These interventions range from review of laws and regulations, issuance of advisories, litigation of matters of public interest, handling of complaints and investigations, monitoring of Gender Based violence (GBV), public education and awareness of issues affecting Special Interest Groups (SIGs), entrenching principles of equality and inclusion in the private sector, facilitation of adoption of gender responsive budgeting practices among many others.

The Commission faithfully implemented most of the activities spelt out in the first year of its 2013-2015 Strategic Plan. The Commission also utilized all financial resources provided by the national treasury and supplemented by development partners as per the plan of the year. I therefore wish to sincerely thank the Commissioners and staff for their dedication which has resulted in the many achievements recorded during this reporting period. Similarly, I wish to acknowledge and appreciate the support we have been receiving from the Government, UNDP, UNFPA, Ford Foundation, UN Women and DSW that has enabled the Commission to realize its mandate. To all we say a big thank you for the continuous support.

Mr. Paul Kihugu Kuria



Ag. Commission Secretary/CEO

The National Gender and Equality Commission is a constitutional Commission set up pursuant to Article 59(4) & (5) of the Constitution of Kenya 2010 and the National Gender and Equality Commission Act 2011. The overall mandate of the Commission is to promote gender equality, inclusion and freedom from discrimination among all Kenyans, but with special consideration of women, youth, children, person with disabilities, elderly, minority and marginalized groups and communities. The Commission is responsible for the comprehensive integration of the principles of inclusion, equality and mainstreaming issues of Special Interest Groups (SIGs) in National, County and private sector. This is achieved through a 'four-pronged strategy:

- a. Establishment of conducive legislative framework where all laws, policies and administrative guidelines observe gender equality and inclusion;
- b. Promotion of substantive financing of equality and inclusion issues and programs;
- c. Mitigation of the Gender Based Violence through public education and coordination of multi-sectoral responses to prevention and management of GBV;
- d. Continuous institutional development to increase the capacity to deliver on the Commission's multidimensional mandate.

This report is a summary of the key achievements of the past financial year (2013/2014); the progress made in various departments; and a list of best practices and lessons learned. During the current year, the Commission made significant achievements:

1. Review of 14 statutory Bills;
2. Issuance of 10 advisories to National and County Governments;
3. Continual undertaking public interest litigation that endeavours to ensure that jurisprudence touching on the special interest groups is developed and that justice is sought for the most vulnerable in society;
4. Increased public education and awareness on the dividends for investment in equity and inclusion.

The report is divided into five chapters. Chapter one describes the mandate, composition and structure of the Commission. Chapter two describes critical programmatic achievements ranging from auditing, monitoring, coordination, issuance of advisories and facilitation of interventions geared towards promotion of gender equality, inclusion and freedom from discrimination.

Chapter three details the institutional growth in personnel, information and technology and in expanding business to youth, women and persons with disabilities through procurement. The audited accounts of the financial year 2013/2014 are presented in Chapter four of this report. Chapter five describes the key challenges, recommendations and priority areas of the Commission for the financial year 2014/15.



## INTRODUCTION

### 1.0 Composition, Functions, Vision and Mission of NGEAC.

The National Gender and Equality Commission's core mandate is to promote gender equality and freedom from discrimination in accordance to Article 27 of the Constitution. Section 9 of the NGEAC Act 2011, provides that the Commission consists of a chairperson and four members. In the reporting period, the Commission had the Chairperson and three Commissioners.

The Commission's vision is "a society that upholds gender equality, dignity, respect and fairness for all."

The mission is "to effectively and efficiently promote gender equality and freedom from discrimination of all persons in Kenya"

### 1.1 The functions of the Commission are as follows:

- ❖ Promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution;
- ❖ Monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;
- ❖ Act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children;
- ❖ Co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof;
- ❖ Monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
- ❖ Investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;
- ❖ Work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;
- ❖ Co-ordinate and advice on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- ❖ Conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- ❖ Receive and evaluate annual reports on progress made on the implementation of the principles of equality and freedom from discrimination;
- ❖ Work with other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination ;

- ❖ Submit annual reports to parliament on the status of implementation of its obligations
- ❖ Conduct audits on the status of minorities, marginalized groups, persons with disability, women, youth and children;

The commission also has powers as spelt out in the NGEC act 2011.

### 1.1 Strategic Direction

The programmatic and administrative operations of the Commission are guided by two key documents; NGEC Strategic plan 2013-15 and the Second Medium Term Plan, 2013-2017. Other strategic achievements for the Commission during this period included:

**a) Strong partnership and collaboration on principles of gender equality and freedom from discrimination:**

NGEC engaged public and private sector in audit, monitoring and investigation and documentation of best practices, and gaps in realization of gender equality and inclusion.

**b) Institution development at national and field offices:** In the reporting period, the Commission continued to upscale its institutional and human resource capacity. At the County level, the Commission devolved its services to three counties namely Garissa, Kisumu and Nakuru. These offices are regional in design and therefore useful at monitoring and auditing equality and inclusion in counties around them.

## KEY ACHIEVEMENTS FOR THE YEAR 2013/2014

### 2.0 Programs

The achievements of our programs are discussed as per strategic objectives of the 2013-2015 Strategic Plan.

2.1 Strategic Objective 1: To create an enabling legal environment to achieve equality in compliance with the Constitution and other written laws and international treaties

#### 2.1.1 Review of laws

- Persons with Disabilities Act 2003: The Commission coordinated and facilitated the review of the Persons with Disabilities Act 2003 to align it with the Constitution and also to ensure the adoption of human rights based approach when addressing the dynamics of disability. Currently, the proposed bill has been submitted to the Kenya Law Reform Commission by the Cabinet Secretary Ministry of Labour Social Security and Services for their input. It is expected that after the entire process, persons with disabilities shall enjoy the benefits of an amended Act.
  
- The Commission has facilitated review of the Persons with Disabilities Income Tax Exemption Order 2010 with the active engagement of key stakeholders among them the Kenya Revenue Authority, the National Council for Persons with Disabilities, the Ministry of Labour, Social Security and Services, Ministry of Health and the Ministry of Finance. The collaborative efforts of these institutions under the leadership of the National Gender and Equality Commission have led to 4,448 persons with disabilities benefitting immensely from tax exemption certificates. These engagements have also ensured that the key stakeholders including the Kenya Revenue Authority and Treasury are sensitised on the rights of Persons with Disabilities. More comprehensive draft order on persons with disabilities Income Tax Exemption 2014 has since been generated and submitted to the Ministry of Labour, Social Security and Services for tabling to the Attorney General, approval and gazettelement.
  
- The Commission provided critical input to slightly over 14 key legislations. The review is geared to ensure that all county and national bills and pieces of legislations adhere to the constitutional principles of equality and non-discrimination.

**Table 1: List of Bills reviewed by NGENC**

NO.	Name of legislation	Type/source of legislation	NGEC'S contribution to the legislation
1.	Marriage Bill	National Assembly	Inculcating equal rights of spouses in the institution of marriage
2.	Matrimonial Property Bill	National Assembly	Advocating for the equal rights of spouses in matrimonial property
3.	Protection against domestic violence	National Assembly	Lobbying for a victim oriented legislation that focuses on the protection of victims
4.	Constitution of Kenya Amendment Bill	National Assembly	Denounced the bill as it seeks to strike out the special interest groups' seats as stipulated in the Constitution.
5.	Statutory miscellaneous amendment to the Procurement Act	National Assembly	NGEC raised the issue that this amendment if passed shall lock out the women and the persons with disability from accessing the 30% procurement reserve.
6.	Gender Policy	National Policy	Ensured that the principles of equality and no- discrimination are adequately entrenched
7.	TSC Regulations, 2014	National Policy	Ensured that the principles of equality and no- discrimination are adequately entrenched
8.	Person's deprived of their liberty Bill,	National Assembly	Ensured that the principles of equality and no- discrimination are adequately entrenched
9.	Fair administrative action Bill	National Assembly	The bill was rejected on the basis that there are currently other laws that address the same issues that the bill seeks to address.
10.	Reproductive Health Bill, 2014	Senate assembly	Pertinent issues around reproductive health had been omitted for instance IVF, budgetary implications e.tc.
11.	Insurance Act	National Assembly	Ensured that the principles of equality and no- discrimination are adequately entrenched
12.	VAT bill	National Assembly	Ensured that the principles of equality and no- discrimination are adequately entrenched
13.	Community Bill	Senate	Issues of inclusion of vulnerable groups had not been adequately provided for and the NGENC gave suggestions on how to inculcate the same
14.	Evictions and Resettlement bill	National Assembly	Ensured that the principles of equality and no- discrimination are adequately entrenched

Several county bills were also reviewed and feedback provided to the relevant county governments. They include the Kiambu County youth, women and PWDs fund bill, Kiambu county education bursary fund bill 2014, Youth enterprise development fund bill 2014, Nakuru child care facility's bill 2014, Nakuru cultural heritage bill 2014, Murang'a county ward development fund bill, Kilifi county finance bill 2014, Kilifi scholarship bill, Nakuru county finance bill 2013 among others.

