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ANNUAL REPORT





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List of Abbreviations

AGN	African Group of Negotiators
AIDS	Acquired Immuno-deficiency Syndrome
APDK	Association of Physically Disabled Persons of Kenya
CAJ	Commission on Administrative Justice
COP	Conference of Parties
CREAW	Center for Rights Education and Awareness
CRPD	Convention on the Rights of Persons with Disability
FDSE	Free Day Secondary Education
FGM	Female Genital Mutilation
FIDA	International Federation of Women Lawyers
FPE	Free Primary Education
GRB	Gender Responsive Budgeting
HIV	Human Immuno-deficiency Virus
JSC	Judicial Service Commission
KCSE	Kenya Certificate of Secondary Education
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KNH	Kenyatta National Hospital
KPA	Kenya Ports Authority
MDAs	Ministries, Departments and Agencies
NCPWD	National Council for Persons with Disability
NGEC	National Gender and Equality Commission
PWDs	Persons with Disabilities
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
UN	United Nations

STATEMENT FROM THE CHAIRPERSON

I am pleased to present to you the National Gender and Equality Commission's (NGEC) 2015-16 Annual Report. This is the fourth report since the establishment of the Commission. We have continued to execute our mandate faithfully and diligently pursuant to the Constitution of Kenya 2010 and the National Gender and Equality Commission Act, 2011.

The 2015-16 year in review was marked by both exciting highs and notable lows. Despite the momentous challenges that we faced, I am proud to say that we delivered the best achievements possible in influencing policy, issuing advisories, investigations and dispute resolutions, coordination, monitoring and auditing the application of the principles of equality and inclusion in the national and county governments and the private sector.

As a Commission we are happy to have steered for close to two years the process of developing a practicable legal framework for the realization of the not more than two thirds gender principle. It is however regrettable that despite investing heavily in mobilizing support for this bill, the National Assembly was unable to pass the legislation. There is palpable likelihood that the country will be plunged into a constitutional crisis if a framework is not in place by the next General Election.

On a positive note, the Commission participated in the historic negotiation and signing of the Paris Climate Change Agreement during the 21st session of the Conference of Parties (COP21) held in France in November 2015. The Commission also participated in the 44th sessions of the Subsidiary Body for Implementation (SBI44) and Subsidiary Body for Scientific and Technological Advice (SBSTA44) in May 2016 in Bonn, Germany. The Commission made valuable contribution in these fora, gained vital lessons on best practices and networked with various stakeholders.

I am happy to report that we have managed to secure the support of County governments to adopt gender responsive budgeting as well as in the fight against gender based violence through our three year campaign "Keeping the Promise, End Gender Based Violence". In the next financial year, the Commission will be releasing a Report on the Drivers of Child Pregnancies in Kenya with critical recommendations to various stakeholders to take specific measures to mitigate the vice. This follows a successful inquiry conducted in 6 select counties on the prevalence of the problem.

I wish to especially 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. I also wish to sincerely thank the Commissioners and staff for their 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 upon us to promote gender equality and freedom from discrimination.

Winfred Osimbo Lichuma, E.B.S
Chairperson
National Gender and Equality Commission

FOREWORD FROM THE COMMISSION SECRETARY

The year 2015-16 provided an opportunity for the Commission to scale up its major programmatic interventions and venture into new territories especially at the International stage where the Commission gave valuable contribution in the design of the Climate Change Convention in Paris, France.

During the reporting period, the Commission concluded the First Country Status Report on Equality and Inclusion at national and county government levels on four critical sectors, namely, Education, Employment, Political Participation, and Social Protection. The report, which will be launched in the next financial year revealed glaring inequalities highlighted not only in the selected sectors but also among counties in Kenya.

In the same period the Commission installed a Sexual and Gender Based Violence (SGBV) information system through support of the International Training and Education Centre (I-TECH) Kenya and LVCT Health. The system provides a coordinated mechanism for monitoring and reporting on the progress of SGBV prevention and response in Kenya.

In yet another groundbreaking milestone, the Commission completed the Mapping of Ethnic Minorities and Marginalized Communities in all the 47 counties in Kenya. The preliminary findings indicate that these communities are found in almost all the counties, thus confirming the diversity of our country and the need to acknowledge and embrace the principles of equality and non-discrimination as stipulated in the Constitution.

Concerning public education and advocacy in integrating the principle of equality in both public and private spheres, the Commission unveiled a national multi-media campaign dubbed “**Tubadili, Tusitawi Pamoja**” and was honoured to have His Excellency President Uhuru Kenyatta launch the campaign on 13 August 2015. The campaign carries a strong community based advocacy plan and actions around political representations with a view to re-sensitizing citizens, political, faith and community leaders as well as the private sector about the economic and social values of equity and inclusion.

We attribute these immense achievements to the dedication and competence of our able staff at the Commission. The Commissioners’ strategic, policy and programmatic guidance throughout the whole process was useful at all times. We sincerely appreciate these efforts. The involvement and active participation of our key stakeholders formed a springboard to our achievements. In the coming year, the Commission will conclude reviewing its strategic plan and expand its programmatic interventions through well-

reasoned activities that resonate with the core mandate while responding to the needs of the special interest groups. Finally, I want to highlight the low levels of complaints handled by the Commission concerning discrimination despite existence of many such cases across the country. The Commission shall invest more resources with a view to positioning itself as a first stop centre for reporting incidences of inequality, discrimination and abuses of fundamental rights.

PAUL KURIA
Ag. COMMISSION SECRETARY

EXECUTIVE SUMMARY

The National Gender and Equality Commission is a constitutional Commission set up pursuant to Article 59 (4) and (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, with a special consideration of women, youth, children, persons with disabilities, the elderly, ethnic minorities and marginalized groups and communities. The Commission is responsible for the comprehensive integration of the principles of equality, inclusion, and mainstreaming issues of Special Interest Groups (SIGs) at both national and county levels as well as the private sector. This is to be achieved through a five-point strategic plan with the following key objectives:

- a) To create an enabling legal environment to achieve equality in compliance with the Constitution and other written laws, treaties and regulations;
- b) To provide comprehensive and adequate response to Sexual and Gender-Based Violence (SGBV);
- c) To mainstream the needs and issues of SIGs in development at national and county governance systems and private institutions;
- d) To advocate for financing of substantive equality at all levels;
- e) To build an effective, efficient and sustainable institution visible at all levels.

This report is a summary of the achievements of the past financial year 2015/2016 under review; progress made by the Commission in monitoring, auditing, facilitating and coordinating the integration of the principles of equality and inclusion at the national, international and regional levels and a summary of good practices and challenges encountered during implementation of its programmes.

Pursuant to its mandate and functions, the Commission achieved the following among other milestones:

- a) Reviewed 21 Policies, 32 Laws and 57 Bills to ensure compliance with Article 27 of the Constitution of Kenya 2010 on equality and inclusion
- b) Submitted memoranda to 14 specific laws during public participation
- c) Issued ten (10) advisories on integration of the principles of equality and inclusion
- d) Received and processed over 50 complaints related to discrimination of special interest groups
- e) Undertook mapping of ethnic minority and marginalized communities in all the 47 counties in Kenya
- f) Assessed 153 State Corporations to establish the status of representation desegregated by gender, age and persons with disabilities.
- g) Actively lobbied for the passage of a legal framework for the realization of the

- not more than two thirds gender principle in political representation
- h) The Commission was involved in seven public interest litigation cases and in the drafting of principles of clearance for Article 100 on fair representation of PWDs, youth and other minority groups meant to enhance human rights, and access to justice, equality and inclusion and
 - i) Undertook several public education initiatives to promote the integration of the principles of] equality and inclusion in public and private spheres

The report is divided into six chapters. Chapter One describes the mandate, composition and structure of the Commission. Chapter Two is a summary of critical programmatic achievements by key strategic objectives while Chapter Three delves into public education and advocacy interventions. Chapter Four outlines the institutional growth achieved in the past year with regard to personnel, information and communication technology, procurement and in expanding business to youth, women and persons with disabilities. The audited accounts of the financial year 2015/2016 are affixed at Chapter Five while Chapter Six highlights the key challenges, recommendations and priority areas of the Commission for the financial year 2015/16.

CHAPTER ONE

1.0 INTRODUCTION

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

The Commission has its head office in Nairobi with three regional offices in Garissa, Kisumu and Nakuru. Under the provisions of the NGEC Act of 2011, the Commission consists of a Chairperson and four other members appointed in accordance with the constitutive Act. The Chairperson and members of the Commission shall serve on a full time basis for a term of six years. By the end of the financial year, the Commission had a Chairperson, Commissioner Winfred Osimbo Lichuma, and three other members; Commissioner Simon Ndubai (Vice Chairperson), Commissioner Dr. Gumato Ukur Yatani and Commissioner Dr. Florence Nyokabi Wachira.

1.1 Mandate of the Commission

The mandate of the Commission is spelt out under section 8 of the NGEC Act 2011 as follows:

- a) Promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution;
- b) Monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;
- c) Act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and those on special interest groups including minorities and marginalized persons, women, persons with disabilities, and children;
- d) Co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof;
- e) Monitor, facilitate and advise on the development of affirmative action and implementation of policies as contemplated in the Constitution;
- f) Investigate on its own initiative or on the basis of complaints, any matter in respect to any violations of the principles of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;

- g) Work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;
- h) Co-ordinate and advice on public education programs for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- i) Conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- j) Receive and evaluate annual reports on progress made by public institutions and other sectors;
- k) Work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
- l) Prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;
- m) Conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disability, women, youth and children;
- n) Establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups;
- o) Perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and
- p) Perform such other functions as may be prescribed by the Constitution and any other written law.

1.2 Powers of the Commission

Broader powers of the Commission as provided under Article 252 of the Constitution and NGEC Act, 2011 include:

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

Section 27 the NGEC Act 2011 confers the Commission with following powers of a court:

- a) Issue summonses or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation

by the Commission;

- b) Question any person in respect of any subject matter under investigation before the Commission; and,
- c) Require any person to disclose any information within such person's knowledge relevant to any investigation by the Commission.

Other powers include;

- a) Summoning and enforcing the attendance of any person for examination;
- b) Requiring the discovery and production of any document; and
- c) Subject to the Constitution and any written law, to requisition any public record or copy thereof from any public officer.

CHAPTER TWO

2.0 ACHIEVEMENTS FOR THE YEAR 2015/2016

The Commission made significant achievements relating to its mandate and functions pursuant to the Constitution and the NGECA Act, 2011. This chapter details the programmatic results during the period under review.

