



*Kutetea usawa wa jinsia na haki za
waliobaguliwa na kuupuzwa*



**NATIONAL
GENDER AND
EQUALITY COMMISSION
ANNUAL REPORT**

2011-2012

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Letter to the Speaker of The National Assembly

7 June 2013

Hon. Justin B.N. Muturi

Speaker of the National Assembly

Parliament Building

Parliament Road

P. O. Box 418842

NAIROBI-00100

National Gender and Equality Commission Annual Report 2011-2012

The National Gender and Equality Commission Act 2011 requires that the Commission prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act.

The Commission wishes to present this annual report to the National Assembly in accordance with this legal requirement for your considerations.

Yours sincerely



Prof. Rose O. Odhiambo

Commission Secretary

National Gender and Equality Commission

Abbreviations

CAJ	Commission on Administrative Justice
CIC	Commission on Implementation of the Constitution
CRA	Commission on Revenue Allocation
CSO	Civil Society Organizations
DRH	Department of Reproductive Health
ECOSOR	United Nations Economic and Social Rights
GRB	Gender Responsive Budgeting
GVRCs	Gender Violence Recovery Centres
IEC	Information, Education and Communication
IRC	International Rescue Committee
IWD	International Women's Day
IWGDS	Institute forewomen, Gender and Development Studies
KEWOPA	Kenya Women's Parliamentary Association
KNAP	Kenya National Action Plan
KNCHR	Kenya National Commission on Human Rights
KNHREC	Kenya National Human Rights and Equality Commission
LLM	Master of Laws
MA	Master of Arts
NCGD	National Commission on Gender and Development
NGEC	National Gender and Equality Commission
PEV	Post-Election Violence
PWDs	Persons with Disabilities
SGBV	Sexual and Gender Based Violence
SID	Society for International Development
SOPs	Standard Operating Procedures
TOTs	Training of Trainers
UN	United Nations
UNDP	United Nations Development Program
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNSCR	United Nations Security Council Resolution

Foreword from the Chairperson

I am honoured to submit to the 11th Parliament and all Kenyans, the First Annual Report of the National Gender and Equality Commission since its inception as an independent statutory body. This report presents the activities and achievements of the Commission for the period between July 1 2011 and June 30 2012. The report records the critical transition period in the establishment and functioning of the Commission.

August 2011 marked a watershed moment in the history of Kenya and for the entire gender rights movement, groups and institutions when the 10th Parliament rose to the occasion and voted to restructure the Kenya National Human Rights and Equality Commission (KNHREC) into three distinct Commissions as per article 59(4)&(5) of the Constitution of Kenya 2010. These Commissions are; National Gender and Equality Commission (NGEC), Commission on Administrative Justice (CAJ) and Kenya National Commission on Human Rights (KNCHR)



I wish to thank all those who stood on opposing sides of this debate for contributing to a vibrant discourse that finally saw the establishment of the National Gender and Equality Commission. The equality component has given NGEC a broader mandate of safe guarding and promoting the rights of specific target groups among them women, persons with disabilities, youth, the elderly, children, minorities and marginalized groups and communities. These groups have traditionally been marginalized and overlooked, especially in their participation and inclusion in key decision-making processes. These forms of discrimination have tended to be ignored or are viewed as normal occupational hazards associated with the victims. The Kenya of Constitution 2010 however, guarantees fundamental rights for all Kenyans. This is what makes NGEC remarkably distinct and ultimately necessary.

The Commission spent much of the time of the reporting period developing the skeleton of institutional infrastructure necessary to oversee the transition and prepare recruitment process for the minimal mix of human resource required to implement the mandate, and functions and powers of the Commission. During this period, there was therefore minimal intervention and activities, yet those that were carried out had significant impact on the wellbeing of Kenyans. During the reporting period the Commission commenced the development of its strategic plan to align it with the Constitution and NGEC Act 2011.

As we embark towards the full implementation of our mandate, I wish to urge all Kenyans to take advantage of the opportunities in the Constitution of Kenya 2010. Even as the Commission continues to insist on equality and fairness, vulnerable groups must understand that these rights must be pursued. By this same measure, all Kenyans, the government, the civil society, and all stakeholders must also begin to acclimatize to the very clear principles and standards of equality that must be adhered to as a matter of law. The Commission promises to serve all Kenyans and live to its slogan that aptly states; *"Kutetea usawa wajinsia na haki za waliobaguliwa na kupuuzwa"*, and will establish strong partnership and collaborations with all Kenyans to deliver a just and fair society.

I wish to thank my fellow commissioners, management and staff of the Commission for their commitment during the reporting period. Further, I extend my sincere appreciation to the Office of the President and Parliament for their unwavering support towards helping us fulfil our constitutional mandate.

Mrs. Winfred Osimbo Lichuma
Chairperson
National Gender and Equality Commission

Statement from the Commission Secretary

The National Gender and Equality Commission July 2011 - June 30 2012 Report chronicles critical achievements and experiences during the Commission's formative stage. Despite inadequate financial, technical and institutional capacities, the Commission has achieved notable milestones towards the promotion of gender equality and freedom from discrimination in Kenya. In this period, the Commission advised the government on gender mainstreaming and participated in the reporting of the country status of Women at the 56th session of Commission on the Status of Women in New York. The Commission undertook various public education campaigns on the rights of its target groups as stipulated in the Constitution. Other activities that were undertaken by the Commission included; development of National Action Plan on United Nations Security Council Resolution 1325 on Women, Peace and Security, a training curriculum on Sexual and Gender-based Violence (SGBV) and conducted SGBV capacity building workshops.



In the period under review, the Commission had 13 full-time staff who worked tirelessly to achieve the results stipulated in this report. The Commission engaged in an ambitious resource mobilization plan and raised the funding base of KES.102,000,000 from the government. Development partners including UNFPA, UN Women, Ford Foundation, the Government of Finland, UNDP and the European Union, provided the additional funding to the Commission.