#### 2.1.2 Advisories

Pursuant to its function of advising on integration of principles of equality and freedom from discrimination in all national and county policies, laws and administration regulations in public and private sectors, the Commission issued advisories summarized in Table 2(a) and Table 2(b).

**Table 2(a): List of advisories: Matters that have been concluded**

S/no:	Purpose of advisory	Recipient of advisory	Action taken
1.	Constitution of the National Council for Persons with Disabilities Board to enable the Council to function following dissolution of the former board	Cabinet Secretary, Ministry of labour, social security and services	The advisory was duly considered.
2.	Entrenching equality and non-discrimination principles in county legislations	47 county speakers	Positive response from County governments, for instance Machakos County reiterating its commitment to inclusion of the SIGs
3.	Advisory on the need for establishment of county bill trackers in all counties	47 county clerks	Feedback from the county clerks for instance Nyeri county has been positive
4.	Political Party fund: Beneficiary parties to set aside 30% towards the promotion of SIGs representation	Orange Democratic Movement (ODM) United Republican Party (URP) The National Alliance (TNA) Registrar of political parties	The Registrar of Political Parties responded positively and assured the Commission that they shall be monitoring compliance of this provision
5.	Inclusion and representation of indigenous Maasai women in the Kajiado county structures.	Kajiado County Governor	The Kajiado County Governor has reiterated commitment to representation of special political interest groups.

**Table 2(b) List of advisories: Ongoing matters**

S/NO	Purpose of Advisory	Recipient	Action
1.	Implementation of the Social Assistance Act 2013 highlighting the failure of enacting the National Social Assistance Authority and Board and the impact that it has in providing social assistance to persons in dire need.	Cabinet Secretary: Ministry of labour, social security and services	Discussions ongoing
2.	Central Bank of Kenya employees with disability being retired before the statutory date of 65 years.	Governor of Central Bank of Kenya	Discussions ongoing
3.	Establishment of a gender & development council and the overlapping mandates with the NGECC	Cabinet Secretary: Ministry of Devolution and Planning	The Council which was to have overlapping mandates with the Commission is yet to be set up
4.	Advisory on the Protection against Domestic Violence Bill, 2013	General Public	Garnered momentum and awareness on its existence and need for enactment
5.	Advisory on the need for post rape care forms in all health facilities in the country. This will ensure that rape survivors in health facilities will have access to this vital evidential document needed to accompany the P3 form to ensure effective prosecution of the perpetrators in court.	Cabinet Secretary of Health	Discussions ongoing

### 2.1.3 Litigation Diary

Through public interest litigation, the Commission endeavours to ensure that jurisprudence touching on the special interest groups is developed and that justice is sought for the most vulnerable in society. In the period of reporting, the Commission was engaged in the following strategic litigations.

**Table.3 Strategic litigation**

PETITION NO	PARTIES TO THE CASE	OVERVIEW OF THE CASE	CURRENT STATUS/OUTCOME
3 of 2013	Northern nomadic disabled person's organization (Nondo) –versus- Governor full case citation. The NGEC was enjoined as <i>amicus curiae</i> .	Inclusion of persons with disability in the county government structures	A successful out of court settlement was reached. Inclusion of PWDs.
266 of 2013	Intersex petition: Baby 'A' versus the Registrar General of Births and Deaths and Kenyatta National Hospital among others. The NGEC is enjoined as an interested party	This case concerns persons with intersex conditions who claim violation of their fundamental right to legal recognition. The intersex persons in Kenya constitute a minority category facing discrimination and stigma from the society.	The NGEC has presented its submissions before the presiding judge. Judgement is scheduled to be delivered in November,2014
341 of 2013	Albinism Society of Kenya versus the National Council for persons with disabilities. The NGEC was enjoined as <i>amicus curiae</i>	Dispute over the non-inclusion of albinos in the process of purchasing subsidised sunscreen lotions for persons with albinism.	The Commission facilitated a court mandated mediation and an out of court settlement was reached.
431 of 2012	Seventh Day Adventist Church on behalf of SDA students versus Ministry of Education. The NGEC was enjoined as an interested party	Alleged discrimination on the ground of religion.	The courts held that there cannot be preferential treatment in such class matters. The matter is coming up for appeal.
Supreme Court Reference No. 1 of 2013	NGEC versus the IEBC	The NGEC sought an advisory opinion from the Supreme Court on issues surrounding the composition of special seats.	The Supreme court in its ruling delivered in March 2014 found tribal issues and advised parties to seek redress at the High Court or Court of Appeal
No. 15 of 2014	Rev. John Mbugua versus AG & others. The Commission has been listed as a respondent	A pauper brief case concerning the rights of persons with disability and their inclusion in society.	The case is still pending at the high court.
No. 149 of 2012	Nation Media Group Vs. Cradle Children Foundation	A case concerning access to information by deaf persons	Commission has been facilitating speedy determination

### 2.1.4 Complaints and Investigations

One of the key functions of the Commission is undertaking investigations on its own initiative or on the basis of complaints on any matter in respect of violations of the principle of equality and freedom from discrimination, and make recommendations for improvement of functioning of the institutions concerned. During the period under reporting, the Commission received a total of forty five new complaints summarized in Figure 1. Fourteen complaints were reported by organizations while one of the complaints was anonymous.

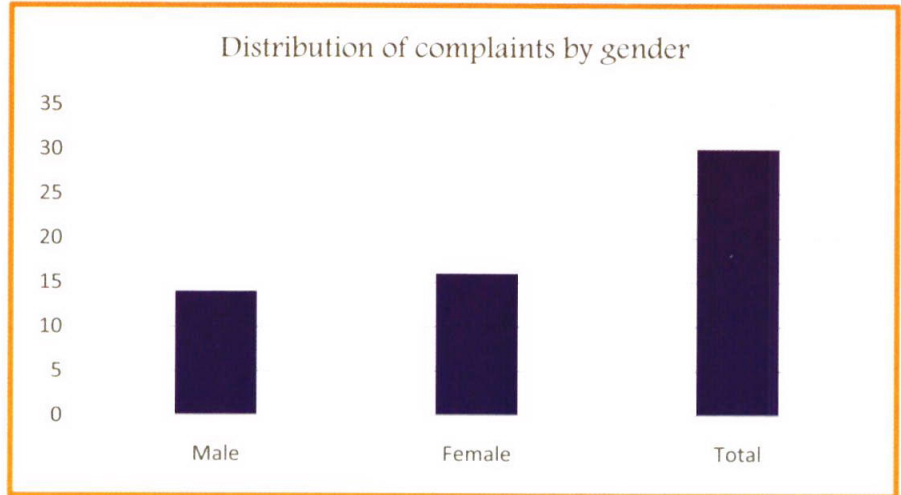


Figure 1. Distribution of complaints by gender

Six files have been closed with three successfully concluded. Investigations with the remaining files is ongoing. Cumulatively, the Commission has so far dealt with one hundred and forty five complaints. Between July 2013 and June 2014, the Commission was enjoined in four court cases on matters of public interest related to inclusivity, discrimination or equity. In total, the Commission has been enjoined in not less than twelve court cases since its establishment