2.1 Creating an Enabling Legal Environment to Achieve Equality in Compliance with the Constitution and other Written Laws and International Treaties.

2.1.1. Review of Policies, Laws and Bills

Among other functions of the Commission includes monitoring, facilitating and advising on the integration of the principles of equality and non-discrimination in all national and county policies, laws and administrative regulations in public and private institutions. During the year under review, the Commission reviewed 21 policies, 32 laws and 57 Bills as shown in Table 1 to ensure compliance with article 27 of the Constitution of Kenya 2010 on equality and inclusion. In addition, the Commission submitted memoranda to 14 laws during public participation as indicated in Table 2.

Table 1. County Laws, Bills and Policies Reviewed for Compliance with Article 27 in 2015/16

SN	COUNTY	BILLS	LAWS	POLICIES
1	ISIOLO	1. Appropriation Act, 2013, 2014 & 2015		
		2. Outdoor Advertising Bill		
		3. County Revenue Administration Bill		
		4. Flags and Symbol Bill		
		5. Business Licensing Bill		
		6. Ward Development Fund Bill		
		7. Designated Parking Spaces Bill		
		8. Animal Welfare Bill		
		9. Early Childhood Education Bill		
		10. County Tourism Bill		
		11. Isiolo County Bursary Fund Bill		

SN	COUNTY	BILLS	LAWS	POLICIES
2	ELGEYO MARAKWET	1. Disaster and Emergency Management Bill	1. Equitable Development Act 2014 2. Revolving Fund Act 2014 3. Assembly Ward Offices Act 2014 4. Executive Car and Mortgage Loan Revolving Fund Act 2014 5. Community Health Service Policy 2014 6. Flag, Emblems & Names Act 2014 7. Alcoholic Drinks Control Act 2014	1. Environmental Policy 2. Bursary Policy 3. Marketing Policy 4. Tourism Development & Management Policy 5. Supplementary Appropriation Act 6. Emergency Health Medical Services Policy 7. Operational Policies and Guidelines for Management and Administration of County Health Facilities 8. Donation Policy 10. Gender Mainstreaming Policy 11. Youth Policy

SN	COUNTY	BILLS	LAWS	POLICIES
3	KILIFI	1.Ward Scholarship Fund Administration (Amendment) Bill 2015 2.Emblems, Symbols & Order of Protocol Bill 2014 3.Coconut Bill, 2014 4.Scholarship Bill, 2013 5.Mbegu Fund Bill, 2015 6.Health Services Improvement Fund Bill, 2015 7.Roads and Bridges Bill, 2015 8.Transport (Regulation & Control) Bill, 2015 9.Water and Sanitation Services Bill, 2015	1. Liquor Control Act, 2014	-

SN	COUNTY	BILLS	LAWS	POLICIES
4	KISII	1. Ward Development Bill, 2014	1. Teaching & Referral Hospital Act, 2014	1. Fiscal Strategy Paper, 2014
		2. Public Management Health Management Services Fund Regulations, 2013	2. Bursaries Act, 2014	2. Integrated Development Plan, 2014
		3. Public Participation Bill, 2014	3. Assembly Members Loans & Mortgages Act, 2014	3. Approval for Establishment of Sugar Factory at Nyangweta
		4. Ward Offices Bill, 2015	4. Disaster Management Act, 2014	4. Approval of Waiver on Interest on Land Rent
		5. NHIF Support Bill, 2014	5. Flags, Emblems and Names Act, 2014	
		6. Business Licensing Bill, 2015	6. Transport Act, 2014	6. Transport Act, 2014
		7. Trade & Markets Bill, 2015	8. Water Management and Water Sanitation Services Act, 2014	8. Water Management and Water Sanitation Services Act, 2014
		8. County Mechanical Transport Bill, 2014	10. Public Nuisance Act, 2014	10. Public Nuisance Act, 2014
		9. Emergency Services Fund Health Bill, 2013	12. Revenue Administration Act, 2014	12. Revenue Administration Act, 2014
		10. Alcoholic Drinks Control Bill, 2013	14. Outdoor Advertising Act, 2014	14. Outdoor Advertising Act, 2014
		11. Hawking Licensing Board Bill, 2013	16. Finance Act, 2014	16. Finance Act, 2014
		12. Plant Health Bill, 2013	18. Appropriation Act, 2013	
		13. Livestock Sales Yard Bill, 2013	20. Appropriation (Amendment) Act 2013	
		14. Abattoirs Bill, 2013	22. Appropriation Act, 2014	
		15. Animal Welfare Bill, 2013	24. Finance Act, 2013	
		16. Persons with Disabilities Bill, 2014	26. Appropriation (Amendment) Act, 2014	
		17. Youth and Women Empowerment Bill, 2014	28. Trade and Markets Act, 2014	
		18. Ward Development Fund Bill, 2015	30. Trade Credits Scheme Act, 2015	
		19. Health Services Management Fund Bill, 2015		

SN	COUNTY	BILLS	LAWS	POLICIES
4	NYANDARUA	1.Revenue Administration Bill, 2015 2.Water and Sanitation Services Bill, 2015 3.Agricultural Development Authority Bill, 2015 4.Assembly Powers and Privileges Bill, 2015 5.Persons Living with Disability Bill, 2015 6.Pre-Primary and Early Childhood Education Bill 7.Public Participation and Civil Education Bill, 2015 8.Public Appointments (County Assembly Approval) Bill,2015 9.Transport and Traffic Management Bill, 2015 10.Trade and Markets Bill, 2015 11.Health Services Bill, 2015 12.Rating Bill, 2015 13.Tourism Promotion Bill, 2015 14.Co-operative Societies Bill, 2015	1.Alcohol Act, 2014 2.Symbols and Names Protection Act, 2014 3.Bursary Fund Act, 2014 4.Finance Act, 2013, 2014 & 2015 5.Trade Fund Act, 2014 6.Appropriations Act, 2013, 2014 & 2015	

Table 2. Specific Laws to which NGEK Submitted Memoranda during their call for Public Participation

SN	ITEM
1	The Constitution of Kenya (Amendment) (No. 4) Bill, 2015 (Duale/TWG Bill)
2	The Constitution of Kenya (Amendment) (No. 6) Bill, 2015 (Compromise Bill by Kewopa)
3	The Constitution of Kenya (Amendment) Bill, 2015 (Sijeny Bill)
4	The Constitution of Kenya (Amendment) Bill, 2015 (The Green Amendment by Hon. Neto)
5	The Election Laws (Amendment) Bill, 2015 (Hon. Duale)
6	The Election Laws (Amendment) (No. 2) Bill 2015 (Hon. Duale)
7	The Election Laws (Amendment) (No. 3) Bill 2015 (Hon. Chepkonga)
8	The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, 2015
9	The Statute Law (Miscellaneous Amendments) Bill, 2015- National Assembly Bills No. 57
10	Draft Constitution of Kenya (Amendment) Bill, 2015 (Hon. Mwaura on PWDs)
11	The Political Parties (Amendment) Bill, 2016
12	The Access to Information Bill, 2015
13	The Constitution of Kenya (Amendment) (No. 2) Bill, 2013
14	The Health Bill, 2015 No. 14 of 2015

2.1.2. Public Interest Litigation.

During financial year 2015-16, the Commission was involved in seven public interest litigation cases meant to enhance human rights, access to justice, equality and inclusion as listed in Table 3.

Table 3. List of Public Litigation Cases

NO	CASE NUMBER	OVERVIEW OF THE CASE	OUTCOME
1	Petition 313 of 2015	Whether the term “gender” as contained in the Constitution connotes the conventional binary male or female genders or includes a ‘3rdd gender’ and whether or not more than two-thirds gender discourse should include a 3rrd gender with a distinct quota in the National Assembly and the Senate.	Matter is ongoing
2	Petition 12 of 2016	The matter concerns the National Assembly’s act vide the Statute Law (Miscellaneous Amendment) Act, 2015 to delete section 14 (b) of the National Police Service Act (No. 11A of 2011) which was a key provision containing the Constitutional framework for mainstreaming gender equality in the National Police Service especially at top leadership as required by Article 27(6) and (8) of the Constitution which the commission challenges	Matter is ongoing
3	Petition 605 of 2014	This matter concerns the issue of coerced sterilization of women living with HIV and AIDS and violation of constitutional rights especially sexual reproductive health rights	Matter is ongoing

4	Petition 606 of 2014	The matter concerns the coerced sterilization of women living with HIV and AIDS and violation of constitutional rights especially sexual reproductive health rights.	Matter is ongoing
5	Petition 266 of 2015, FIDA and others vs. Ministry of Health and others,	The matter concerns action by the Health Ministry through the Director of Medical Services to withdraw the Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya, despite the Constitution permitting abortion if in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the pregnant woman is in danger.	Matter is ongoing
6.	Petition 50 of 2011 Muslims for Human Rights (MUHURI) vs. Immigration and Others with NGEIC and KNCHR invited as amici curiae by the court	The matter concerns action by the government to confiscate national identity cards from the Galjeel clan of the Somali tribe in 1990 vide gazette notices 5319 and 5320 of 1989 for allegedly being non-Kenyans and thus holding the cards illegally. The petitioners allege they are Kenyans, they were never screened by the Yusuf Haji Committee and that the action by the government to confiscate their identity cards without recourse rendered them stateless.	Matter ongoing
7	Thomas Nguli (on behalf of the Makonde) VS. Ministry of Interior and National Coordination & Department of Refugee Affairs	This concerns discrimination of minority and marginalized groups. The Makonde, who are immigrants from Mozambique, complained of being discriminated on the basis of their ethnicity. Ever since their forefathers immigrated into Kenya they have never been issued with identification cards and are therefore surviving as a stateless community in Kenya.	The President issued a directive that all eligible stateless Makonde people be issued with national identity cards by December, 2016 and subsequently with land title deeds.

2.1.3. Powers relating to investigations

The NGEC Act 2011 provides that, “The Commission may, for the purpose of conducting any investigation pertaining to an inquiry, employ the services of any public officer or investigation agency of the Government at the expense of the Commission”. During this period, the Commission, using the police facilitated the arrest of a parent for failing to take her child to school. The Commission further developed an agreement with the parent on modalities of meeting her parental obligations and responsibilities and the child is currently enjoying her fundamental right to education.

2.1.4. Advisories

The Commission audited, monitored and issued advisories to public institutions on matters pertaining to equality and inclusion in various levels as part of its mandate and function. These advisories arise out of the Commission’s own motion or request from institutions. Over the years the advisories have been very useful in guiding the institutions as relates to issues of equality and non-discrimination during employment and even on career development.