We wish to recognize the distinguished service of Dr. Regina Mwatha who chaired the defunct National Commission on Gender and Development during the reporting period for her transformative leadership and devotion. Her contribution to gender issues is invaluable and the Commission will forever remain grateful to the sacrifices she made to ensure its survival. We are happy to be associated with our development partners who have made it possible for the Commission to deliver on its mandate and we hope to identify additional mutual areas of collaboration in the near future. Through the forthcoming Strategic Plan, the Commission hopes to establish a fully functional institution with necessary human, infrastructural and financial resources to effectively execute its mandate.

Prof. Rose Odhiambo
Commission Secretary

National Gender and Equality Commission

Executive Summary

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 and freedom from discrimination among all Kenyans with special focus on Special Interest Groups (SIGs), notably women, the youth, children, persons with disabilities, the elderly, minorities and marginalized groups and communities. The Commission plays a co-ordination role of facilitating the mainstreaming of issues and principles of substantive gender equality and inclusion with attention to SIGs in national development

The work of the Commission during the 2011/2012 financial year began with the establishment of an institutional structure for delivering the mandate of a newly established NGEC that had just transited from the Kenya National Human Rights and Equality Commission. This followed the restructuring of KNHREC in accordance to Article 59(4) & (5) of the Constitution of Kenya 2010.

Four key broad result areas listed hereunder guided the work of the Commission during the reporting year:

1. Institutional strengthening;
2. Enhancing institutional mechanism for sexual and gender based violence prevention and response in Kenya;
3. Promoting gender mainstreaming in national development;
4. Public education and awareness;
5. Promoting economic and social rights of women and youth;

This report is divided into three parts and describes the work of NGEC in the fiscal year 2011/2012. Part One dwells on the establishment of NGEC and captures the Commission's mandate, functions and powers. It includes a narrative on the political lobbying that led to its establishment.

Part Two is a comprehensive description of the Commission's work through programmatic interventions which include; enhancing institutional mechanism for Sexual and Gender-based Violence prevention and response in Kenya; promoting gender mainstreaming in national development; promoting women participation in peace processes through the development of UNSCR1325 Kenya National Action Plan; public education and awareness; promoting economic and social rights of women and the youth, and institutional strengthening and development. This section describes the key challenges the Commission faced during the reporting period and recommendations thereof.

Part Three comprises of the financial statements for the year 2011/2012 and the Independent Auditor General's report for the period ended 30 June 2012.



PART ONE:
THE COMMISSION

1.1 Composition of the Commission

The National Gender and Equality Commission comprises the Chairperson, Deputy Chairperson and three commissioners. During the reporting period, the commission had two full time and three part time commissioners. The 2011/2012 reporting period was a transition year when some of the commissioners left the office while others joined, some barely less than three months to the end of the financial year. It is anticipated that the Commission will stabilize in the 2012/2013 financial year when an adequate number of full time commissioners will be appointed to enable the Commission deliver on its mandate and start implementing the proposed Strategic Plan.

The plenary sessions of the Commissioners are held quarterly to report on and monitor the Commission's progress towards achieving the strategic objectives set out in the reporting period. The Commissioners play an oversight role and routinely monitor the activities undertaken by the Secretariat, provide the strategic inputs into the organizational strategic thinking, approve policies, practices and procedures that promote corporate governance.

NGEC was established by an Act of Parliament in August 2011 as a successor Commission to the Kenya National Human Rights and Equality Commission (KNHREC) pursuant to Article 59 of the Constitution. NGEC derives its mandate from Articles 27, 43, and Chapter 15 of the Constitution; and Section 8 of NGEC Act (Cap. 15) of 2011, with the objective of promoting gender equality and freedom from discrimination.

1.2 Accounting Authority

The Commission Secretary, who was appointed through a competitive process as per regulations provided for in the NGEC Act 2011, is the Chief Executive Officer of the Commission. The Secretary is responsible for the effective operations and management of the Commission. The Secretariat consists of technical management staff in finance, human resources, administration and program departments. During the reporting period, the Secretariat had a lean staff most of who were burdened with multiple technical roles and responsibilities. The Commission shall in the coming financial year (2012/2013) embark on recruitment of required technical staff to exclusively manage the finance and administration as well as the program and research divisions. Each of the divisions will have a well-established structure and composition of management staff.

1.3 Mandate, Functions, and Powers

The overall mandate of NGEC is to promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution in all spheres of life among all Kenyans with special focus on women, the youth, children, persons with disabilities, minorities and marginalized groups and communities. The functions and powers of the Commission are contained in Section 8 of NGEC Act as follows:

- a. 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;
- b. 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;
- c. Co-ordinate and facilitate mainstreaming of issues of gender, persons with disabilities and other marginalised groups in national development and to advise the Government on all aspects thereof;
 - d. Monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
 - e. 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;
 - f. 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;
 - g. Co-ordinate and advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination;
 - h. Conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
 - i. Receive and evaluate annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination;
 - j. Work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarily 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;
 - k. Prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;
 - l. Conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disabilities, women, youth and children;
 - m. Establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups;
 - n. Perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and
 - o. Perform such other functions as may be prescribed by the Constitution and any other written law.

1.5 Vision, Mission and Core Values

The Vision, Mission and Strategic goal of NGEK are derived from the draft Strategic Plan. These are tentative and will be finalized when the Strategic Plan is ready.

1.5.1 Vision

A society that upholds gender equality, dignity and fairness for all.

1.5.2 The Mission Statement

To effectively and efficiently promote gender equality and freedom from discrimination of all persons in Kenya.