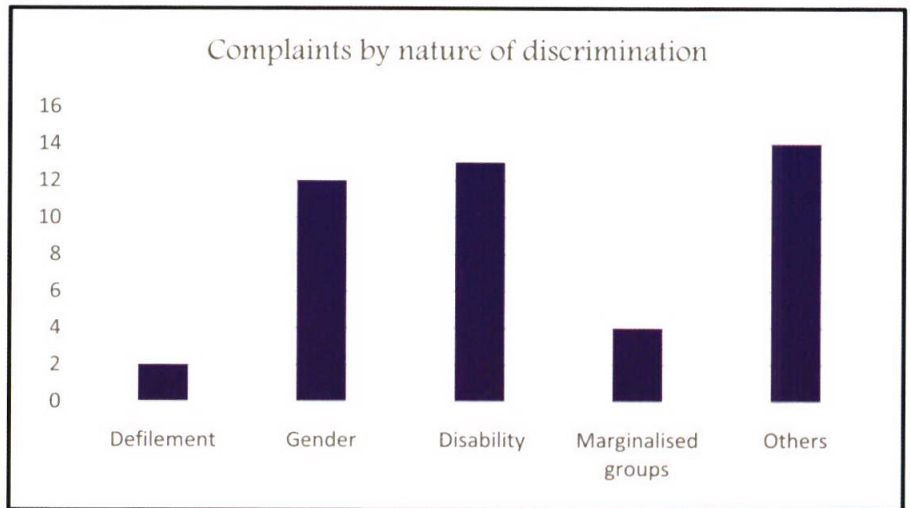


Figure 2: Complaints by nature of discrimination

### 2.1.5 Public inquiry on child pregnancies:

The Commission on its own initiative and with funding from United Nations Development Fund (UNDP) and government of Kenya embarked on a public inquiry on child pregnancies. Child pregnancy denies the girls and boys an opportunity to fully engage in and enjoy their rights as guaranteed under various laws and policies.

This inquiry is expected to contribute towards enhancing protective environment for children, through the documentation of main causes of

unintended and unwanted child pregnancies; identification of legal and policy implementation gaps as well as identification of mitigating factors to the same. During the period under reporting, the Commission conducted reconnaissance investigations into three window regions namely Kwale, Samburu and Busia. The Commission completed full hearings in Samburu County. The Commission actively involved the public in the inquiry process through print and social media. Public hearings and report will be completed in the 2014/15 fiscal year.



NGEK legal team poses for a photo with Samburu County officials during the public inquiry into child pregnancies

### 2.1.6 Supporting devolved governance structures

The Commission through a consultative process developed a guidebook for county governments on Integration of Gender, Equality and Inclusion. The report dubbed "A Guide for County Government Leadership" outlines the key principles and practice of equality and inclusion in the County governance and development processes. Each county has a hard copy of this handbook.

### 2.1.7 Participation in International and Regional Mechanisms

The Commission participated in the Interim Working Group on Gender and Climate Change, held on 29th August 2013 in Addis Ababa, Ethiopia. The Commission was nominated to host the African Secretariat of the Working Group and will take leadership on mainstreaming issues of gender equality into sub-regional and national climate change policies. The Commission provided technical expertise in the drafting of Kenya country report for the Committee on Convention 111- Discrimination in employment and Occupation.

Further, the Commission co-authored the Commission on the Status of Women (CSW) Country report and consequently participated in the fifty-eighth session of CSW in New York from 10 to 21 March 2014. The Commission is responsible for monitoring the compliance of Kenya with concluding observations of the session. To this extent the commission published a monitoring booklet 'Watching Targets' See link:

<http://www.ngekenya.org/Downloads/Watching%20the%20targets%20and%20performance-CSW2014.pdf>

During the reporting period, the Commission participated in multiple international reporting on realization of Economic Social and Cultural ECOSOC rights for SIGs in Kenya.

**Table 4. Forum of reporting: Realization of Economic Social and Cultural ECOSOC rights for SIGs in Kenya.**

No	Date	Activity	Venue	Objective
1	7 <sup>th</sup> -10 <sup>th</sup> July 2013	Participation in the ICPD beyond 2014 conference on human rights	New York/USA	To create a renewed consensus and global commitment towards human rights, equity and population and development
2	13 <sup>th</sup> -20 <sup>th</sup> July 2013	Participation in the sixth session of the UN CRPD	New York/USA	To set out concrete ideas on how to improve and implement policies and programmes concerning social protection and poverty reduction; disability-inclusive development in national, regional and international processes; as well as community-based rehabilitation
3	16 <sup>th</sup> -20 <sup>th</sup> July 2013	Reconvening of the 2 <sup>nd</sup> sectoral council on gender, youth, children, social protection and community development	Dare salaam /Tanzania	Adoption of several policy and strategic documents meant to enhance development in the sector at the regional level.
4	1 <sup>st</sup> -3 <sup>rd</sup> August 2013	Participation in the international conference on maternal, newborn and child health (MNCH).	South Africa	Plan of Action towards ending preventable maternal, newborn and child mortality.
5	6 <sup>th</sup> – 7 <sup>th</sup> February 2014	Participated in preparation of the 58 <sup>th</sup> Session of the Commission on the Status of Women on "Challenges and achievements in the implementation of the Millennium Development Goals (MDGs) for women and girls".	Addis Ababa/Ethiopia	Draft Report of the Africa Regional preparatory meeting for CSW58

6	27 <sup>th</sup> – 28 <sup>th</sup> February, 2014	Meeting of the Interim Working Group on Gender and Climate Change.	Addis Ababa/Ethiopia	Discussion around gender sensitive climate change interventions by enabling gender balance, gender sensitive climate policy and effective participation of women in designed initiatives.
7	10 <sup>th</sup> -22 <sup>nd</sup> March 2014	Participated in the 58 <sup>th</sup> Session of the Commission on the Status of Women.	New York/USA	Publication of the report titled "Challenges and achievements in the implementation of the Millennium Development Goals for women and Girls".
8	28 <sup>th</sup> - 30 <sup>th</sup> April, 2014	Participated in the International Conference of Human Rights Experts	Kigali/Rwanda	Publication of the report titled "Women & Poverty, and Human Rights Approach".
9	9 <sup>th</sup> -13 <sup>th</sup> June 2014	7 <sup>th</sup> session of the conference on state parties to CRPD	New York/USA	Discussions in relation to Incorporating the CRPD provisions into the post 2015 Development Agenda.
10	10 <sup>th</sup> – 13 <sup>th</sup> June 2014	Global Summit on Sexual Violence in Conflict	London/United Kingdom	Agreement on practical steps to tackle impunity for the use of rape as a weapon of war, and to begin to change global attitudes to these crimes.

## 2.2 Strategic Objective 2: To provide comprehensive and adequate response to Sexual and Gender- Based Violence (SGBV).

### 2.2.1 GBV cluster group

The Commission has been coordinating the national monthly GBV sub cluster meetings. NGEN launched the online GBV forum (<http://forum.ngeckenya.org/>) that provides a platform for members to discuss trending GBV issues as well as update each other on collective GBV actions. For the first



Members of the GBV cluster group at meeting in the NGEN boardroom

time the sector is well coordinated and there is improvement in attention to GBV response and prevention efforts in Kenya.

### 2.2.3 Monitoring GBV

The Commission is coordinating the development of a national GBV Monitoring and Evaluation framework. The framework will set out roles of each stakeholder towards enhancing responses for SGBV and in addition provide minimum indicators and data on GBV in Kenya.

## 2.3 Strategic Objective 3: To mainstream needs and issues of SIGs in development at national and county governance systems and private institutions.

### Gender Mainstreaming in the Public Sector

As an oversight body, the Commission receives and analyses quarterly/annual gender mainstreaming reports from MDAs as part of the performance contracting process. In the financial year 2012/2013 the Commission developed a country status report indicating the compliance levels of the public sector in mainstreaming issues of gender. The report presents key findings on the following indicators:-

1. Gender mainstreaming sensitization in the organization/institution;
2. Development and implementation of a gender policy to guide gender mainstreaming activities;
3. Compliance with the two thirds of either gender representation policy on employment, recruitment and appointment in the civil service;
4. Compliance with the principle of inclusion of PWDs in employment;
5. Availability of sex-disaggregated data to guide in planning and programming in government institutions;
6. Availability of a baseline survey to determine the level of gender mainstreaming;
7. Development and implementation of a work place policy on Gender Based Violence and sexual harassment.