During this past year, the Commission issued ten (10) advisories to public institutions and agencies, which included; the National Assembly, Ministry of Health, Judicial Service Commission, National Council for Persons with Disabilities (NCPWD), the Attorney General’s Office and the President's office as shown in Table 4.

Table 4 List of Advisories Issued to Public Institutions

No	Purpose	Conflict	Recipient	Outcome
1	Advisory on the implementation of the not more than two-thirds gender principle at the Supreme Court of Kenya.	Following retirement Chief Justice Willy Mutunga, Deputy Chief Justice Kalpana Rawal and Justice Philip Tunoi, the not more than two-thirds gender principle should be adhered to during the new appointments at the Supreme Court of Kenya.	Judicial Service Commission (JSC)	Recruitment process not finalized for our further appropriate action
2	Advisory on the implementation of the not more than two-thirds gender principle.	Failure to pass the Constitution of Kenya (Amendment) (No. 4) Bill, of 2015 during Its 1st & 2nd reading on 28th April And 5th May, 2015 respectively.	National Assembly	Petition 37 of 2016 filed by CREAW and Crawn Trust .NGEC to enjoin
3	Advisory on mainstreaming of gender equality.	Statute Law (Miscellaneous Amendments) Bill, 2015-National Assembly Bills No. 57 regarding deleting section 14 (b) of the National police Service Act (No. 11A of 2011) which was a key provision containing the framework for mainstreaming gender equality in the National Police Service especially at top leadership as required by Article 27(6) and (8) of the Constitution.	National Assembly	The Commission consequently filed petition No. 12 of 2016 to challenge the amendment
4	Advisory regarding Employment and Labour Relations Court Cause No 348 of 2013	Enforcement of the award in the Employment and Labour Relations Court Case No 348 of 2013 of Kudheiha vs Association for the Physically Disabled of Kenya (APDK). The Commission was in agreement with the observations by the Court which were in line with the provisions of Persons with Disabilities Act, 2003 and the Convention for the Rights of Persons with Disabilities and advised that the Council adheres to the	National Council for Persons with Disabilities (NCPWD)	The matter to be filed in court

No	Purpose	Conflict	Recipient	Outcome
		same and release to the Association for the Physically Disabled of Kenya monies from the Fund to enable them implement the court order by re-employing the dismissed employees with disabilities and also to adhere to section 33 of the PWD Act which requires them to give money to organizations from the fund		
5	Advisory on compliance with the not more than two-thirds gender principle.	The composition of the National Hospital Insurance Fund Board	Attorney General	Advisory was not respected
6	Advisory on promotion of gender equality.	Replacing a female Deputy Inspector General of Police with a male Deputy Inspector General of Police despite the National Police Service (NPS) Act that requires both deputies must not be of the same gender.	The President	The advisory was not respected
7	Advisory on the inclusion of the rights of children with disabilities on positive Handbook of schools discipline.	Discrimination of children with disabilities in the curriculum on positive Handbook of schools discipline.	Kenya Institute of Curriculum Development	The advisory appreciated by the KICD for incorporation into the curriculum
8	Implementation of the 30% Public Procurement Reservation and Preferences for Youth , Women and Persons with Disabilities	Advisory on Treasury Circular No. 1/2015 Ref: NT.PPD.1/3/26 VOL 1(66) dated 15th January 2015 which directed that entities must ensure that at least 2% of the 30% is reserved for persons with disabilities	Cabinet Secretary –National Treasury	The Commission appeared before the Joint Parliamentary Committee on National Cohesion and Equal Opportunities regarding compliance with the provisions of Public Procurement and Assets Disposal Act 2015 and addressed this issue amongst others.

No	Purpose	Conflict	Recipient	Outcome
9	Enforcement of Adjustment Order in the Public Transport Sector	Compliance with Adjustment Orders issued by the Council (National Council for Persons with Disabilities) to the public transport owners to suit persons with disabilities Impediment in achieving the envisioned results of registration, treatment and rehabilitation of persons with disabilities Designation of a medical practitioner at the County level to sign the medical reports	National Transport and Safety Authority	The component to be addressed in a Joint Project of Access and Mobility of Persons with Disability and Older Persons of Society in Nairobi
10	Exemption from payment of fee for medical examination and reports for persons with disabilities	Impediment in achieving the envisioned results of registration, treatment and rehabilitation of persons with disabilities	Cabinet Secretary –Ministry of Health	Strategic meeting held with the Cabinet Secretary

2.1.5. Complaints and Investigations

One of the key functions of the Commission is to investigate on its own initiative or on the basis of complaints by the public, 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. Complaints constitute a major area of programming for the Commission. The complaints are received in the form of filed reports, referral, and memoranda or directly from clients. Once received, complaints are assessed and response mechanisms and plan designed. Substantive issues from complains inform the Commissions programming.

During the period in review the Commission processed in full 53 complaints on violation of the principles of equality and inclusion as shown in Table 5.

Table 5. Summary of Complaints Received and Remedial Action

a) Discrimination based on Gender					Key issue in the complaint
No.	Reference Number	Gender/Org	Respondent		
1.	NGEC/32/2016	M	Marsabit County Public Service Board		Discrimination based on gender in employ- ment
2.	NGEC/30/2016	M	County Assembly of Marsabit		Discrimination based on gender in appoint- ment
3.	NGEC/22/2016	F	Public Service Commission		Discrimination of women in employment
4.	NGEC/20/2016	M	British High Commission		Discrimination in employment
5.	NGEC/10/2016	F	Individual		Sexual and Gender Based Violence
6.	NGEC/9/2016	M	Kenya National Examinations Council		Discrimination based on sexual orientation
7.	NGEC/43/2015	F	A college of bread & confectionery		Discrimination in placement
8.	NGEC/41/2015	F	Individual		Gender Based Violence
9.	NGEC/38/2015	F	University of Kabanga		Discrimination based on gender at the work- place
10.	NGEC/37/2015	F	Principal of a high school		Discrimination in employment
11.	NGEC/33/2015	F	Individual		Discrimination in promotion at work
12.	NGEC/32/2015	F	A University		Discrimination at the workplace
13.	NGEC/26/2015	F	Kenya Prisons Service		Violation of prisoners human rights
14.	Informal	F	The case of a Kisii woman on IEBC		Discrimination on party nomination list

b) Discrimination based on Disability					Key issue in the complaint
No.	Reference Number	Gender/Org	Respondent		
1.	NGEC/27/2016	F	Kenya Broadcasting Corporation		Discrimination based on disability in overtime
2.	NGEC/26/2016	F	Fly 540		Discrimination based on disability in retrenchment
3.	NGEC/18/2016	F	Smollan Limited		Discrimination based on disability in dismissal
4.	NGEC/5/2016	M	Individual		Discrimination based on disability accessibility
5.	NGEC/1/2016	M	Ministry Of Labour, Social Security & Services		Discrimination based on disability in processing payments
6.	NGEC/25/2015	F	Tharaka Nithi County Assembly		Discrimination based on disability in payment of allowances
7.	NGEC/22/2015	M	Kenya National Examinations Council		Harassment of the Complainant in obtaining his KCSE results slip
8.	Informal	M	Persons with disability against the Kenya National Examination Council		2014 KCSE results not released even after government directive to release all results
9.	Informal	M	Individual (Person with Disability)		Individual grabbing land
		Wayyu (Waata) Community	Kenya National Bureau of Statistics		Change of derogatory community name from Waata to Wayyu

c) Maladministration of Justice				Respondent	Key issue in the complaint
No.	Reference Number	Gender/Org			
1.	NGEC/21/2016	M		Employer and the Labour Office	Maladministration of justice in employment process
2.	NGEC/14/2016	F		Ampath Plus- Usaid/Mtrh	Maladministration of justice in medical attention
3.	NGEC/4/2016	CONCERNED NATIONALS		Public Service Commission	Discrimination in appointments
4.	NGEC/3/2016	M		Kakamega District Lands Registry	Maladministration of justice in processing title deed
5.	NGEC/2/2016	M		Individual vs security firm	Employment dispute
6.	NGEC/42/2015	F		A health institution	Inability to pay medical fees

d) Family Disputes				Respondent	Key issue in the complaint
No.	Reference Number	Gender/Org			
1.	NGEC/15/2016	F		Individual	Family dispute between siblings
2.	NGEC/13/2016	F		Anonymous	Matrimonial property dispute
3.	NGEC/6/2016	F		A learning institution	Complainant's son forced to repeat Form 2 twice
4.	NGEC/39/2015	F		Individual	Land dispute between a married couple
5.	NGEC/34/2015	F		Anonymous	Property dispute in succession
6.	NGEC/23/2015	M		Individual	Land dispute payments

e) Discrimination of Minorities and Marginalized Groups and Communities				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/7/2016	Ogiek Community	Uasin Gishu County Government	Exclusion of Ogiek Community in Uasin Gishu County
2.	Informal	Endorois Community	Kenya Government	Implementation by the Kenya government of the African Court ruling on the Endorois land case
3.	Meeting	Nubian Community	Government of Kenya, Registrar of Persons, Ministry of Land and the National Land Commission	1. Land rights of the Nubian Community 2. Access to identification documents
4.	Meeting	Wayyu (Waata) Community	Kenya National Bureau of Statistics	Change of derogatory community name from Waata to Wayyu

f) Child Maintenance				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/24/2016	F	Individual	Child maintenance against father
2.	NGEC/23/2016	M	Individual	Child custody dispute
3.	NGEC/17/2016	M	Individual	Child custody dispute
4.	NGEC/8/2016	F	Individual	Child custody and maintenance

g) Defilement				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/25/2016	M	Family	Defilement case
2.	NGEC/19/2016	F	Anonymous	Attempted defilement and FGM
3.	NGEC/11/2016	F	Individual	Defilement of a minor under care of the complainant

h) Racial Discrimination				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/16/2016	F	Individual	Racial discrimination

i) Discrimination Based on Health Status				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/36/2015	F	Individual	Discrimination based on HIV Status

j) Complaints over Harassment				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/31/2016	F	Individual	Harassment