1.5.3 Core Values

The core values constitute shared beliefs and principles that guide the work of NGEK. These beliefs and values are essential and must be upheld at all times because they define the culture of NGEK.



1.6 Strategic Direction

The over-arching goal for NGEK is to contribute to the reduction of gender inequalities and discrimination against anyone, including women, men, PWDs, the youth, children, the elderly, marginalized groups, minorities, and marginalized communities.

1.6.1 Strategic Objectives

1. To create an enabling legal environment to achieve equality in compliance with the Constitution and other written laws and international treaties.
2. To provide comprehensive and adequate response to Sexual and Gender-Based Violence (SGBV)

3. To mainstream the needs and issues of SIGs in the development agenda at both national and county governance systems and private institutions
4. To advocate for financing of substantive equality mechanisms at all levels
5. To build an effective, efficient and sustainable institutional capacity visible at all levels.

1.6.2 Strategies

To effectively address the priority strategic objectives, the following intertwined strategies shall be used in programming:

1. Public education, advocacy, research and advisory
2. Monitoring compliance of laws, policies and international treaties
3. Mainstreaming, co-ordination and collaboration
4. Institutional development and resource mobilization.

1.7 Appointment of Chairperson and Commissioners

Upon establishment of the Commission, the process of recruitment of the Chairperson and Commissioners commenced. Three Commissioners, namely; Tache Bansa Gollo, Naomy Wangai and Lydia Gachoya transitioned from the former National Commission on Gender and Development as stipulated under the law for the remainder of their period on a part-time basis. The three appointed Mr. Peterlis Nyatuga as the Acting Secretary/Chief Executive Officer. Dr. Regina Mwatha had served as the National Commission on Gender and Development (NCGD) Chairperson with Mr. Peterlis Nyatuga as the Secretary for 8 years.

The process of recruiting one Commissioner and the Chairperson proceeded, culminating in the gazettelement of Ms. Winfred Lichuma as the Chairperson and Commissioner Simon Joni Ndubai on 23 March 2012 and Commissioner Ndubai officially reported in April 2012 and the Chairperson in May 2012. Once the Commission was fully constituted as per the law, the recruitment of secretariat staff began. In the reporting period, the Commission prepared various job descriptions and advertised the positions in the local dailies.

During the reporting period the following served as members in the Commission

Name	Position	Sex	Date of appointment	End of Term
Winfred Lichuma	Chairperson	F	November 2011	October 2016
Simon N. Ndubai	Member	M	November 2011	October 2016
Tache Bansa Gollo	Member	M	April 2010	March 2013
Naomy Wambui Wangai	Member	F	April 2010	March 2013
Lydia Wanjogu Gachoya	Member	F	July 2009	June 2012
Dr. Regina G. Mwatha	Chairperson	F	November 2007	September 2011

The background of the entire page is a solid, muted yellow-green color. Overlaid on this background are several faint, semi-transparent silhouettes of human hands raised in the air, suggesting a crowd or a group of people participating in an event. The hands are positioned at various heights and angles, creating a sense of movement and collective action.

PART TWO:

PROGRAMMES REPORT

2.1 Enhancing Institutional Mechanism for Sexual and Gender-Based Violence Prevention and Response in Kenya

In order to strengthen institutional and legal frameworks and processes that support eradication of SGBV, NGECE undertook the following activities to promote institutional mechanisms for response, prevention and management Gender-Based Violence:

2.1.1 Finalization of the Standard Operating Procedures (SOPs) on Clinical Management of SGBV

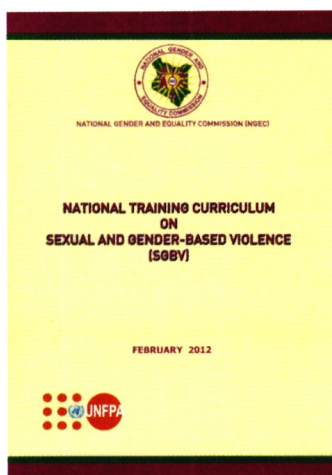
NGECE in partnership with the Department of Reproductive Health (DRH) spearheaded the development of the Standard Operating Procedures (SOPs) for SGBV. The Commission engaged actors from the health, security, legal and psycho-social sectors in the development of the SOPs. The overall goal was to develop a well-coordinated, multi-disciplinary approach to SGBV, where the services provided are standardized, and of high quality.¹

2.1.2 Enhanced National SGBV Co-ordination

NGECE has been coordinating State and non-State actors working on SGBV issues through the National SGBV Working Group. The Working Group is a critical avenue through which information sharing and co-ordination of SGBV interventions by actors are addressed. In the reporting period, the Commission continued to conduct monthly SGBV coordination meetings.

2.1.3 Development of a Multi-sectoral National Training Curriculum on Sexual and Gender-Based Violence

Training on gender-based violence has been haphazard and uncoordinated with each trainer or institution developing their own modules. Yet raising community awareness on SGBV is such a crucial response issue. In order to have a comprehensive and structured way of training on SGBV, NGECE undertook the process of developing a SGBV training curriculum. The process was a consultative one involving State and non-State SGBV actors. The objectives of the training curriculum are to provide quality assurance on SGBV trainings, and support the multi-sectoral approaches aimed at standardizing SGBV response service.



Cover of the National Training Curriculum on SGBV

¹ The ability of all health facilities to comply with the new, harmonized SOP and to shift towards managed care will be heavily dependent upon the infrastructure in these GVRCS

The training curriculum spells out the roles of various actors in the co-ordinated response to sexual violence. The curriculum spells out the contributions of law enforcement agencies, medical personnel (including psycho-social), education and the legal sectors towards a co-ordinated comprehensive national SGBV response.