The results are disaggregated by categories of MDAs in Kenya. Based on this report, the Commission with

support from UNDP held a training in March 2014, of thirty five State officers responsible for reporting on gender mainstreaming from MDAs. The focus was on ensuring that principles of equality and inclusion are observed in regards to institutional policies, programmes and administrative structures.

**2.3.1 Implementation of the Two- thirds gender principle.**

Subsequent to the Supreme Court Advisory that a mechanism on the implementation of the two -thirds gender principle is in place by the year 2015, the Attorney General appointed NGECC as the convener of a working group tasked to ensure this realization. To date more than fifteen consultative and expert meetings have been held and the proposals on an appropriate mechanism received and analysed. This activity is underway and the Commission shall endeavour that this vital principle entrenched in the Constitution is operationalized in all elective and appointive bodies.

**2.3.2 Access to Government Procurement Opportunities**

In the month of March 2014, the Commission co-ordinated the training of fifty people drawn from women and youth groups supported under the NGECC's 'fit-for-life' project. The groups were trained on the opportunities available and requirements of the Access to Government and Procurement Opportunities (AGPO) program. At the end of the training, the groups registered their businesses with relevant government agencies as a step towards securing tenders with government entities.



**Youths and women groups set to benefit from the AGPO initiative following training by NGECC**



**Chairperson Winfred Lichuma samples some of the merchandise made by youth and women groups enterprises**

**'Fit for Life Project'**

The Commission in its quest of empowering women and other SIGs working in the informal sector has been training groups on economic and social rights that include health, entrepreneurship, life skills and security. These trainings are aimed at enhancing these women and youth groups tap into opportunities that will improve their means of livelihoods. The Commission reviewed the policy and legislative framework governing

the informal sector and its implications on participation of women and youth in the sector. This study culminated in the publication of a report on the existing framework and shortcomings which impede participation of women and youth in the informal sector titled "*Participation of Women and Youth in the Informal Business Sector: A review of the policy and Legal Framework*"

### **2.3.3 Aging and Disability**

The Commission has designed and executed a national coordination mechanism with actors on disability and ageing and subsequently held consultative forums with key stakeholders and beneficiaries among them national and community based actors on disability & ageing and the private sector actors. The forums' outcomes was the constitution of technical working groups mandated to develop guidelines on monitoring disability and ageing issues in the country and to develop a concerted and unified approach on same.

### **2.3.4 Audit and Monitoring issues pertaining to SIGs**

#### **2.3.4.1 Gender Mainstreaming:**

Pursuant to its function of mainstreaming issues of gender in national development, the Commission with the support from DANIDA published the Public and Private Sector toolkits on Performance Contracting Gender Equality and Inclusion Indicators in March 2014. The development of these toolkits is instrumental in guiding the institutions to provide relevant and accurate data on equality and inclusion.

#### **2.3.4.2 Audit of the cash transfer program**

The Commission conducted an audit on participation of vulnerable groups in the cash transfer programme namely; Older Persons (OP), Persons with Severe Disabilities (PWSD) and the Orphaned and Vulnerable Children (OVC) in eleven counties in 2013. The Commission identified gaps and proposed requisite recommendations on how to improve the effective implementation of the program. As a result of this audit and recommendations proposed, the Cash Transfer Programme has since been up scaled, the identification methods of beneficiaries revised and funds disbursement approaches diversified. See link: <http://www.ngeckkenya.org/Downloads/cash-transfer-programme-vulnerable-groups-kenya.pdf>

#### **2.3.4.3 Audit of public and private sector drug rehabilitation units:**

The Commission undertook this activity to assess the level of integration of principles of equality and inclusion in behavioural rehabilitation services. The Commission involved NACADA, health facilities, public and privately owned drug rehabilitation centres, beneficiaries and their families in the assessment. A highlighting gaps and recommendations on improving the services of rehabilitation centres has been generated. The dissemination of these findings has been shared with non-State actors, ministries of Health, Planning and Devolution, government departments and NACADA. The report shows that rehabilitation services are inaccessible to most people in Kenya particularly the poor, women, older men, and PWDs.

#### **2.3.4.5 Equality and inclusion at County levels**

The Commission held meetings with the Senate Sessional Committee on devolved government and

discussed the composition of County Assembly Service Boards and County Public Boards in regard to principles of gender equality and inclusion. The discussions were meant to ensure that laws, rules and regulation at county government level are compliant with the principles of gender equality and inclusion in particular, adherence to the two-third gender principles and representation of SIGs during recruitment, promotions, and remunerations.

#### **2.3.4.6 Monitoring the status of the boy child in society**

In 2013, the National Assembly, Budget and Appropriations Standing Committee tasked the Commission to undertake an assessment of equity and inclusion of the boy child in the development agenda. In May 2014, the Commission conducted an assessment on the subject in Embu, Kisumu and Kakamega Counties with the participation of key stakeholders including county leaders and government, non-state actors, faith leadership, schools and heads of borstal and juvenile institutions. Subsequent to the findings obtained, the Commission expanded the assessment to additional counties in order to generate a comprehensive report.

#### **2.3.4.7 Free primary education**

In June 2014 the Commission held consultative fora with Ministry of Education staff, school heads, parents and teachers associations, and non-state actors to assess equality and inclusion in Free Primary Education. A snapshot report on gaps and gains of the FPE were identified and documented.

#### **2.3.4.8 Audit of Free maternity services in public hospitals.**

The Commission has embarked on an audit of the free maternity services, access of services and impact to the most vulnerable in society. To date, a stakeholders meeting to share the proposal and gather additional input on implementation of the activity has been held with strategic partners and stakeholders from the Ministry of Health, constitutional Commissions, academia, and civil society and development partners. The Commission will develop monitoring tools that county governments and other agencies in the country can use to monitor equity and inclusion related to gains from the free maternity programs.

#### **2.3.4.9 Audit of emerging exclusion on land use and natural resource management among minority and marginalised communities:**

In response to the recommendations of the Truth, Justice and Reconciliation Commission (TJRC) report, the Commission conducted an audit in Kwale, Isiolo and Kitui counties and engaged county governments and community members with a view of understanding policy interventions that would help address the historical injustices related to allocation of land and management of natural resources. The Commission subsequently published a report titled 'Role of Minority and Marginalized Communities in Kenya in Reduction of Emerging Exclusion and Inequalities in Land and Natural Resources Management' with cogent recommendations thereof.

#### **2.3.4.10 Affirmative action in the devolved government for marginalised groups:**

The Commission is currently monitoring affirmative action in the devolved governments to entrench access

to justice and realization of human rights for the minority and marginalized groups and communities.

#### 2.3.4.11 Assessment on violence against older persons:

In February 2014, the Commission executed a rapid assessment on violence against older persons in Kenya to inform legal and programmatic interventions by the National and County Governments towards protection of the rights and privileges of older persons. The assessment was limited to four counties; namely Kisii, Murang'a, Narok and Tharaka Nithi. The findings indicated many cases of abuse of the elderly most of which go unreported. The places of violence and profile of



NGECE program officers during a field event with the elderly in Kilifi County

perpetrators makes it difficult for the older persons to report the vice or access social justice. Subsequently, the Commission published a report dubbed 'Whipping Wisdom' which enumerates recommendations towards the protection of the rights and privileges of older persons, mechanisms for guaranteeing social security, infrastructure for promoting legal obligations at the national and county levels and influencing family members and private sector to increase their attention and investment towards aging.