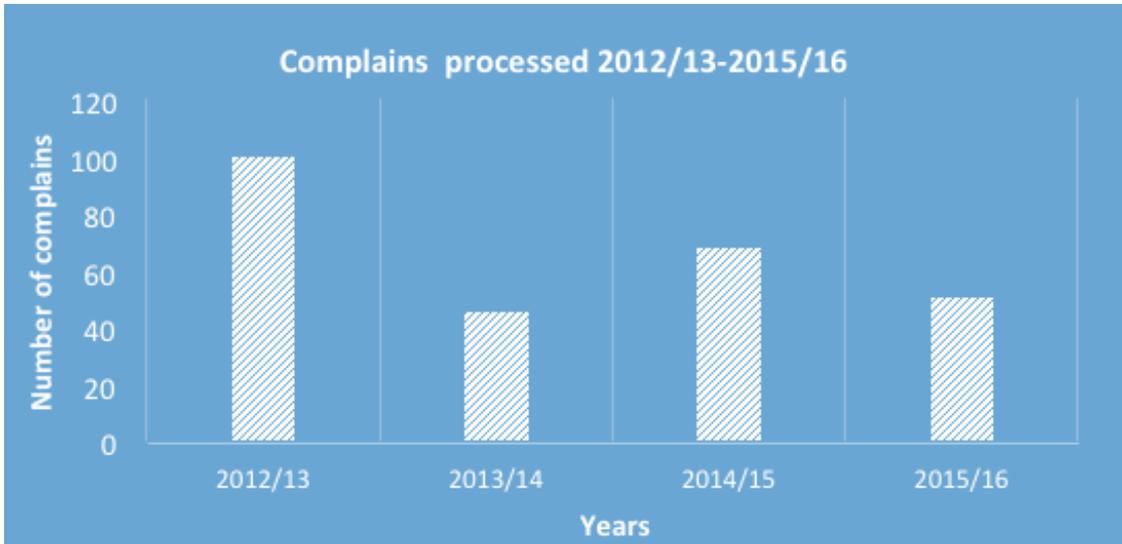
k) Discrimination Based on Religion				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	NGEC/27/2015	M	A City restaurant	Discrimination based on religion

l) Discrimination Based on Social Status				
No.	Reference Number	Gender/Org	Respondent	Key issue in the complaint
1.	Informal	M	Parent asking for school fees	Lack of access to education due lack of school fees

2.1.6 Summary of complaints processed 2012/13 – 2015/16

Complaints processed varied in the three years. Majority of complains were received in 2012/13 financial year as reflected in figure 1.

Figure 1. Trend on complaints processed in three years 2012/13-2015/16

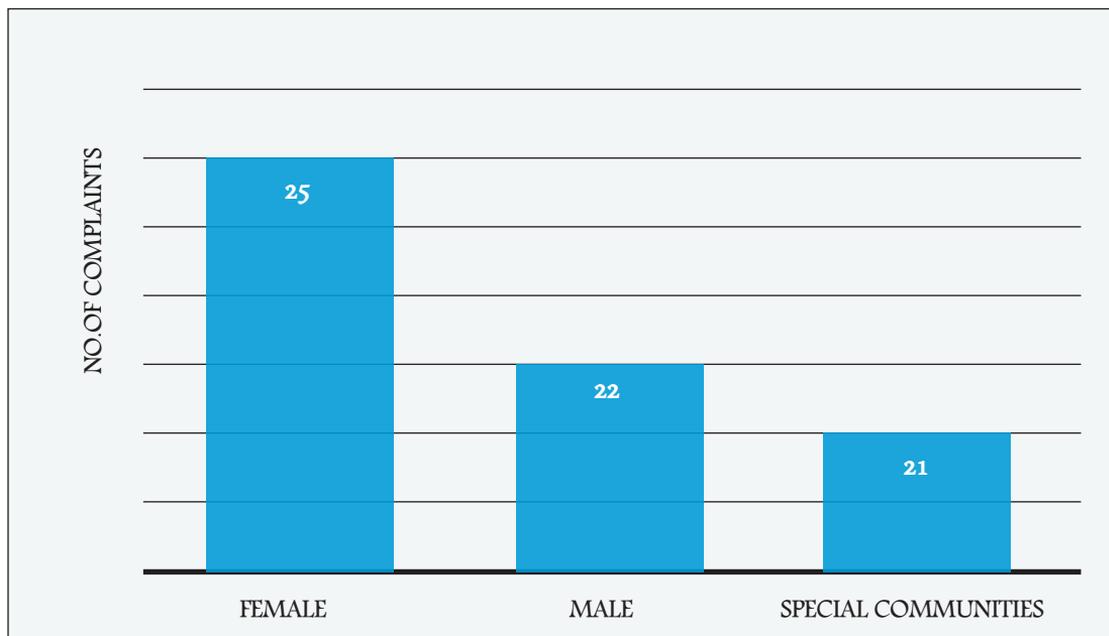


Data source: NGEN complaints data base 2013/14-2015/16 financial year

The variance in complaints received during the three years may be attributed to formalized referral mechanism amongst the article 59 commissions and emerging referral systems being established with independent offices and Constitutional Commissions.

However, with increased public awareness on the mandate and functions of the Commission and the establishment of the regional offices, the Commission expects to receive more complaints in the future.

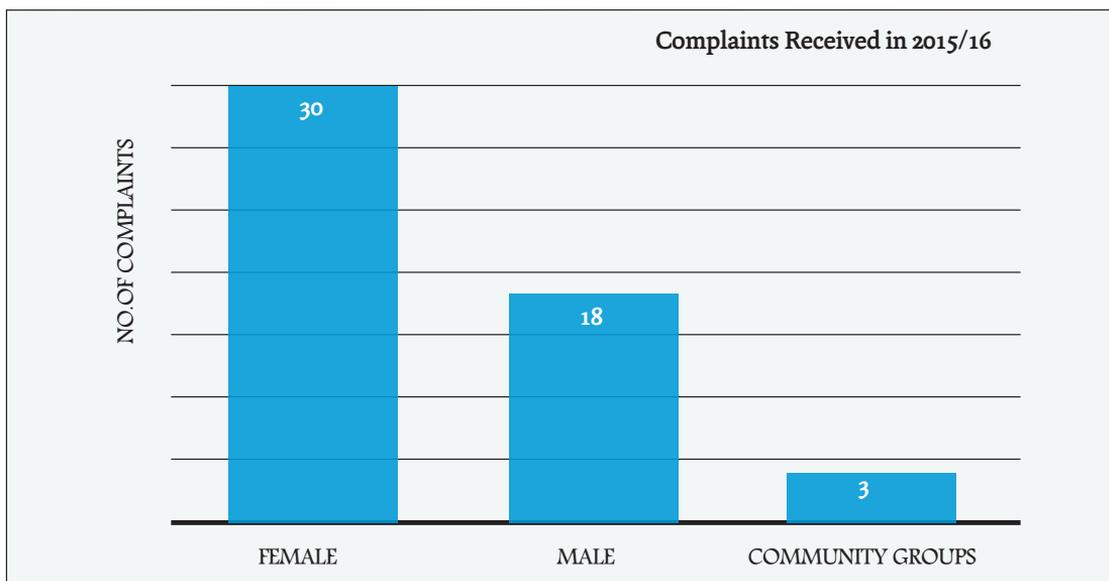
Figure 2. Distribution of Complaints in 2014/2015 Financial Year



Data source: NGEN complaints data base 2014/15 financial year

In financial year 2014/15, the Commission received more complaints from females than males as indicated in figure 2. NGEN received fewer complaints from special communities. The complaints revolved around violations on equality and inclusion and discriminations against the special communities on civil rights, property and access to utilities.

Figure 3. Distribution of Complaints in 2015/16 FY



Data source: NGEN complaints data base 2015/16 financial year

During the year 2015/16, NGECC received majority of complaints from female (30) as compared to male (18). In the same year, the Commission received few complaints (3) from community groups (Endorois Community, Nubian Community and the Wayyu (Waata) Community). The few complaints from the community groups is partly attributed to established referral mechanism with other human rights institutions, independent offices and constitutional Commissions such as NDPP and NLC.

2.1.7. International and Regional Reporting Mechanism

As provided in Section 8 (c) of the NGECC Act 2011, the Commission contributed and participated in 12 international and regional reporting mechanisms during the year under review. Through these mechanisms the Commission;

- a) Influenced international status reports on issues of equality and inclusion
- b) Ensured State's compliance with international and regional reporting requirements
- c) Contributed in the international and regional economic social and political development agenda and
- d) Informed international and regional agenda 2015/2016 Sustainable Development Goal, Gender and Climate change and disability issues.
- e) Contributed in the content presented in the regional and international reports on concluding observation that Kenya ought to address in the subsequent reporting cycles.

Table 6. Reporting Mechanisms, Timeline and Key Outcomes 2015/16

Date	Name of the meeting/conference/training or reporting	Country Venue hosting	Key outcome (for NGECC, country, vulnerable group)
13 th – 21 st August, 2015	14th Session on Consideration of the Initial Report of State Parties under the Convention on the Rights of Persons With Disabilities (CRPD)	Geneva (Switzerland)	Briefing statement on the status of implementation of the convention
18 th September – 3 rd October 2015	UNGAS 70th Session Meeting	New York, USA	Adopted the implementation of the Sustainable Development Goals.
1 st September – 31 st December, 2015	Convention on the Rights of the Child	Geneva, Switzerland	Participated in the writing of the Country Paper
3 rd – 6 th November 2015	Third World Conference of Women Shelters	Hague, The Netherlands	Contribute to the common purpose of ending all violence against women and children
4 th – 18 th November 2015	57 th Ordinary Session of the African Commission on Human and People's Rights	Gambia	Kenya presented a report on the progress made towards implementing various human rights envisaged in the Banjul Charter.
28 th November – 12 th December 2015	21 st Session of the Conference of Parties (COP 21) on Climate Change	Paris, France	The Paris agreement provides an important new foundation for meaningful progress on climate change. Work with relevant national and county governments on lobbying for enactment of a climate change legislation that respects principles of equality and inclusion.