2.1.4 Capacity Enhancement and Monitoring of Regional SGBV Working Groups

One way that the Commission responds to SGBV at regional and district levels (county levels), is by ensuring coordination of actors through regional SGBV working groups. During the reporting period, the Commission in collaboration with other stakeholders conducted trainings for the regional SGBV working groups in Naivasha, Nakuru and Nairobi to enhance their capacities to Operationalize the national SGBV curriculum to regional levels and respond adequately to incidences and prevalence of gender-based violence. The Commission monitored the activities of the working groups in order to identify gaps, document best practices, and inform quality assurance strategies. Some of the challenges faced by the regional SGBV groups included: lack of rescue shelters for survivors and tedious legal procedures for SGBV survivors seeking legal redress. The Commission hopes to use its current Legal, Complaints and Investigations department to address some of the challenges raised, and to advise the national and county governments accordingly.

2.1.5 SGBV Information Management System (SGBVIMS)

The SGBV IMS is a monitoring tool whose objective is to have a standardized method of data collection, analysis and sharing of SGBV statistics.

The Commission with support from UNFPA scaled up the applications of SGBVIMS by installing the data base and interface programs in public hospitals at the Rift Valley Provincial General Hospital, Naivasha District Hospital, Kenyatta National Hospital, Thika Level 5 District Hospital, Kitale District Hospital and Migori District Hospital. The hospitals are now able to capture cases of rape or defilement in a timely fashion and use the data to inform response mechanisms. Cases of assault are also recorded in real time because the SGBV IMS is integrated into the hospital information management systems. Due to this initiative, varied and reliable data on SGBV is now available in the selected areas.

2.1.6 Advocacy on Gender- Based Violence (SGBV)

SGBV advocacy has been one of the strategies employed by NGEC towards eradicating gender centered violence. In the reporting period, NGEC used the opportunity offered by the 16 Days of Activism against Gender Violence annual global campaign, to raise awareness on GBV causes, effects, prevention and response. NGEC spearheaded the national launch event that took place at City Park, in Nairobi's Parklands area and co-ordinated other activities during the 16 days of activism campaign. Since 2010, the global theme for the 16 days of activism has been 'From Peace in the Home to peace in the World: Let's challenge militarism and end violence against women'. In the reporting period, the Commission, together with stakeholders adopted the theme 'Vote Peace, Stop Sexual Violence' (Chagua Amani, Komesha Dhuluma ya Kijinsia). The theme resonated well with the Kenyan situation allowing the 2007/2008 post-election violence that brought adverse effects including physical and sexual violence against women and girls. With elections being a year away at that time, the theme was adopted in order to call for peace before, during and after elections.

The national campaign activities during this period of 16 days of activism raised awareness about gender-based violence as a human rights issue at the community, national, regional and international levels and provided forums in which organizers developed and shared new and effective strategies.

2.2 Promoting Gender Mainstreaming in National Development

In order to address issues of gender equality and the empowerment of women, NGEC has also been working towards mainstreaming women's rights and gender equality into national legislation, formulation of policies and programs and budgeting. In achieving this NGEC undertook the following activities:

2.2.1 Monitoring of Gender Indicators Under the Performance Contracting Process

NGEC has been the lead state agency responsible for monitoring public institutions' implementation of the gender related performance contracting indicators under the performance contracting systems. The current gender related performance indicators that public institutions are required to report include:

- i. the development and implementation of a gender policy to guide gender mainstreaming activities
- ii. collection of sex disaggregated data to guide planning and programming;
- iii. development of a workplace policy on gender based violence;
- iv. baseline surveys to gauge the level of gender mainstreaming; and,
- v. Compliance with the 30 percent gender representation policy on appointments, promotions and employment.

In line with these gender indicators, NGEC has disseminated the reporting template among public institutions. It receives quarterly reports from public institutions on the gender related performance indicators. NGEC then gives feedback on the performance indicators and the way forward. However, the review of the tool is underway to include the expansive mandate of NGEC. However, the Commission currently lacks an automated data base for recording, archiving, and analyzing the data. The Commission plans to invest in an institutional data base system to collate data on revised indicators and develop dashboards on performance in mainstreaming issues of gender and by extension those of children, youth, persons with disabilities, minorities and marginalized groups and communities.

2.2.2 Development of Gender Responsive Budgeting (GRB) Guidelines

To ensure that national planning and budgeting is gender responsive, NGEC developed national GRB guidelines, which are intended to facilitate the mainstreaming of gender issues in national planning and budget making processes. These guidelines will assist state agencies in integrating gender responsive principles in planning and financial decisions, and to reduce existing disparities in opportunities between males and females. In the coming financial year (2012/2013), the guidelines will fit well with the revised vision of the Medium Term Expenditure Framework that requires state agencies and ministries to rationalize their budgets and present them on the basis of the programs, corresponding outputs, objectives and outcomes

The process of developing the GRB guidelines was fully participatory and involved both State and non-State actors. Following the successful development of the guidelines, NGEC trained government planning and budgeting officers on the guidelines in order to facilitate them in the integration of gender equality principles in their planning and budget preparation work.

NGEC prepared advisories to the Commission on Implementation of the Constitution (CIC) and Commission on Revenue Allocation (CRA) on the integration of the principles of gender equality and non-discrimination in the development of the formula for revenue sharing among counties. Five discussion papers were shared with the CRA who in turn, used them to inform the review of their proposed formula for revenue sharing.

NGEC also convened a public forum in partnership with the Society for International Development (SID), to discuss the formula and to propose ways in which gender principles could be integrated into the formula. Finally, NGECE provided technical advice to KEWOPA and the Parliamentary Budget Office on the integration of gender issues in the rationalization of public resources.

2.3 Promoting Women Participation in Peace Processes

In Kenya, women remain largely excluded from peace and security processes despite their efforts in preserving social order and peace building advocacy at the grassroots. The country is also a signatory to international instruments, which explicitly call for women's participation in decision making at all levels. This marginalization hinders efforts to build sustainable peace and stable communities in Kenya.