#### 2.3.5 Strategic Partnerships

The Commission facilitates and coordinates the Women's Movement quarterly meetings attended by Ministries, Departments and Agencies (MDAs), private sector and civil society organisations. The quarterly meetings ensure that the gender agenda is advocated for and is well coordinated. The Commission is also a member of the multi-sectoral complaints referral mechanism that ensures more effective delivery of services and redress to citizens. The Commission was co-opted as a member in the police reform program in the vetting exercise of police undertaken by the National Police Service Commission. The Commission shall continue monitoring the vetting process to ensure that principles of equality and non-discrimination are upheld in the promotion and recruitment in the Kenya Police Service.

#### International Women's Day

The Commission with the support of various partners implemented the celebration of the International Women's Day (IWD) 2014 through an award scheme for inspirational grassroots female leaders.

#### 2.3.6 Entrenching principles of Equality and Inclusion in the Private Sector

The Commission embarked on an equality and inclusion project in the private sector aimed at integrating

principles of equality and freedom from discrimination. This initiative is part of an expanded program rolled out in the public entities and in the national and county governments since 2012. The initiative dubbed Equality and Inclusion in Private Sector (EIPS) focuses on promotion of substantive gender equality and inclusion of constitutionally protected groups such as persons with disabilities, women, elderly, youth, children minority and marginalized groups in the private sector processes including employment, planning and programming, corporate governance, investment, social corporate responsibility, and new business development agenda.

During the period under reporting, the Commission successfully launched the EIPs project, established networks with KEPSA, KMA, Bankers Association, Safaricom, Nation Media Group and Equity Bank among others. A baseline survey on practices of integrating equality and inclusion in the private sector was undertaken in eight zones of Safaricom, Nation Group and Equity Banks. Preliminary findings have indicated that:

- There are opportunities for increasing participation of PWDs and elderly persons in the workforce and clientele of private sector.
- Private sector has opportunities to take leadership in reasonable accommodation for PWDs, elderly and marginalized groups. This include though not limited to structural adjustment of infrastructure.
- There are variations by company on number of women in top leadership positions. The private sector has potential and will to embrace gender quotas in leadership
- The affirmative action programs and actions are not a performance factor in private sector. Nevertheless, the companies exercise multiple forms of affirmative actions and programs.

## **2.4 Strategic Objective 4: To advocate for financing of substantive equality at all levels**

### **2.4.1 Gender Responsive Budgeting**

During the review period the Commission has been facilitating the adoption by the Kenya Government of gender-responsive budgeting (GRB) guidelines as a strategy for promoting gender equality, at both the national and county levels. This has been done through the development of guidelines for both levels of government- in consultation with key actors in the ministries in charge of planning and public finance management.

NGEC has been collaborating with key actors to develop capacities to implement the guidelines. In December 2013, NGEC with support of UN Women organized workshops targeting ten counties whose budgets were analyzed for their responsiveness to gender issues and appropriate recommendations given. Through the development of the GRB guidelines and subsequent trainings of sampled counties, NGEC envisages gender sensitive and specific budgets at both levels of government and adequate resource allocation to equality and inclusion related interventions.

## 3.0 Administration

### 3.1 Information and Communication Technology

During the year, the Commission installed a structured Local Area Network and telephony system at the new offices. This has led to unified, efficient and effective telephony system and improved internet connectivity. The initiative provided the requisite infrastructure required for databases and links to government financial systems i.e. Integrated Financial Management System IFMIS and GPAY. The Commission transitioned to a corporate email system which is more secure and professional. Apart from increased presence in the web and social media platform, the Commission embarked on the development of an online forum that provides a platform for topical issues and centralized events calendar. This will enhance the coordination role of NGECC.

### 3.2 Public Education Communications and Advocacy

The Commission utilized a range of communication channels to reach to the public. Policy pronouncements were disseminated through both mainstream media and social media. During the year, press releases and print supplements were most utilized medium. Advocacy campaigns especially on Sexual and Gender Based Violence were disseminated through national and community radio activations. Among the successive advocacy campaigns is the radio campaign dubbed 'Ninajua' which called for increased vigilance and cooperation between the public and the National Police Service to report cases of SGBV for prompt action. The Commission leveraged on its corporate website to maintain visibility and communicate to the online audience through posts and updates on various activities.

#### 3.3.1 Public Education and Awareness of SIGs

In the month of November 2013, the Commission with the support of UNFPA facilitated County Secretaries with training on inclusion and equality in devolved governments.

#### 3.3.2 16 days of activism

The Commission with the support of various actors coordinated 16 Days of Activism against Gender Based Violence in November 2013. As a result and in line with the year's theme, the Inspector General of Police Mr David Kimaiyo committed to partner with all stakeholders in combating GBV in Kenya through enforcing the rule of law.



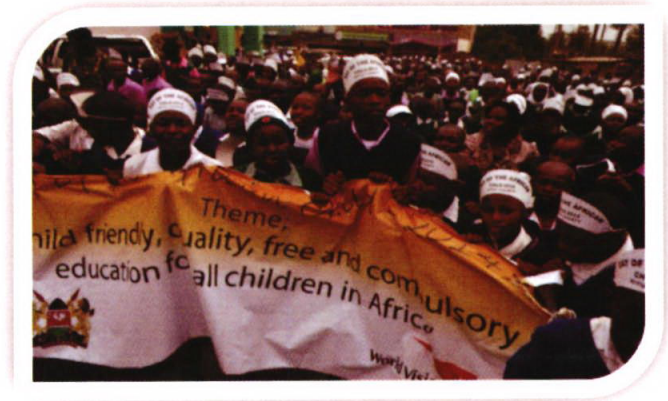
NGECC staff lead in street march during the launch of the 16 days of Activism in Kayole

#### 3.3.3 County Education on SGBV

In June 2014, the Commission with the support of UNFPA collaborated with county governments to build the capacity of county assemblies countrywide. The aim was to guide county governments in the development of appropriate regulatory frameworks on GBV and advocate for substantive financing of the same. The members of the county assemblies are instrumental in promoting, developing and providing comprehensive and adequate response mechanisms to SGBV in counties.

### 3.3.4 Day of the African Child:

During the reporting period, the Commission held a national dialogue with partners to evaluate the gaps, gains and challenges faced in free primary education. The event was held on the 12th of June, 2014 in Nairobi. The Commission also participated in the commemoration of the Day of the African Child on the 16th of June 2014 in Kitui County.



School children in Kitui County march in Kitui town to mark the Day of the African child

### 3.3 Internal Audit

During the period under review internal audit continued to perform its role of providing assurance and advisory services in Commission's governance, risk management and control processes areas. This was achieved through well-reasoned audits, evaluations, and analysis of operations

The Commission continued to strive to achieve its mandate while observing prudent and optimal utilization of resources and operating within the confines of the applicable provision of laws and regulations.

### 3.4 Human Resource and Administration

During the reporting period, the Commission utilized the best practices on the entire function of human resource management with the adoption of lessons learnt from various institutions (i.e. Public service, independent and constitutional Commissions, human rights institutions within and outside the country with emphasis on training and developing a highly motivated human resource.

The Commission facilitated trainings on corporate governance, financial management, professional courses and staff membership courses which enhanced morale and efficiency of staff. The Commission upon establishment of three regional offices deployed three officers to manage them.

### 3.5 Procurement

In the reporting period the Commission undertook measures aimed at strengthening the institutional and structural capacity to respond to the various procurement requests. These include reconstitution of tender opening committees, tender processing committees and schedule of tender meetings.

Further, the Commission extended procurement opportunities to youth, women and PWDs to comply with the thirty percent preferential procurement rule amounting to approximately three million shillings during the financial year.

The Commission duly approved a database of pre-qualified suppliers of goods and services. The Commission also made statutory reports to Public Procurement Oversight Authority and to the National Treasury as required by the Public Procurement and Disposal Act, 2005.

**FINANCIAL STATEMENTS**

**REPUBLIC OF KENYA**



**KENYA NATIONAL AUDIT OFFICE**

**REPORT**

**OF**

**THE AUDITOR-GENERAL**

**ON**

**THE FINANCIAL STATEMENTS OF  
NATIONAL GENDER AND EQUALITY  
COMMISSION**

**FOR THE YEAR ENDED  
30 JUNE 2014**

## REPUBLIC OF KENYA

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P.O. Box 30084-00100  
 NAIROBI



## KENYA NATIONAL AUDIT OFFICE

**REPORT OF THE AUDITOR-GENERAL ON NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE 2014**
**REPORT ON THE FINANCIAL STATEMENTS**

I have audited the accompanying financial statements of National Gender and Equality Commission set out on pages 6 to 18, which comprise the statement of financial assets as at 30 June 2014, and the statement of receipts and payments, statement of cash flow and a summary statement of appropriation: recurrent 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 8 of the Public Audit Act, 2003. 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.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error.