Date	Name of the meeting/conference/training or reporting	Country Venue hosting	Key outcome (for NGECC, country, vulnerable group)
			<p>Monitor participation of special interest groups in climate-related decision making platforms where strategies and plans are developed.</p> <p>Coordinate and advice on measures to address underlying root causes that perpetuate and compound inequality and discrimination i.e gender stereotypes and social norms.</p> <p>Facilitate development of a gender and climate change policy, manual, guidelines and disseminate to facilitate sensitization of all stakeholders.</p> <p>Monitor states compliance with the agreed deal relating to principles of equality, inclusion and freedom from discrimination with reference to special interest groups.</p>
14 th - 20 th February 2016		Sweden	Production of quality gender statistics and commencement of 2016 women and men facts and figures in Kenya

Date	Name of the meeting/conference/training or reporting	Country Venue hosting	Key outcome (for NGECC, country, vulnerable group)
12 th March- 24 th March 2016	Commission on the Status of Women 60 th Session	New York, USA	<p>Enhance Knowledge on management of GBV in Kenya by engaging various stakeholders from UN member states to deliberate on innovative strategies;</p> <p>Shared the role that NGECC has played in regard to prevention and response in regard to GBV in Kenya.</p> <p>Report completed on concluding observations and recommendation</p>
18 th May-24 th May 2016	United Nations Climate Change Conference	Bonn, Germany	<p>Networking with Climate Change Secretariat under the Ministry of Environment and Natural Resources to facilitate stakeholders and actors to compile the Kenya submissions before the deadline of 29th August, 2016.</p> <p>NGECC hosts the African Working Group on Gender and Climate Change.</p> <p>NGECC and the joint Coordination of with Climate Change Secretariat of the African Group of Negotiators (AGN) to prepare African Joint Submissions on gender and climate change.</p>

Date	Name of the meeting/conference/training or reporting	Country Venue hosting	Key outcome (for NGEC, country, vulnerable group)
14 th – 16 th June, 2016	Participation in 9 th Session of the Conference of State Parties to the Convention on the Rights of Persons With Disabilities (CRPD)	United Nations New York,	Implementation of the conference report on CRPD immediately
28 th June, 2016 – 30 th June, 2016	2016 Global SAEMAUL UNDOONG Forum	Gyeongju, South Korea	Presented a paper titled, “The Status of Gender Equality in Developing Countries: Initiatives and Challenges in addressing Inequality.”
10 th July, 2016– 11 th July, 2016	Participation in the 28 th pre-summit Civil Society Consultative meeting on Gender Mainstreaming in the African Union	Kigali, Rwanda	Addressed commitments to women’s human’s rights as enshrined in Agenda 2063 and the declaration on 2015 year of Women’s empowerment and development towards Africa’s Agenda 2

2.2 Providing Comprehensive and Adequate Response to SGBV

2.2.1. Partnership on GBV prevention and response

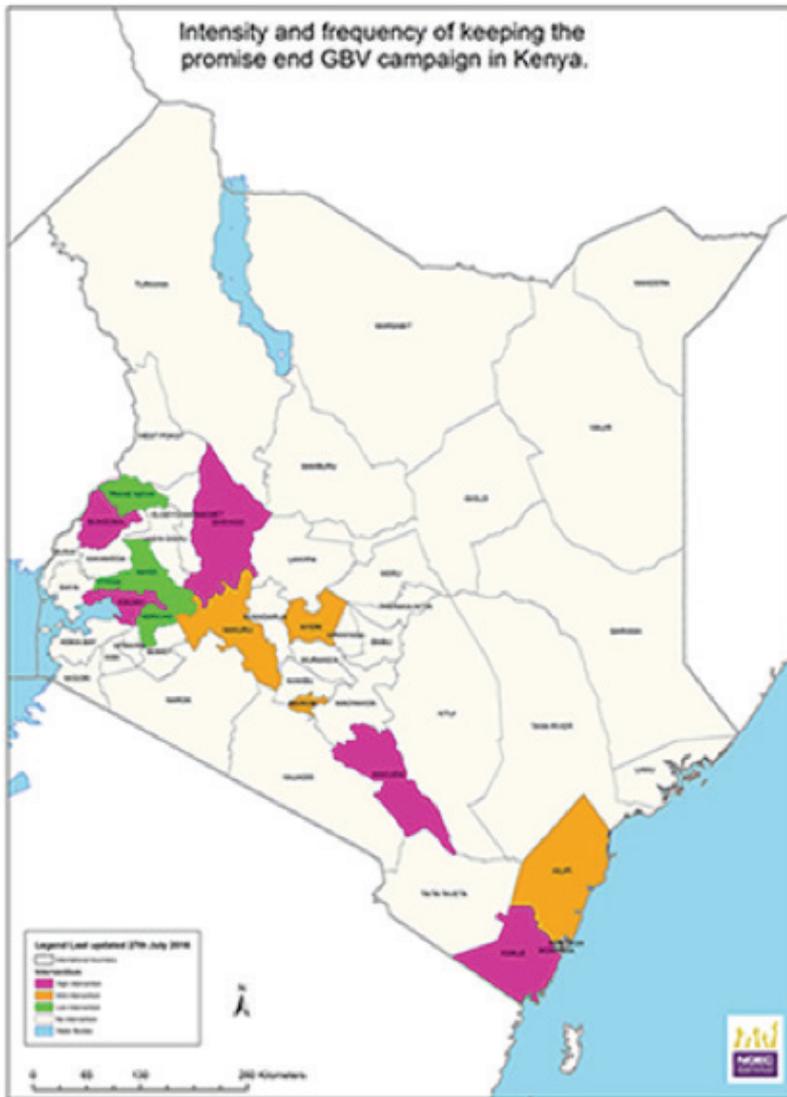
Gender-based violence undermines the health, dignity, security and autonomy of its victims, yet it remains shrouded in a culture of silence. In most cases survivors of violence suffer sexual and reproductive health consequences, including forced and unwanted pregnancies, unsafe abortions, traumatic fistula, sexually transmitted infections including HIV and even death. Violence against women and girls is one of the most prevalent human rights violations in the world including Kenya. It knows no social, economic or national boundaries.

As part of mandate and functions, NGEC successfully convened 12 monthly gender-based violence (GBV) working group forums that influenced various State and non-State actors towards actionable strategies in the eradication of Gender Based Violence (GBV) in Kenya. Among the strategies developed include the Keeping the Promise, End GBV Campaign, which was launched on 10th December 2014.

2.2.2. Phase II of ‘Keeping the Promise to end GBV Campaign’ in Kenya

This is a three year campaign that calls for accountability by duty bearers and right holders towards prevention and response to GBV. With support from Government of Kenya and resources leveraged from development partners, the Commission was able to strengthen the capacity of county duty bearers and rights bearers in handling the prevention and response of GBV in 14 Counties, namely: Kilifi, Nakuru, Nairobi, Nyeri, Kwale, Bungoma, Baringo, Nandi, Trans Nzoia, Vihiga, Kericho, Kisumu, Makueni and Wajir, respectively.

Figure 4. Map of 14 Counties Where the Campaign has been Launched



Through this engagement, key duty bearers were sensitized on their roles in order to enhance their knowledge on pertinent issues surrounding GBV. Accountability forums were then held between the duty bearers and the respective community members. In each county, GBV champions were identified to ensure the sustainability of the campaign. In the process the Commission reached out to the County Governments leadership who committed to put resources into the campaign for its sustainability. The commitment included putting up gender recovery centres with forensic laboratories and shelters or rescue centers for survivors of gender based violence. The Commission hopes the campaign will eventually be rolled out in all the 47 counties (for duty bearers and thousands of survivors).

2.2.3. Economic Burden of SGBV

The Commission designed and implemented two studies on the economic burden of Gender Based Violence (GBV) deduced from the survivors (direct and opportunity costs) and from health systems on the cost of providing services to the survivors. The preliminary findings were validated and disseminated widely with final reports expected in the 2016/17 financial year.

Overall, the findings show the most prevalent forms of Gender based violence include; intimate partners violence, Sexual and Gender Based Violence, Female Genital Mutilation, denial of access to resources mostly against widows, orphans and persons with disabilities (both visually and hearing impaired), neglect and abandonment. Sexual and gender based violence against children was a major cause for concern. The economic burden of Gender Based Violence in Kenya is approximately Kenya Shillings 46 billion per year

Recommendations from the reports;

- Commission county specific studies to establish causative factors fueling GBV against men emerging as a new.
- Commission a study to establish the extent and impact of GBV in correctional services.
- Mainstream GBV management in training health staff, social workers, judicial officers, security officers and decision makers in general.
- Commission specific studies at national and county levels, hospital environments and within the criminal justice system.

2.2.4 Monitoring Gender Based Violence through a Web Based Programme

In December 2014, the Commission launched the national monitoring and evaluation framework towards the prevention of and response to Sexual and Gender Based Violence. Subsequently, in 2015, the Commission in collaboration with the International Training and Education Centre for Health (I-TECH), LVCT Health and Centre for Disease and Prevention embarked on the design and development of an information management system to gather, store and analyze data on GBV prevention and response. The system is a web based electronic system that is available to practitioners for information sharing and reporting.

In April 2016, key stakeholders represented by 90 participants tested the SGBV information system through practical sessions in a day long workshop at the Crown Plaza Hotel in Nairobi that was facilitated by the I-TECH technical team. To ensure sustainability, NGEC personnel were trained on application of the system, data entry and administration. A similar training is scheduled for stakeholders in the next financial year ahead of an official launch of the system. Once launched and functional, the system is expected to provide a platform for storage of data on SGBV on selected indicators, timely retrieval and reporting thus contributing to evidence based lobby, prevention and response to SGBV in Kenya.

2.3 Mainstreaming Issues of SIGs in the Development Agenda at National and County Governance Systems and in the Private Sector.

2.3.1. The Status Report on Equality and Inclusion in Kenya.

In April 2015, NGEK commissioned the Kenya Institute for Public Policy Research and Analysis (KIPPRA) to undertake a research on the status of equality and inclusion in Kenya. This is in accordance with a mandate that requires the Commission to conduct audit on the status of special interest groups including minorities, marginalized groups, and persons with disabilities, women, youth and children. The main aim of the study was to assess the extent of the integration of the principles of equality and inclusion in all national, county and private sector policies, laws and programmes, and the consequent outcomes. The study focused on equality and inclusion in employment, political representation, social protection, and education.

Secondary data was gathered from relevant existing publications by government institutions such as the Economic Survey, Statistical Abstracts, and the Kenya Economic Report, which are produced annually. Additional information was computed from nationally available datasets, including the Kenya Integrated Household Budget Survey 2006/06 (KIHBS). Primary data was gathered using five distinct instruments, including a county questionnaire, institutional questionnaire for public and private establishments, educational institution

questionnaire, household questionnaire, Focused Group Discussions (FGDs) and Key Informant Interviews (KII) guide. The questionnaires captured information on the four dimensions of the study. 4,920 households were sampled for the survey.