In the aftermath of the disputed presidential election of December 2007, and the victimization of women and girls during the post-election violence (PEV), a memorandum was presented calling for the implementation of the UNSCR 1325 on Women, Peace and Security³. The UNSCR 1325, which was adopted in 2000 calls for the participation of women in all processes for conflict prevention and resolution. It also calls for the protection and promotion of women's rights in conflict-affected situations, and for the mainstreaming of a gender perspective in all processes of peace building.

In line with the above and for the purposes of promoting women participation in peace processes, NGECE coordinated the development of the Kenya National Action Plan on Women, Peace and Security (KNAP). NGECE also facilitated county-level consultations in Nakuru, Kisumu, and Nyeri of women organizations, Civil Society Organizations (CSOs) and government actors involved in peace and security matters within these regions. These forums provided an opportunity for participants to identify the priority security issues for women and girls within their areas. In the forums, NGECE created awareness on the UNSCR 1325. The draft KNAP was also subjected to regional level stakeholders' validation.

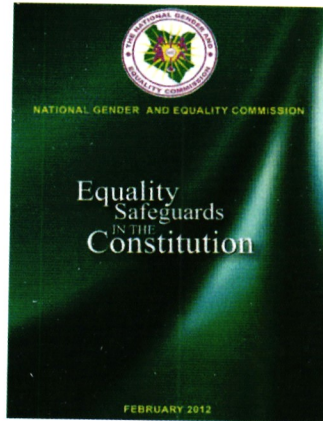
2.4 Public Education and Awareness Creation

In recognition of the new constitutional mandate of NGECE, and the limited public knowledge on the same, NGECE undertook regional civic education forums. Participants were sensitized on the mandate of the newly formed NGECE, gender mainstreaming approaches, rights of persons with disabilities (PWDs), youth, children and on the UNSCR 1325.

These forums targeted members of the provincial administration, local authorities, religious organizations, members of CSOs working on the issues of women, PWDs, and district Gender and Social Development Officers and youths. Aware of the need to encourage full participation of PWDs, participants with hearing and visual impairment were provided with sign-language interpreters and Braille materials. This demonstrated NGECE's

³ Despite being victimized, only 2 women were given the opportunity to participate in the negotiations leading up to the cessation of the violence and the National Accord and Reconciliation Act of 2008

commitment in fulfilling the rights of the PWDs and served as an example to organizations on the best practices concerning PWDS.



Cover of the Equality Safeguards Manual

The Commission developed a simplified version of the equality safeguards in the Constitution which informed the public education and awareness creation. The equality safeguard booklet was used as an empowerment tool to give Kenyans an opportunity to understand the issues that directly and indirectly affect them in the Constitution, which holds great promise for a more equitable and just society.

2.5 Promoting Economic and Social Rights of Women and Youth

To promote the realization of the economic and social rights specified in Article 43 of the Constitution and other written laws, the Commission embarked on an ambitious project dubbed “Working Together for Decent Work in East Africa”. The project contributes to the realization of comprehensive social and economic rights of women and youths in the informal sector.

Workers in the informal economy suffer from what has come to be referred to as “decent work deficits”. Social protection for the informal workforce is not only a basic right but also a sound economic strategy.



Participants Listen Keenly during a Training Session on Entrepreneurial and Life Skills in Korogochi

The project aimed at improving the living and working conditions of women and youth employed in the informal economy. The Commission trained youth and women on entrepreneurial and life skills in Mathare, Korogocho, Dandora and Githurai slums of Nairobi.

2.6 International Instruments

In fulfilling its mandate as the principal organ of the State mandated with ensuring compliance with all treaties and conventions ratified by Kenya relating on issues of equality and freedom from discrimination, the Commission participated in the development of Kenya's report to the Commission on the Status of Women (CSW) to ensure compliance and accuracy as well as to highlight the achievements and challenges towards this goal. The Commission also sent a delegation to New York during the 56th session of the CSW, which took place at the United Nations Headquarters. The Commission's participation at the 56th session of the CSW enabled it to compare experiences from other countries, which can be replicated in Kenya.

2.7 Lobbying for NGECE Establishment

Following the promulgation of the Constitution of Kenya 2010, Article 59(4) of the Constitution established the Kenya Human Rights and Equality Commission, which consequently brought together institutions that had been established to deal with specific issues such as gender equality. This provoked the then NCGD to introduce a highly contested debate for the need to establish a separate institution to deal with the equality mandate.

The Commission in collaboration with Kenya Law Reform Commission drafted the National Gender and Equality Commission Bill that not only addressed gender issues but also included the equality mandate. A series of forums with women's rights organizations, members of parliament, organizations working on issues of PWDs and the Ministry of Gender, Children and Social Development were held, all fronting the argument for the need of a separate Commission from the human rights one. This work was largely supported by UN Women and UNFPA. In August 2011, Parliament enacted the NGECE Act.

2.8 Institutional Strengthening

As a new institution, the Commission embarked on the process of establishing the institutional infrastructure required to deliver its huge mandate. The following initiatives have been undertaken in period under review:

2.8.1 Strategic Planning

To define a strategic direction, NGECE embarked on the development of its first Strategic Plan. The Commission conducted two consultative forums with stakeholders at national and county levels. The consultations laid the basis for the Commission's vision, mission, core values and strategic objectives as per the new mandate. The strategic plan will be finalized in the next financial year.

2.8.2 Staffing

To effectively deliver on its mandate the Commission started the process of recruiting additional staff for the purposes of strengthening its human resource base. Advertisements of vacant positions were placed on the daily newspapers. The recruitment process will be finalized in the next financial year.