The management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 4 of the Public Audit Act, 2003.

**Auditor-General's Responsibility**

My responsibility is to express an opinion on these financial statements based on the audit and report in accordance with the provisions of Section 9 of the Public Audit Act, 2003. The audit was conducted in accordance with International Standards on Auditing. Those standards require compliance with ethical requirements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

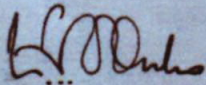
An audit involves performing procedures to obtain evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of

the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Opinion**

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at 30 June 2014, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with National Gender and Equality Commission Act, 2011.



**Edward R.O. Ouko, CBS**  
**AUDITOR-GENERAL**

**Nairobi**

**24 December 2014**

**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

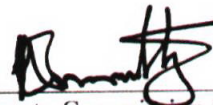
**V. STATEMENT OF RECEIPTS AND PAYMENTS**

	Note	2013-2014 Kshs'000	2012-2013 Kshs'000
<b>RECEIPTS</b>			
Exchequer releases	2	224,000	260,993
Other revenues	3	39	2,087
<b>TOTAL RECEIPTS</b>		<b>224,039</b>	<b>263,080</b>
<b>PAYMENTS</b>			
Compensation of Employees	4	100,602	76,300
Use of goods and services	5	82,926	132,347
Transfers to Other Government Units	6	-	3,454
Acquisition of Assets	7	50,429	29,796
<b>TOTAL PAYMENTS</b>		<b>233,957</b>	<b>241,897</b>
<b>(DEFICIT) / SURPLUS</b>		<b>(9,918)</b>	<b>21,183</b>

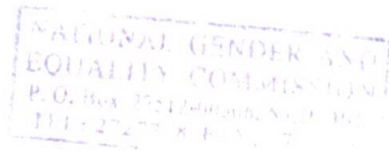
The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 19<sup>th</sup> December 2014 and signed by:



Commission Secretary



Deputy Commission Secretary



**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

**VI. STATEMENT OF FINANCIAL ASSETS**

	Note	2013-2014 Kshs'000	2012-2013 Kshs'000
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	8	18,235	27,913
Outstanding imprests		-	240
<b>TOTAL FINANCIAL ASSETS</b>		<b>18,235</b>	<b>28,153</b>

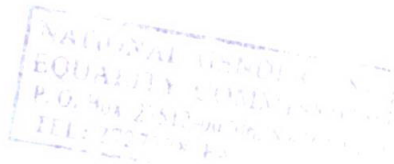
**REPRESENTED BY**

<b>Fund balance b/fwd</b>	9	28,153	6,970
<b>(Deficit) / Surplus for the year</b>		(9,918)	21,183
<b>NET FINANCIAL POSITION</b>		<b>18,235</b>	<b>28,153</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 19<sup>th</sup> December 2014 and signed by:

  
 Commission Secretary

  
 Deputy Commission Secretary

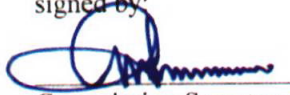


**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

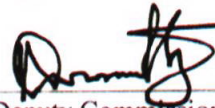
**VII. STATEMENT OF CASHFLOWS**

	NOTE	2013-2014	2012-2013
		Kshs'000	Kshs'000
<b>Receipts for operating income</b>			
Exchequer Releases	2	224,000	260,993
Other Revenues	3	39	2,087
<b>Payments for operating expenses</b>			
Compensation of Employees	4	(100,602)	(76,300)
Use of goods and services	5	(82,926)	(132,347)
Transfers to Other Government Units	6	-	(3,454)
<b>Net cash flow from operating activities</b>		<b>40,511</b>	<b>50,979</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	7	(50,429)	(29,796)
<b>Net cash flows from Investing Activities</b>		<b>(50,429)</b>	<b>(29,796)</b>
<b>NET INCREASE IN CASH AND CASH EQUIVALENT</b>			
		<b>9,918</b>	<b>21,183</b>
<b>Cash and cash equivalent at BEGINNING of the year</b>	9	<b>28,153</b>	<b>6,970</b>
<b>Cash and cash equivalent at END of the year</b>	8	<b>18,235</b>	<b>28,153</b>

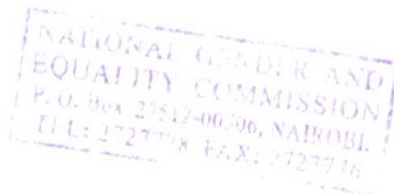
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Commission Secretary



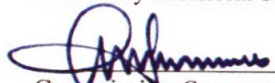
Deputy Commission Secretary



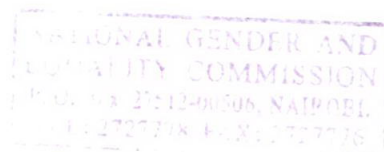
**I. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT**

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
	Kshs'000	Kshs'000	Kshs'000	Kshs'000	Kshs'000	
	a	b	c=a+b	d	e=c-d	f=d/c %
<b>RECEIPTS</b>						
Exchequer releases	194,056	40,000	234,026	224,000	10,026	96%
Other revenues	-	-	-	39	(39)	(100%)
<b>TOTALS</b>	<b>194,056</b>	<b>40,000</b>	<b>234,026</b>	<b>224,039</b>	<b>9,987</b>	<b>96%</b>
<b>PAYMENTS</b>						
Compensation of Employees	100,137	0	100,137	100,093	44	100%
Use of goods and services	83,314	(210)	83,926	82,926	178	100%
Social Security Benefits	300	210	510	509	1	100%
Acquisition of Assets	10,725	40,000	50,275	50,429	(154)	100%
<b>TOTALS</b>	<b>194,026</b>	<b>40,000</b>	<b>234,026</b>	<b>233,956</b>	<b>69</b>	<b>100%</b>

The entity financial statements were approved on <sup>19<sup>th</sup></sup>..... December 2014 and signed by:

  
 Commission Secretary

  
 Deputy Commission Secretary



**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

**IX. SUMMARY STATEMENT OF PROVISIONINGS**

- Details of General Accounts On Vote

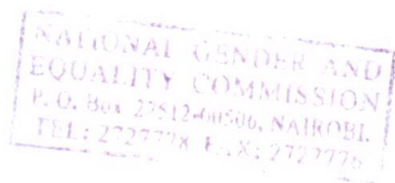
	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
GAV Provisioning account balance	34,347	26,608
<b>Total</b>	<b>34,347</b>	<b>26,608</b>

- Details of Exchequer Account

	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Exchequer Provisioning account balance	10,026	542
<b>Total</b>	<b>10,026</b>	<b>542</b>

  
 \_\_\_\_\_  
 Commission Secretary

  
 \_\_\_\_\_  
 Deputy Commission Secretary



**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

**I. SIGNIFICANT ACCOUNTING POLICIES AND EXPLANATORY NOTES**

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

**(a) Statement of compliance and basis of preparation**

The financial statements have been prepared in accordance with and comply with International Public Sector Accounting Standards (IPSAS) with particular emphasis on Cash Basis Financial Reporting under the Cash Basis of Accounting. The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board of Kenya.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of NGEC and all values are rounded to the nearest thousand (Kshs'000). The accounting policies adopted have been consistently applied to all the years presented.

The financial statements have been prepared on the cash basis following the Government's standard chart of accounts. The cash basis of accounting recognises transactions and events only when cash is received or paid by the *NGEC*.

**(b) Recognition of revenue and expenses**

NGEC recognises all revenues from the various sources when the event occurs and the related cash has actually been received by the *NGEC*. In addition, NGEC recognises all expenses when the event occurs and the related cash has actually been paid out by NGEC.