The study has the following key outcomes;

- The overall development for Kenya is 44 per cent. This means that on average, less than half of households in Kenya, are non-poor, and have access to improved water and electricity, and the highest GDP per capita. Nairobi County recorded the highest Development Index score of 70 per cent while Turkana had the lowest score of 6 per cent. Only six (6) counties had an index of above 40 per cent while 35 counties recorded an index of 30 per cent and below
- The Health Index stands at 67 per cent and had the second highest average score among the six dimensions of the overall Equality and Inclusion Index. It suggests that about three quarters of Kenyans have access to the aforementioned services.
- The national Education Index stood at 61 per cent, with major variations of 28 percentage points across counties. Only 17 counties recorded a mean of 60 per cent and above, while 30 counties recorded scores of between 30 per cent and 59 per cent.
- The Social Justice and Civic Participation (SJCP) is the highest among the five indices, and was estimated at 71 per cent. The Index ranged from a high of 86 per

cent for Kericho County to a low of 50 per cent for Kwale County, meaning that all counties recorded a moderate measure of above 50 per cent. The relatively high score implies that the country's performance with respect to the Bill of Rights is above average

- The index ranged from a high of 74 per cent (in Nairobi and Mombasa counties) to a low of 44 per cent in Turkana County. The national labour force participation Index was 64 per cent.

2.3.2 Partnerships on Children and Youth Issues

Pursuant to its mandate, the Commission promotes the full realization of children's rights as provided in the Constitution and ensure full mainstreaming of issues of children in social and economic spheres. In order to realize an inclusive society, children issues should be articulated in the context of participation, protection, survival and development both at National and County government levels.

Towards the fulfillment of this obligation, the Commission convenes a monthly working group comprising of government Ministries, Departments and Agencies, the civil society and development partners. Through these forums, stakeholders draw areas of collaboration and propose frameworks for partnership to deliver on agreed interventions for the welfare of children.

During the year under review, the Commission convened eight (8) coordination meetings through which

terms of reference were developed detailing the scope of work and actionable activities and comprehensive work plan.

2.3.3. Monthly Coordination Meetings for the Youth

To ensure issue focused and age specific deliberations, the Commission coordinates monthly meetings for stakeholders working with the youth. During the year under review, the Commission convened four (4) meetings for stakeholders working with the youth with significant outcomes. Among the key outcomes is a profile of key stakeholders working with the youth and a comprehensive work plan. Critical and most common issues for the youth include; youth participation in political spheres, good governance, employment, gender and climate change.

2.3.4 Gender Mainstreaming in Public Sector

The National Gender and Equality Commission is mandated to promote equality and inclusion for all but with more focus on special interest groups, namely: women, children, older members of the society, persons with disabilities, youth, minority and marginalized groups. To ensure compliance with the principles of equality and inclusion by public and private institutions, the Commission receives quarterly and annual reports showing progress the agencies are making in fulfilling integration of the equality and inclusion principles in the various spheres (sectors) of life.

The Commission has put into place a system of receiving quarterly reports from public institutions and in-depth

analysis of the reports annually, and gives feedback appropriately. This helps in the development of a status report which outlines the gains and gaps identified in gender mainstreaming in the public sector. Practical strategies and recommendations for achieving gender equality and inclusion are usually shared with each institution. The Commission also conducts spot checks by use of random sampling to authenticate the information received through reporting.

During the 2013- 2015 period, NGECC released a report on the status of gender mainstreaming in the public sector. The report was prepared from the quarterly and annual reports from 10 ministries, select counties, departments and agencies (MCDA). These reports were coded and information transferred to a performance contracting datasheet. Grading of institutions on their performance was done using a standard grading scheme prepared against the gender indicators contained in the 11th and 12th cycle performance contracting guidelines.

The Commission also invested in a gender audit with an aim to verify information and data received from the public sector. The audit exercise sampled five regions: Western, Nyanza, Eastern, Central and Coast. A total of 31 public institutions selected randomly were audited: 11 Public Universities; 11 Technical Training Institutes and 9 State Corporations. In addition, 13 County Governments hosting the institutions audited were also visited to establish the initiatives they have put in place towards accelerating mainstreaming of gender and diversity. A total of 307 respondents

filled a self-administered questionnaire, more than 31 key informants representing the management in their respective institutions were interviewed and a focus group discussion was held with each participating institution. Only non-management staff participated in the focus group discussions

The report notes that though considerable effort has been invested in the gender agenda in Kenya, there is need for MDAs to target the female gender in the institutional senior management structure where most decisions are made. In addition, continuous sensitization of staff on principles of equality and inclusion is of essence with a focus to the policy makers. Generally, the MDAs scored an average 70 per cent in the development of gender related policies. However, there is need for close and continuous monitoring of implementation of these policies. .

2.3.5 Sensitization on Gender Responsive Budgeting

The Commission sensitized its staff on the guidelines for Gender Responsive Budgeting (GRB), as an advocacy mechanism within their project initiatives with a view to broadening and strengthening their capacity on GRB processes and actualization. The Commission further disseminated the Gender Responsive Budget guidelines to County Executives in charge of Gender and Finance from 13 counties of Nyamira, Migori, Kisii, Homa Bay, Kisumu, Siaya, Nandi, Vihiga, Trans Nzoia, Kakamega, Busia, Bungoma and Uasin Gishu. In the same year, the Commission embarked on

the development of County Level GRB Guidelines and engaged key stakeholders in six (6) sampled counties to analyse their budgets from a gender perspective with an aim of drawing recommendations that will form part of the guidelines. The project will also build the capacities of county officers on equality and inclusion in the budget making process. All these combined interventions will lead to development of a robust national and county GRB guidelines under close monitoring from the Controller of Budget and NGECE.

2.3.6 Distribution of Ethnic Minority and Marginalized Communities in Kenya

The Constitution contains numerous positive provisions for minorities and marginalized communities and other vulnerable groups. However, studies have shown that minorities and marginalized communities in Kenya continue to experience increased vulnerability. Minority and marginalized groups such as the Ogiek, Sengwer, Elmolo, Njemps, Waata, Rendille, Ilchamus, Sakuye, Burji, Konso and Nubi among others lack adequate political participation and representation. In addition there is still discrimination and weak protection of their right to development. The Commission completed mapping of ethnic minority and marginalized communities in Kenya. The groups and communities are analyzed by counties and their locations defined to the smallest unit of administration. The preliminary findings indicate that these communities are found in almost all counties across Kenya, confirming the diversity of our

country and the need to acknowledge and embrace the principles of equality and non-discrimination as stipulated in the Constitution.

2.3.7 Technical Forums for Marginalized and Minority Issues

Involvement and coordination of stakeholders guarantees efficiency and effectiveness in service delivery. The Commission held regular consultative forums with relevant private and public partners/stakeholders working with ethnic minority and marginalized communities to deliberate on priority areas and challenges affecting such groups in Kenya. The forum dubbed "Minority and Marginalized Coordination Forum" has since its establishment brought together nineteen (19) state and non-state institutions interested with topical issues of minority and marginalized communities. The Commission has since established an online collaboration matrix of the stakeholders to help identify areas of partnership and linkages.

2.3.8 Model County Persons with Disability Law

The Commission has continued to pursue initiatives to mainstream the well-being of persons with disabilities and the older members of the society. In the reporting period 2015 -2016, several initiatives were implemented.

The Commission facilitated the development of model county disability legislation that has been customized by three counties and is projected for adoption in all counties. The model county

disability law in the wake of devolution has been critical in enabling counties to deliver services to their significant population of persons with disabilities. The law is envisaged to promote the mainstreaming of issues of disability at the grassroots level. Currently, the law has been adopted by two counties, Nairobi and Kericho and memoranda submitted to Kisumu courtesy of an initiative by the County Assembly towards legislating for PWDs.

2.3.9 Scheduled Sessions on Issues for Older Members of Society

In order to effectively monitor and facilitate issues of older persons in the country, the Commission held four (4) quarterly coordination meetings where senior citizens participated in highlighting issues affecting their peers across the country. As a result of the coordination meetings, the Commission is advocating for the adoption of a legislative framework it helped in developing the previous year for realization of specific rights on care and protection of older members of the society provided for in Article 57 of the Constitution of Kenya 2010. The quarterly sessions have in the past year increased in membership from an initial 12 to 17. Some of the partners include the Retirement Benefits Authority and Kenyans Aged Require Information Knowledge Advancement (KARIKA), an organization which older members of the society use to voice their issues.

2.3.10 Status of Institutions for Older person's in Kenya

The Commission conducted an audit of institutions for the elderly in five counties, namely, Vihiga, Kericho, Kiambu, Machakos and Kajiado. The audit revealed that all the older persons' institutions were privately owned while 95 per cent were mere outreach centers. Further, there was not a single government institution for older people existing in the counties visited. As such, the Commission recommended partnerships between the county governments and the privately owned institutions for older persons in establishing such centres as well as the development of requisite standards for their establishment and operation.

2.3.11 Institutional Disability Mainstreaming

As part of the Commission's mandate and functions in promoting the principles of equality and inclusion, an internal disability policy was developed to ensure that both internal and external clients are well versed when addressing disability issues. The policy is envisioned to provide a conducive environment for the Commission's growing human resource and visitors who are persons with disabilities.

2.3.12 Assessment of Equality and Inclusion in State Corporations.

In December 2015, the Commission carried out a rapid assessment on representation in the boards of directors in 153 select State Corporations. The aim of the exercise was to establish the

status of representation of leadership in state corporations disaggregated by sex, age and ability. The 153 State Corporations assessed had 1,428 board members. The number of board members varied between 7 and 19 in total. The Commission found out that 26.9% of assessed state corporations board members (384) are women while 73.1% board members (1,044) are men. Further, 11.1% of assessed State Corporation Chairpersons (17) are women while the remaining 88.9% (136) are men.

Only seven per cent (11) of State Corporations met 33 per cent gender requirement threshold. In the same study, 0.42 per cent of State Corporations board members (6) are youth and only one corporation had a youth chairperson while only one State Corporation board was chaired by a person with disability.

2.3.13. Equality and Inclusion in Private Sector in Kenya

In July 2015, the Commission carried out an assessment on equality and inclusion in 60 private sector institutions listed at the Nairobi Securities Exchange. The aim of the exercise was to establish the status of representation disaggregated by sex, age and persons with disabilities. The assessment was conducted in collaboration with the Capital Markets Authority (CMA). The methodology relied on secondary data held by the Authority.

The findings revealed low level representation of women, persons with disabilities and the youth in the private sector boardrooms. Out of the assessed boards, women constituted only 17 per

cent (86) of the members. A paltry 8 per cent women (5) members held the chair of the boards. Only 10 private sector institutions complied with the not more than two thirds gender principle.

2.3.14. Monitoring Equality and Inclusion in Governance and Elections beyond the Borders

In May 2016, NGEK jointly with the International Republican Institute facilitated an off-shore sensitization program for civil societies from Egypt. The civil societies work in the fields of citizen engagement, voter education, media, interfaith dialogue and women's empowerment. This programme was organized before the local council elections. Using the lessons and experience from Kenya 2013 general election, the Commission helped participants to gain insight about monitoring inclusion in the general election. The political environment in Egypt is marked by lack of enthusiasm to participate in the political process as it was in the pre-revolutionary period and there exists little support for challenging the return to a strong-man rule in that country.