2.8.3 Staff Development

To maintain professionalism, the Commission sponsored its staff for training locally and abroad. Members of staff were trained on; Peace building and Diplomacy as well as Management principles, which was in line with the Commission's commitment in ensuring staff career progression and succession planning.

2.8.4 Acquisition of Adequate Office Space

In November 2011, the Commission acquired additional office space (2,800 sq.ft) on the 24th Floor, Western Wing of NSSF Building and in March 2012, an additional 3,200 sq.ft. was acquired to accommodate the growing number of staff. The new office spaces were renovated and partitioned. With new offices, the Commission was able to accommodate four commissioners, a boardroom, program offices and storage space. Office furniture and ICT equipment were also purchased. To deliver services to Kenyans across the counties, the Commission further embarked on the process of acquiring new offices at the county level. Field surveys have identified suitable locations and premises for this purpose. In the next financial year, the Commission will engage in the expansion process.

2.8.5 Information Technology

In the reporting year, the Commission managed to improve network connectivity by implementing a cheaper, stable and faster fiber optic cable connection. This will allow scalability as the size of staff increases and allow the efficient and effective exchange of information over the fiber, which is necessary to support the achievement of the Commission's mandate.

This new infrastructure also lays out a backbone for the implementation of a client-server network architecture that will be rolled out in the next financial year. Among services envisioned to ride in the new technology include; robust email exchange server, collaboration and hosting of web applications.

2.9 Challenges and Recommendations

During the reporting period, the Commission faced numerous challenges most of which are currently being addressed while others will continue to be tackled in the next financial year.

Visibility: The Commission has had limited visibility among the public both at national and county levels. In an effort to increase the institutional visibility and improve delivery of services to the most vulnerable population, the Commission will need to raise enough funding to establish county offices and establish a strong brand among Kenyans through mainstream media and IEC materials:

Recommendation: NGEC should in the next financial year establish offices in a minimum of ten counties and develop and implement a sustained branding campaign. The campaign must at the basic involve a logo, slogan, signature, and messages around added value of having NGEC in Kenya.

Clarity of purpose: During the reporting period, there has been limited clarity of the functions and interventions of NGEC among private and public sectors in relation to roles and functions of other state commissions and ministries. Most notable is the 'grey areas' in functions of NGEC in respect to those undertaken by the Ministry

of Gender, Children and Social Development, the National Council of Persons with Disabilities, the National Council of Children's Services, the National Youth Council, Commission on Administration of Justice, and the Kenya National Commission on Human Rights.

Recommendation: NGEC has taken the initiative to consult relevant stakeholders and develop jointly where possible, technical documents, plans and program planning to ensure there is no over-lap in the clarity of purpose at all levels including clarity of target groups and their level of involvement. This process will continue until each of the parties has fully institutionalized their purpose. These stakeholders include; Ministry of Gender, Children and Social Development, the National Council of Persons with Disabilities, the National Council of Children's Services, the National Youth Council, Commission on Administration of Justice, and the Kenya National Commission on Human Rights.

Complexity of the mandate: Principles of equity, freedom from discrimination and definitions of the special interest groups such as minority groups is complex, multi-dimensional and abstract. The Commission has been engaging various stakeholders including the Constitutional Court to seek for technical clarity and operationalization of each of these principles and variables. Lack of clear definitions and operational guidelines has a negative impact when it comes to fund-raising efforts as development partners may fail to see tangible benefits arising from their investment.

Recommendations: NGEC will propose rules to the NGEC 2011 Act and continue to seek technical clarifications from Parliament, Constitutional Court, and other national organizations among other stakeholders on the most suitable approaches of simplifying the Commission's mandate to the public.

Inadequate Financial Resources: Given the huge mandate of the Commission, and the spread and coverage of the Constitutional Special Interest Groups in the country, it's clear that the Commission will require a correspondingly well-developed institutional framework consisting of staff, county office spaces, IT infrastructure and various other requirements. Such an institutional framework will require a minimum of Ksh 800 million shillings per year.

Recommendation: Through this report, NGEC is appealing to the Government to raise the funding base for the Commission in the next financial year. The Commission on its part will develop a resource mobilization strategy and is committed to raising at minimum Ksh. 200 million per year to meet the financial deficit to effectively and fully deliver on its constitutional mandate.



PART THREE:
FINANCIAL REPORTS

REPUBLIC OF KENYA



KENYA NATIONAL AUDIT OFFICE



**REPORT
OF
THE AUDITOR-GENERAL
ON
THE FINANCIAL STATEMENTS OF THE
NATIONAL GENDER AND EQUALITY
COMMISSION
FOR THE YEAR ENDED
30 JUNE 2012**

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 Website: www.kenao.go.ke

REPUBLIC OF KENYA



P.O. Box 30084-00100
 NAIROBI

KENYA NATIONAL AUDIT OFFICE

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE 2012

I have audited the accompanying financial statements of National and Equality Commission set out at pages 13 to 23 which comprise the Statement of Financial Position as at 30 June 2012, and the Statement of Financial Performance, Statement of Changes in Net Assets/Equity and Statement of Cash Flows 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, Section 20 of the Public Audit Act, 2003 and Section 48 (3) of the National Gender and Equality Commission Act, 2011.

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 and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 20 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 Provisions of Section 20 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 audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment including 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 reasonableness of accounting estimates made, 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 respects the financial position of the Commission as at 30 June, 2012, and its financial performance and cash flows for the year then ended, in accordance with International Financial Reporting Standards and comply with the National Gender and Equality Commission Act, 2011.