**(c) In-kind contributions**

In-kind contributions are donations that are made to NGEC in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the NGEC includes such value in the statement of receipts and payments both as revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

**(d) Cash and cash equivalents**

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short term cash imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

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**SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(e) Pending bills**

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of NGECC at the end of the year. When the pending bills are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

**(f) Budget**

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. NGECC's budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of NGECC actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

**(g) Comparative figures**

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

**(h) Subsequent events**

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended June 30, 2014.

**NATIONAL GENDER AND EQUALITY COMMISSION**  
**Reports and Financial Statements**  
**For the year ended June 30, 2014**

**EXPLANATORY NOTES**

**2 EXCHEQUER RELEASES**

	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Total Exchequer Releases for quarter 1	50,000	70,000
Total Exchequer Releases for quarter 2	56,000	51,993
Total Exchequer Releases for quarter 3	50,000	48,000
Total Exchequer Releases for quarter 4	68,000	91,000
<b>Total</b>	<b>224,000</b>	<b>260,993</b>

**3 OTHER REVENUES**

	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Receipts from Administrative Fees and Charges - Collected as AIA	-	2,087
Receipts from sale of tenders	39	-
<b>Total</b>	<b>39</b>	<b>2,087</b>

**4 COMPENSATION OF EMPLOYEES**

	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Basic salaries of permanent employees	54,764	41,628
Basic wages of temporary employees	385	1,509
Personal allowances paid as part of salary	44,810	30,863
Pension and other social security contributions	509	2,181
Compulsory national social security schemes	134	119
<b>Total</b>	<b>100,602</b>	<b>76,300</b>

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**EXPLANATORY NOTES (CONTINUED)**

**5 USE OF GOODS AND SERVICES**

	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Utilities, supplies and services	713	-
Communication, supplies and services	4,099	4,473
Domestic travel and subsistence	6,930	21,925
Foreign travel and subsistence	6,305	6,918
Printing, advertising and information supplies & services	2,992	10,092
Rentals of produced assets	32,370	19,807
Training expenses	4,593	24,136
Hospitality supplies and services	3,179	8,663
Insurance costs	7,660	16,373
Specialised materials and services	1,258	000
Office and general supplies and services	3,317	5,170
Other operating expenses	3,588	7,711
Routine maintenance – vehicles and other transport equipment	2,520	2,736
Routine maintenance – other assets	462	133
Fuel oils and Lubricants	2,940	4,210
<b>Total</b>	<b>82,926</b>	<b>132,347</b>

**6 TRANSFER TO OTHER GOVERNMENT ENTITIES**

<b>Description</b>	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Transfers to National Government entities Kenya National Commission on Human Rights (KNCHR)	-	3,454
<b>TOTAL</b>	<b>-</b>	<b>3,454</b>

**7 ACQUISITION OF ASSETS**

<b><u>Non-Financial Assets</u></b>	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Refurbishment of Buildings	43,112	363
Purchase of Vehicles and Other Transport Equipment	-	26,066
Purchase of Office Furniture and General Equipment	7,316	3,367
<b>Total</b>	<b>50,429</b>	<b>29,796</b>

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**EXPLANATORY NOTES (CONTINUED)**

**8. BANK ACCOUNTS**

Name of Bank, Account No. & currency	Amount in bank account currency	Exc rate	2013 - 2014 Kshs'000	2012 - 2013 Kshs'000
Kenya Commercial Bank Limited – 1103269267	Kshs	-	18,235	27,913
<b>Total</b>			<b>18,235</b>	<b>27,913</b>

**9. BALANCES BROUGHT FORWARD**

	2013 - 2014 Kshs'000	2012 - 2013 Kshs'000
Bank accounts	27,913	6,970
Imprest	240	-
<b>Total</b>	<b>28,153</b>	<b>6,970</b>

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**EXPLANATORY NOTES (CONTINUED)**

**10. OTHER IMPORTANT DISCLOSURES**

**10.1: PENDING ACCOUNTS PAYABLE (See attached in 11)**

	<b>2013 - 2014</b>	<b>2012 - 2013</b>
	<b>Kshs'000</b>	<b>Kshs'000</b>
Supply of goods	3,066	-
	<b>3,066</b>	<b>-</b>

## 5.0 Key Challenges, Recommendations and Priority Areas

### Challenges:

- a) Lack of a legal framework to enforce equity and inclusion related constitutional provisions e.g. two thirds gender rule; five percent progressive recruitment and representations of PWDs.
- b) Low brand visibility of the Commission
- c) Inadequate number of commissioners as specified in the law to step up oversight function of the Commission
- d) Inadequate funding to deliver on the complex mandate particularly to facilitate operationalization of the devolution strategy of the Commission
- e) Amounts of effort required to translate affirmative actions into quality leadership are enormous and requires concerted efforts from all stakeholders
- f) Inadequate professional human resource. The Commission has not recruited directors to steer its functions

### Recommendations

- a) Enactment of necessary laws to enforce constitutional provisions on equity and inclusion e.g. two thirds.
- b) Need for increased brand equity and visibility of the Commission
- c) The executive and parliament to appoint remaining Commissioner as per the constitution to increase the capacity of the Commission to manage the multi-dimensional mandate.
- d) Increased funding from the exchequer
- e) Recruitment of essential technical and professional staff.

### Priorities:

The Commission plans to undertake major interventions alongside thematic issues provided in the mandate as follows:-

### Monitoring

- Establish a framework to attain the two thirds gender principle and operationalization of article 100 of the Constitution.
- Monitor the accessibility of public buildings for PWDs & Elderly Persons
- Monitor progress made in closing the equality gap through equalization fund. The case of infrastructure and water sector
- Monitor implementation of recommendations on land use and natural resource management
- Monitor and audit inclusion of minority and marginalized in national and county development
- Establish a database on equality and inclusion
- Monitor compliance of Kenya with at least four international treaties and conventions

## Audits

- Audit of equality and inclusion of the free primary education
- Audit applications of affirmative actions on SIGs development fund: YEDF and UWEZO, equalization fund
- Audit accessibility to education for children with disabilities
- Audit equity issues among children in borstal Homes (children in conflict with Law)
- Audit the status of charitable children Institutions
- Audit applications of equity and inclusion in free maternity program in public health facilities
- Audit of legal framework for managing SGBV cases
- Undertake public inquiries and evoke quasi-judicial powers in matters of public interest
- Develop rules and regulations to the NGE Act 2011

## Coordination

- Coordination meetings -National GBV working group and Women Movement Reference Group
- Coordination Meetings- National Disability & Ageing Working Groups
- Coordination target groups (youth and children working groups) at national and county levels

## Public education and advocacy

- Sensitization of private Sector on the rights of elderly & PWDs
- Sensitization of county governments on the rights of elderly & PWDs
- Sensitization and public awareness on SGBV
- Development of capacity building manuals for the commission ( on human rights, on equity, and on mainstreaming issues of SIGs,)
- Public education programme for private sector on rights of minority and marginalized groups

## Institutional Strengthening

- Operationalize IFMIS/GPAY
- Activate E- procurement
- Recruit at management level (directors), technical level (managers, administrators) and supportive staff.
- Undertake mid-term review of the 2013-2015 strategic plan
- Develop essential internal operational manuals and guidelines (Finance, Human Resource, Transport, ICT and Procurement, institutional communication strategy).
- Operationalize the three regional offices
- Institutional branding and visibility

The Commission also plans to facilitate several interventions including dialogues with select Councils of elders on inclusion and equality principles experts' conference to understand the rights and privileges of minority and marginalized.

## Profile of Commissioners and Chief Executive Officer

### Commissioner Winfred O. Lichuma, E.B.S



Winfred Lichuma, (EBS) is the current Chairperson of the National Gender and Equality Commission (NGEC). Winfred is a Lawyer of over 20 years standing. She holds an LLB from the University of Nairobi, an LLM from the University of Essex in United Kingdom and a M.A in Gender and Development from the University of Nairobi.