2.3.15. Monitoring County Specific Interventions.

Design of county specific interventions by the Commission is informed by county specific needs, requests from counties and the existing county monitoring frameworks. The framework points out counties with frequent interventions providing gaps for strategic guidance. However, there are often changes

prompted by rapid response initiatives to extreme cases of violation on issues of equality and inclusion including sexual and gender based violence.

In general, the Commission undertook interventions in all 47 counties. The counties with highest frequency of visits were Nairobi, Mombasa and Kilifi as

shown in Figure 5. There is improvement in interventions in counties that were visited in 2014/15 financial year as shown in Figure 6. The interventions involved monitoring, auditing institutions and county governments on compliance and dissemination of findings and recommendations on equality and inclusion principles.

Figure 5: Frequency of Interventions for Counties in 2015-16 Financial Year

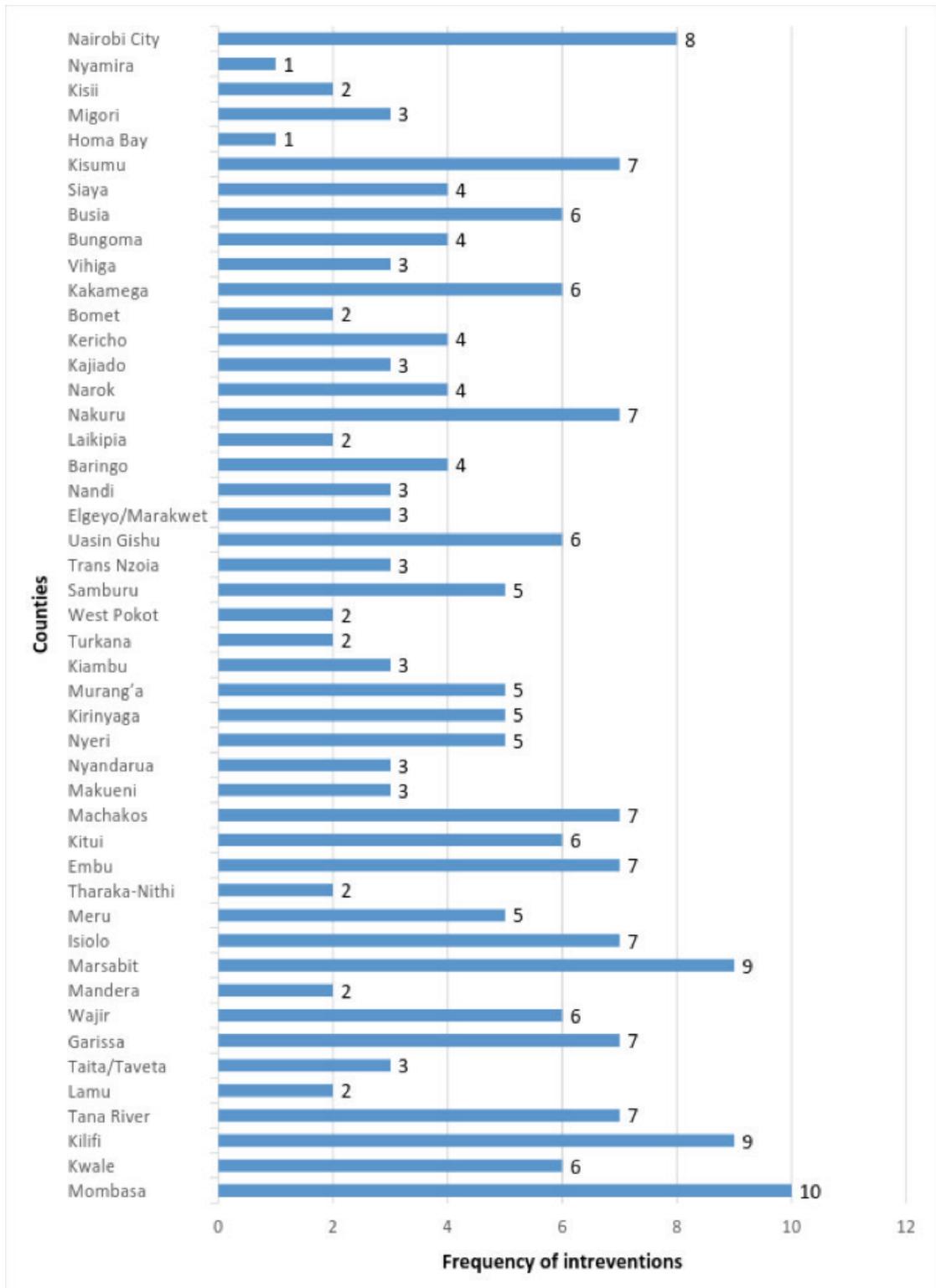
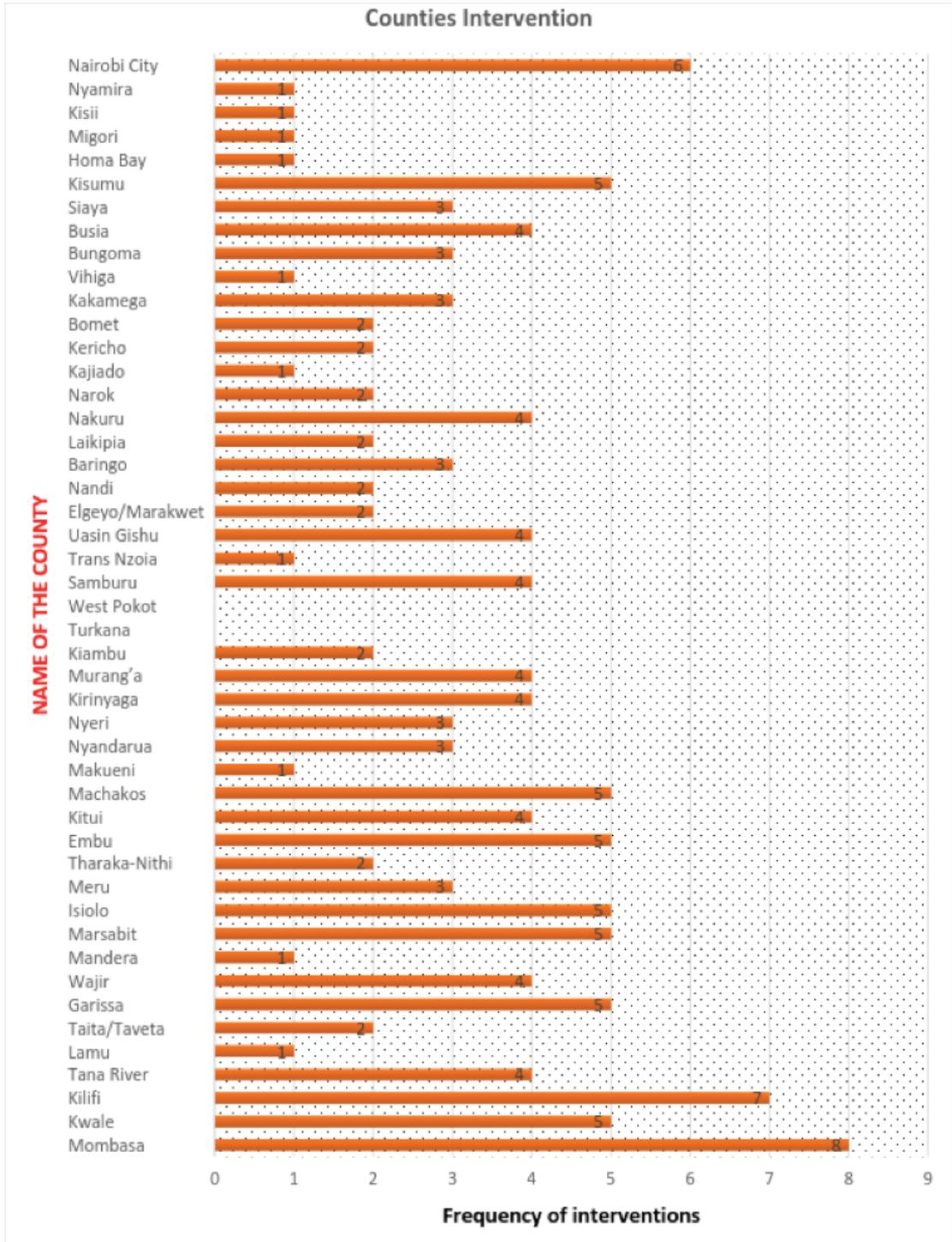


Figure 6: County interventions in 2014-15



CHAPTER THREE

3.0 PUBLIC EDUCATION & COMMUNICATIONS

3.1 Coordination of Public Education on Not More Than Two Thirds Gender Principle

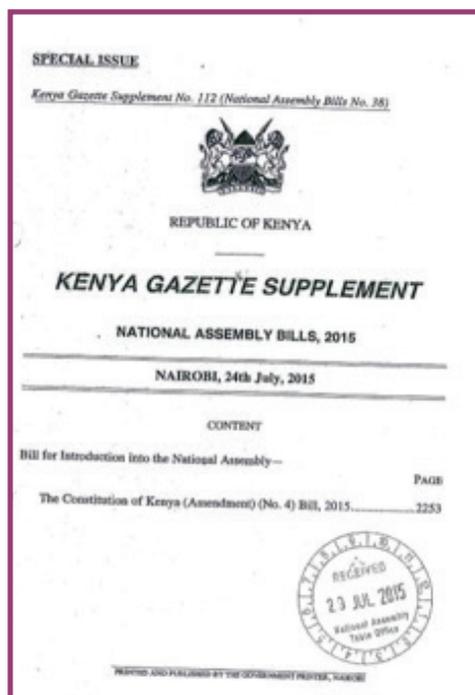


3.1 Coordination of Public Education on Not More Than Two Thirds Gender Principle

By the end 2014/2015 financial year the Commission in collaboration with stakeholders designed a multimedia campaign strategy dubbed “**Tubadili, Tusitawi Pamoja**” which calls for partnership between men and women for sustainable development. The campaign carries a strong community based advocacy plan and actions around political representations with an aim to re-sensitizing citizens, political, faith and community leaders as well as the private sector about the economic and social value of equity and inclusion.