Edward R. O. Ouko, CBS
AUDITOR-GENERAL

NAIROBI

28 February 2013

NATIONAL GENDER AND EQUALITY COMMISSION
INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE, 2011

INCOME	Notes	2012	2011
Government Grants	3	102,575,002.00	64,000,000.00
Other Income	4	217,252.00	1,637,650.00
Total Income		102,792,254.00	65,637,650.00
EXPENDITURE			
Staff Cost	5	17,066,125.40	21,771,033.00
Communication Supplies and Services	6	1,571,701.60	1,031,168.00
Domestic travel and Subsistence	7	2,471,875.00	490,317.00
Foreign travel and Subsistence	8	6,265,224.00	1,615,825.00
Printing Advertising and Information Supplies	9	4,626,988.00	1,846,319.00
Rentals of produced assets	10	4,733,469.00	1,920,246.00
Training expenses	11	4,227,260.00	-
Hospitality supplies and services	12	16,842,528.00	28,941,159.00
Insurance cost	13	3,905,126.00	2,269,595.35
Specialised Materials and Supplies	14	-	33,240.00
Office and General supplies and services	15	2,327,352.00	806,515.00
Fuel, Oil and Lubricants	16	1,461,924.00	561,005.00
Other Operating expenses	17	5,673,349.00	454,221.00
Routine Maintenance - Motor Vehicles	18	1,494,193.03	976,219.96
Routine Maintenance - Other Assets	19	24,600.00	29,300.00
Government Pension and Retirement Benefits	20	4,294,969.00	-
Refurbishment of Buildings	21	2,886,776.00	-
Depreciation expense	22	4,607,532.29	1,357,101.62
Amortisation expense	23	223,500.00	223,500
Bank Charges		-	4,850.23
Total Expenditure		84,704,492.94	64,326,765.62
Net Surplus/(Deficit)		18,087,761.06	1,310,884.38

Signed by:

Acting Commission Secretary: Emily Engaya Signature: [Signature]Accounts Assistant: Beatrice Njengya Signature: [Signature]

NATIONAL GENDER AND EQUALITY COMMISSION
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE, 2012

FIXED ASSETS (NBV)	Notes	6/30/2012 KSH	6/30/2011 KSH
Furniture and Fittings	22	5,025,837.47	1,201,380.25
Computers	22	1,340,616.00	776,618.71
Equipment	22	1,660,908.53	691,088.04
Motor Vehicles	22	11,700,969.11	2,922,730.40
		19,728,331.11	5,591,817.40
Intangible Assets	23	223,500.00	447,000.00
Total Non-Current Assets		19,951,831.11	6,038,817.40
Current Assets			
Accounts Receivable	24	87,000.00	134,000.00
Salary Advance	27	-	39,006.00
Cash at Hand		11,965.25	247,813.25
Internal Borrowing - UNFPA	25	9,744.00	9,744.00
Bank Balance		6,615,458.10	574,010.75
Total Current Assets		6,724,167.35	1,004,574.00
Current Liabilities			
Account Payable	26	2,065,592.00	520,746.00
Net Current Assets		4,658,575.35	483,828.00
Total Assets		24,610,406.46	6,522,645.40
FINANCED BY			
Capital Fund		4,829,350.00	4,829,350.00
Retained Earnings/Reserves	29	19,781,056.46	1,693,295.40
Total Capital		24,610,406.46	6,522,645.40

Signed by:

Acting Commission Secretary:

Emily Engaga

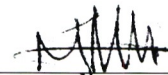
Signature:



Accounts Assistant:

Beatrice Nyenga

Signature:



**NATIONAL GENDER AND EQUALITY COMMISSION
CASH FLOW STATEMENT
FOR THE YEAR ENDED JUNE, 2012**

2012	Kshs.	Kshs.
Cash flow from operating activities		
Net surplus/(Deficit)		18,087,761.06
Adjustments for :		
Depreciation	4,607,532.29	
Amortization	223,500.00	4,831,032.29
Changes in working capital		
Decrease in Accounts Receivable	47,000.00	
Increase in Accounts Payable	1,496,934.00	1,543,934.00
Net cash flow from operating activities		24,462,727.35
Cash flow from investing activities		
Purchase of fixed assets		(18,647,384.00)
Cash flow from financing activities		
Internal borrowing-UNFPA		(9,744.00)
Net increase in cash and cash equivalent		5,805,599.35
Cash and cash equivalent at the beginning of the period		
Cash	247,813.25	
Bank	574,010.75	821,824.00
Cash and cash equivalent at the end of the period		6,627,423.35
Cash and cash equivalent at the end of the period		
Cash	11,965.25	
Bank	6,615,458.10	
Cash and cash equivalent at the end of the period		6,627,423.35

Signed by:

Acting Commission Secretary:

Emily Engaga

Signature:



Accounts Assistant:

Beatrice Njeng'a

Signature:





PART FOUR:
APPENDIX

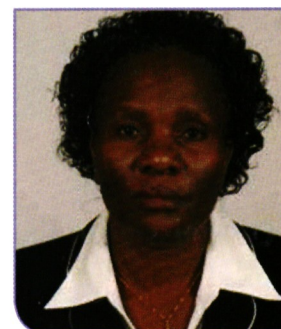
Profile of the Current Commission

Chairperson

Winfred Lichuma is the current Chairperson of the National Gender and Equality Commission (NGEC). Winfred is a lawyer of more than 20 years' standing. She holds an LLB from the University of Nairobi, an LLM from the University of Essex in the United Kingdom and a MA in Gender and Development Studies from the University of Nairobi.

Previously 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. She began her career as a magistrate in the Kenya Judiciary, a position she held for ten years and served around the country, rising to the rank of Senior Resident Magistrate.

Winfred has wide-ranging experience in gender mainstreaming and in human rights area and programming.



Commissioner Tache Bansa Gollo

Commissioner Tache Bansa Gollo is the Vice Chairperson, of the National Gender and Equality Commission. He holds a Bachelor of Education degree from Catholic University of Eastern Africa and has a wealth of experience spanning over twenty-six years in both public and private institutions. Through hard work, Mr Bansa rose from a teacher to high school principal. He has also held various other positions including that of Credit Chairperson, Isiolo Teachers Sacco Society Limited and Assistant Executive Secretary of the Kenya National Union of Teachers, Isiolo Branch.