She has served as a Commissioner at the Kenya National Commission on Human Rights and has been a legal adviser to the National Aids Control Council. She also has worked as a practicing Advocate of the High Court of Kenya and served as a part time lecturer at the University of Nairobi in department of Gender Studies. She began her career as a Magistrate of the High Court of Kenya, a position she held for ten years and served around the country, growing up the ranks to Senior Resident Magistrate.

Winfred has extensive experience in gender, equality and inclusion and generally a lot of passion in the human rights field with bias to sexual and reproductive health rights and women's rights.

### Commissioner Simon J. Ndubai



Commissioner Simon J. Ndubai is the Vice Chairperson of the Commission and holds a Bachelor of Commerce Degree from Poona University. Mr. Ndubai has served as an Internal Auditor in both the Government and parastatals for a period of over 20 years in various capacities.

Outside his professional duties, he has served as the Treasurer of Elimu Co-operative Society, Chairman of Nairobi Branch of the Association for the Physically Disabled of Kenya, Assistant National Treasurer of the Association for the Physically Disabled of Kenya, Director of the National Council for Persons with Disabilities, Chairman of the Audit Committee of the National Council for Persons with Disabilities, member of the Trustees of Kenyatta National Hospital Superannuation Scheme and Chairman of the Trustees Welfare Committee of Kenyatta National Hospital Superannuation fund.

Mr. Ndubai is an expert on disability. He has been involved in the formulation of Persons with Disabilities Act 2003, Special Education Policy, Disability Policy, and implementation of African Decade for Persons with Disabilities, Constitution making process, formulation of the Convention on the Rights of Persons with Disabilities, and a member of the Mainstreaming Committee on issues of Persons with Disabilities at Kenyatta National Hospital.

**Commissioner Gumato Ukur Yatani**



Commissioner Gumato Ukur Yatani holds an MBA in Human Resource Management from the University of Nairobi. She also holds a Bachelor of Education degree from Moi University. She is currently pursuing her doctoral studies on gender and diversity management at the Vienna University of Economics and business.

Commissioner Gumato formerly worked as an undersecretary in the Office of the President up to 2011. Between 2005 and 2008; Mrs. Yatani worked as the head of organization development and human resource manager with Kenya Red Cross Society respectively. She also worked with the Kenya Post office savings bank as a senior field service training coordinator for Western Union Money transfers. Mrs. Yatani has served in various organizations including being the vice chair of Ewaso Ngiro North Development Authority and Board membership of several local NGO's. She is the convener of the Minorities and Marginalized department and the Chairperson of the Programs Coordination Committee at the Commission.

**Commissioner Dr. Florence Nyokabi Wachira, M.B.S**



Commissioner Dr. Florence Nyokabi Wachira, M.B.S holds a Doctorate degree in Human Resource Management from the Jomo Kenyatta University of Agriculture and Technology, a Master's degree in Gender and Development Studies from the University of Nairobi and a Master's degree in Human Resource Development from Middlesex University Business School in the UK.

Commissioner Nyokabi is a career public servant and her last appointment was as Director of Recruitment and Selection in the Public Service Commission. She has vast knowledge and practical experience in Public administration and Human Resource management and development especially the management of diversity.

She was recognized for her distinguished service in the Public Sector and awarded a National award: the Meritorious Order of the Burning Spear (M.B.S) by His Excellency, the President on December 11, 2012.

She is currently the convener for the youth and children programme in the commission and with a background in Gender issues and Human Resource Management, the managing and implementation of policies in regards to the programme is assured.

**Mr. Paul Kihugu Kuria****Acting Commission Secretary/CEO October 2014 to date**

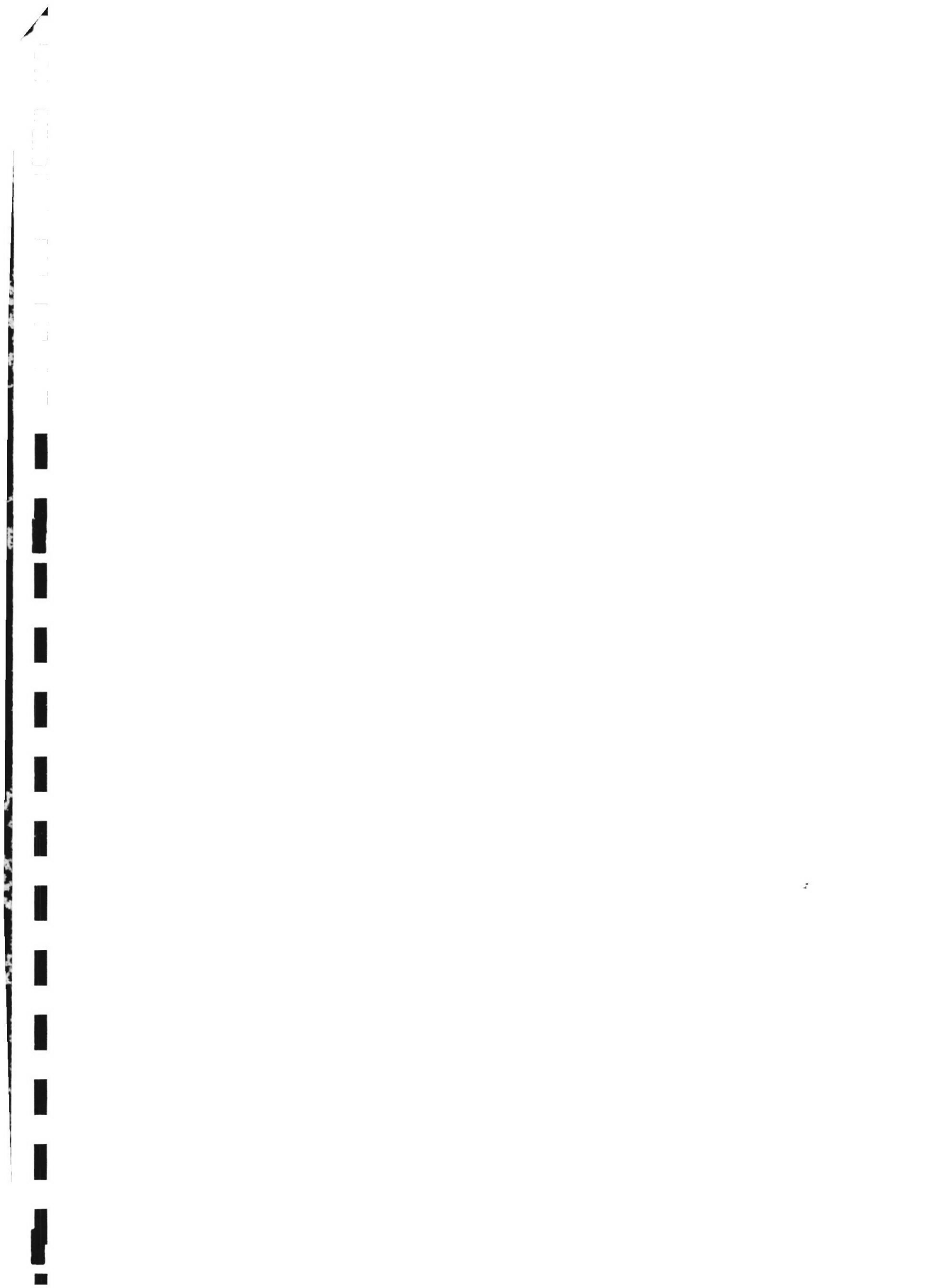
Mr. Kuria has a background in research and metrics, social and behaviour programming and communications. He joined the Commission in February 2013 after serving as the country manager for the Measurement, Learning and Evaluation programme of the University of North Carolina, Chapel Hill between 2010 and 2012.

Mr. Kuria was the former lead coordinator of an RH programme of APHRC funded by David and Lucile Packard Foundation in Kenya. Between 2007 and 2008, he served as a Research Officer in Population Services International, Kenya before rising to the position of Deputy Director Research and Metrics in 2009.

Before his appointment as the Acting Chief Executive Officer, Mr. Kuria was the Deputy Director for Research and Programme at NGEC. He was responsible for establishment of a functional Research and Programme Directorate of the Commission.









**NGEC**

**National Gender and  
Equality Commission**

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