In addition, Mr. Bansa has served the nation in the following capacities; The Chairman, Board of Directors Ewaso Nyiro North River Basin Development Authority, the Chairman, Regional Board (Upper Eastern) Kenya Red Cross Society a position he holds up to date. From 2010, Tache Bansa served as a Commissioner with the then National Commission on Gender and Development, which is now the National Gender and Equality Commission.

Commissioner Tache has wide knowledge in issues affecting pastoralist groups and marginalized communities.

Commissioner Simon Joni Ndubai

Commissioner Simon J. Ndubai is a BCom graduate from Poona University. Mr. Ndubai has served as an Internal Auditor in Government and various parastatals for over 20 years in a number of capacities. He has also served as:

Treasurer, Elimu Co-operative Society; Chairman, 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. He has also served as a 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 issues concerning people with disabilities. 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 Naomy Wangai

Commissioner Naomy Wangai is an experienced educationist with over 15 years of progressive leadership in the education sector. Ms. Wangai was the first woman to be appointed as Director of education in the year 2001. She has a Masters degree in psychological counselling and is currently finalizing her PhD in education psychology.

Commissioner Wangai is also the founder of the gender department in the Ministry of Gender, Children and Social Development. She brings a wealth of experience in policy formulation and leadership. Commissioner Wangai is passionate about empowerment of the youth especially through provision of quality education. She believes in the empowerment of women and envisions a future where men and women enjoy equal rights.



Commission Secretary Prof. Rose Odhiambo



Prof. Rose A. O. Odhiambo joins the Commission with a solid background in Gender Mainstreaming, Scientific Research, Curriculum Development and Institutional Management. She worked for the Kenya Medical Research Institute as a Research Officer, and Egerton University's Department of Biological Sciences as a Senior Lecturer, where she headed the University's Institute for Women, Gender and Development Studies (IWGDS) for over 10 years.

She has collaborated extensively with Duke University (USA) in areas of Global Health and HIV/AIDS. She worked with Hull University (UK) to publish a book on Gender Inequality in Kenya, Makerere University, Golda Meir Institute in Israel and the Association of Commonwealth Universities (Gender Training and Women & Leadership in Institutions of higher). She has undertaken Gender Mainstreaming research.

She chairs various boards of schools, the Rift Valley Adventist Secondary School and Owiro Akoko Girl's Secondary School in Nyanza. She is a member of the African and American Association of Universities and a co-founder of the Women's Institute of Secondary Education and Research (WISER), an all girls' institution that offers fully funded education to underprivileged students. She is a member of the National Bio-ethics Committee and National AIDS Control Council-National Scientific Committee.

Prof. Odhiambo is the Trust secretary of Egerton University's Pension Scheme and a Certified Trustee of Hummer Centre for Employee Benefits, Toronto, Canada.

Profile of the 'Transitional' Commission

Commissioner Regina Mwatha

Commissioner Regina Mwatha was the chairperson of the National Gender and Development Commission from 2007 to 2011. The NGDC is the predecessor of the Kenya National Gender and Equality Commission that came into being after the promulgation of the Constitution of Kenya in August 2010.

Dr. Mwatha holds a PhD in Sociology from the University of Reading, UK and has over 15 years experience in Gender and Development issues. She has served in numerous private, public and international organisations in various capacities. She is a gender specialist at the Department for Policy Management Forum /United Nations Economic Commission for Africa UNECA (DPMF); she is the president of the Organisation of Social Scientists in Eastern and Southern Africa (OSSREA); a gender consultant for the International Confederation of Free Trade Unions Africa, (ICFTU-AFRO) and International Labour Organisation (ILO) as well a consultant with the East African Community on citizen's rights.

As chair of the Commission, she gave the commission a national visibility. She negotiated for improved funding for the commission from 2008 to 2010. This helped to quadruple government funding while assistance from partners has more than tripled.

Dr. Mwatha brought on board much needed expertise and experience in gender and equality issues, governance, advocacy and lobbying, research, community mobilization, training, facilitation, monitoring and evaluation, organizational management, and performance management.



Commissioner Lydia W. Gachoya



Commissioner Lydia W. Gachoya is a seasoned Human Resource specialist and has worked extensively in the private sector both locally and internationally up to director level. She holds a Bachelor of Education (B.Ed) from the University of Nairobi and is a member of the institute of Personnel Managers in Kenya and the UK. She also holds a postgraduate diploma in Institutional and Project Management.

Her active involvement in matters of affirmative action for women saw her appointed and gazetted as a Commissioner to the National Gender and Development Commission. She later transited to the National Gender and Equality Commission in July 2011 as per the NGEC Act. Commissioner Gachoya is the Kenya Women representative to the Great Lakes Region Women Forum and is a member of the Great Lakes Region Steering Committee on Peace and Security focusing on the

National Action Plan towards implementation of the United Nations Security Council (UNSCR) 1325.

Mr. Peterlis Nyatuga

Mr. Peterlis Nyatuga is the former Director of the National Commission on Gender Development now National Gender and Equality Commission (NGEC). He holds a Bachelor of Education from the University of Nairobi and a Masters in Marketing Management from the University of Lancaster, U.K.

Mr Nyatuga developed and implemented the strategic plan of the Commission between 2005 and 2008, prepared the Service Charter, established a resource center on Gender Development and developed a National Framework towards Response and Prevention of Gender-based violence in Kenya which was launched on 9 December, 2009. He also conducted Situational Analysis of Sexual and Gender Based violence in the Internally Displaced Persons (IDPs) camps after the post-election violence among other achievements.