The campaign was launched by His Excellency President Uhuru Kenyatta in August 2015 signifying the highest commitment in government to realize the not more than two thirds gender principle. The campaign has been disseminated throughout the year on various platforms including radio and television, factsheets, SMS and social media. Prior to the launch, the Commission commenced phase one of the civic education programme on issues of discrimination, inclusion and affirmative action through urban and community radio stations.

Under the project “Sustaining Momentum to Realization of the Two Thirds Gender Principle in Kenya Political Representation”, the Commission through the support of EISA and DFID executed a range of strategic



communication interventions under key influencers to lobby for the passage of the legal framework proposed by in Constitution of Kenya Amendment No 4 Bill of 2015. The bill seeks for the realization of the not more than two thirds gender principle in political representation in the Senate and National Assembly in the 2017 elections. These included a robust media engagement strategy that saw the Commission feature prominently in all mainstream print and electronic media to promote the passage of the Bill.

The Commission led members of the TWG in conducting over 10 key lobbying forums with various stakeholders at the national and county levels aimed at influencing the National Assembly to pass the not more than two thirds gender Bill. The Commission through the support of the International Republican Institute (IRI) rolled out targeted SMS messaging to members of parliament, and strategic influencers seeking their support of the Bill.

Despite high levels of public confidence and anticipation in this Bill coupled by relentless lobbying, the motion was defeated on the floor of the House on two occasions by failure to meet the minimum required votes to pass a constitutional amendment bill. An observation of the voting pattern on this Bill shows that the motion was appealing and lively in the house but there lacked adequate numbers of legislators in attendance to give the bill the required minimum votes. Of the members present on the initial day of the voting, a majority (78 per cent) supported the Bill.

3.2 Fighting GBV through Music and Cultural Festivals

During the 16 days of activism in 2015, the Commission partnered with the 89th Kenya Music and Cultural Festivals that took place at the Tom Mboya Labour College in Kisumu County. The colourful



fete witnessed performances from all over Kenya based on the theme "Fostering National Pride, Cultural Diversity, Talent and Economic Empowerment." The title of the theme was "Prevent GBV, Protect and Respond to Survivors", in accordance with the "Keeping the Promise, End GBV campaign." The Entry had two classes, namely;

1. Class 1302 B : An 'Own Choice' of a Dramatized Choral Verse in English or Kiswahili; and
2. Class 1304B :An 'Own Choice' of Comedy in English.

3.3 Inaugural World Elder Abuse Day

In partnership with the department of social protection in the Ministry of Labour and Social Services, NGEK facilitated the celebration of the inaugural World Elder Abuse Day in Kenya. The event was marked in Kirinyaga County in June 2016. During the celebrations officiated by the Principal Secretary in charge of Social Protection, the government was urged to establish older persons' homes to ensure they are protected in their sunset years as majority were facing abuses and unable to take care of their basic needs.

3.4 Celebration of the Day of the African Child

The National Gender and Equality Commission partnered with the County Government of Nyeri to celebrate the Day of the African Child. A similar event was also held at St. Kizito Primary School in Kehancha, in Migori. The occasion brought together representatives of World Vision Kenya, Action Aid,

ADRA Kenya, Office of Deputy County Commissioner Kuria West, Kuria West Sub-County Education Officer, County Education Officers, Kuria West Sub-County Children Officer, teachers and pupils.

The following issues were highlighted during the celebration.

- The high prevalence of Female Genital Mutilation (FGM) despite existence of a law criminalizing FGM
- High cases of early marriages for girls in the county
- Cattle rustling- a criminal offence perpetrated by young men after circumcision.
- Sexual violence – both boys and girls are being defiled through acts such as rape and sodomy, which is also used as a weapon of war.

3.5 County- based Discussions of Report on 'Status of Boy Child'

During the 2015-16 financial year, the Commission disseminated the report on the 'Status of the Boy Child' in seven (7) counties of Nairobi, Meru, Kisumu, Elgeyo Marakwet, Migori and Mombasa. Dissemination in Mombasa coincided with the 41st Annual Kenya Secondary Schools Head Teachers Association Conference that attracted over 10,000 delegates. An article on the status of the boy child featured in the principles' magazine and subsequently reaching all 47 counties with messages on the plight of the boy child.

The study lists family related issues, parental neglect, drug and substance

abuse, peer pressure, early marriages, cultural beliefs and practices, as well as poverty among the factors leading to the exclusion of the boy child.

The report makes recommendations to national and county governments as well as to civil society to implement measures to address the plight of the boy child. The report calls on parents to;

- Be fully involved in the upbringing of their children and monitor the activities they are involved in.
- Both the national county governments to hold public education forums on the importance of education for children.

3.6 Kenya Secondary Schools Head Teachers Association Conference

The Commission participated in the 41st Annual Kenya Secondary Schools Head Teachers Association Conference held in Mombasa County. The theme of the Conference was, “Curriculum Reforms; Roadmap and Role of the Teacher”

During the conference the Commission , emphasized on inclusion of children in decision making in institutions of learning and called for higher consideration of a child centered education, during the proposed comprehensive review of Kenya’s educational curriculum.

3.7 National Conference on Sustainable Development Goals (SDGs)

In June 2016, the Commission in partnership with the State department of Gender Affairs and Vision 2030 held

a National Conference on Sustainable Development Goals targeting rural grassroots women. The aim of the conference was to celebrate innovativeness in all counties in Kenya. The conference brought together more than 300 participants with 47 being women from each county. The conference unified the role of women in domestication of SDGs, in line with 2030 Agenda and slogan “no one is left behind”. A key outcome was a joint communiqué as an advocacy tool to engage the national and county governments towards ensuring women’s role in domesticating SDGs in Kenya is clearly stated.

3.8 Addressing Multiple Marginalization in the case of Children with Disabilities in Marsabit County

The Persons with Disabilities Act, 2003, is a comprehensive law covering the rights, rehabilitation and equal opportunities for people with disabilities. However, children with disability continue to face both physical and social barriers. Stigma plays a big role in the discrepancy and adds to the problems facing them. Most families keep children with disabilities away from the public and more often than not deny them the option of an education. Some have been kept tethered and others even in cages. Myths on causes of disability persist in our culture. The Commission, in this regard participated during the Feast Day at the Fatima Children’s Home for the Physically Challenged children in Marsabit County to sensitize communities and advocate for the realization of the rights of children

with disabilities. Participants included community members, religious leaders, pupils and students from neighbouring schools.

3.9 Promoting Equality and Inclusion through County based Cultural Festivals

The 2015 the Turkana and Loiyangalani Cultural Festivals brought together people from all over Kenya and neighboring countries. The festivals aimed at promoting cross-cultural interactions; reinforce historical and cultural heritage and enhance cooperation between different ethnic groups. The festivals also strive to empower the local communities by creating an enabling environment and infrastructure for them to conduct business activities and exhibit products and services.

During the 2nd and 9th edition of Turkana and Loiyangalani Cultural Festivals respectively, the Commission commended communities for embracing social diversity and cultural artifacts. Over 14 ethnic minority communities converged to share the platforms that

were geared towards boosting the spirit of cohesion, integration and peaceful co-existence. The Commission urged county governments to consider affirmative action policies and programs in appointments and distribution of development priorities for the minorities and marginalized communities.

3.10 Implementation of the Principles and Values of Governance

In the spirit of remaining true and faithful to the Constitution of Kenya 2010 the Commission conducted advocacy forums on Article 100 on the representation of marginalized groups specifically, persons with disabilities in four counties, reaching a population of about 2000 persons in total. The targeted counties include, Muranga, Kirinyaga, Kitui and Makueni where PWDs participated in discussions on electoral laws particularly the Elections Act 2011 and Political Parties Act 2011. During the forums, PWDs recommended the amendment of the Elections Act 2011 and other subsequent subsidiary legislations related to elections on nominations and accessibility by PWDs

CHAPTER FOUR

4.0 INSTITUTIONAL CAPACITY BUILDING AND DEVELOPMENT

4.1 Human Resource

The Human Resource Management Unit is mandated with the coordination of all human resource management activities towards realization of the Commission's strategic objectives and goals by ensuring a competent, qualified and motivated work force to deliver its constitutional mandate through optimal utilization of present and future human capacity with the right knowledge, skills, competencies and abilities. The department provides strategic and day-to-day support to various department and programs.

During the reporting period, the Commission staff compliment grew from 60 to 71 as at the end of the financial year 2015-2016.

- | | | |
|----|-----------------|---|
| a. | NGEC Staff | 53 |
| b. | Deployed staff- | 13 (4 accountants, 7 security officers and 2 drivers) |
| c. | Casuals | 3 |

The Commission also enhanced its staff capacity through various training and development programs both locally and internationally. Various professionals were trained in their fields of expertise to attain the required continuous professional development.

During the period, the Human Resource Manual/Policy guideline was operationalized and staff trained on the manual to enhance knowledge ability and ownership.

The Commission also contributed successfully to the national job evaluation exercise spearheaded by the Salaries and Remuneration Commission to determine the true worth of public service jobs whose report and findings were released in November 2016.

During the period, the Commission finalized eight (8) policies to enhance its service delivery of which all are at different levels of approvals.

1. Gender mainstreaming
2. Disability mainstreaming
3. Training and development
4. Transport and logistics
5. Workplace policy on sexual harassment
6. HIV & Aids at workplace
7. Drug and substance abuse at the workplace
8. ICT policy

4.2 Procurement

Contracts awarded to Youth, Women and PWDs In the 2015-2016 financial year, the budget allocated to SIGs was Ksh. 28,401,252.9. At the end of 4th Quarter, the actual expenditure stood at Ksh. 19,496,605.00, equivalent to 32.8 per cent as indicated below.

Table7. Summary of Contracts Awarded in 2015/2016

Item	Quarter 1	Quarter 2	Quarter 3	4th Quarter	Total
Total Value of Procurable by Quarter	21,339,332.00	14,106,543.67	8,276,071.00	15,571,377.02	59,293,323.69
Total Value awarded to SIGs by Quarter	2,809,436.00	5,580,821.00	1,875,240.00	12,040,544	19,496,605.00
% award to SIGs (*Compliance)	13.1%	39.5%	22.6%	62.8%	32.8 %

4.3 ICT

The Commission completed structured cabling for data and voice connectivity at the Kisumu and Nakuru regional offices. Similar interventions are earmarked for the Garissa regional office in the 2016/17 financial year. The connectivity will enhance efficiency in operations.

4.4 Partnerships with Development Partners

As part of the Commission's initiative to increase its resource base, it has sought collaboration with UNHabitat, the United Nations agency responsible for making urban areas more habitable and the National Transport and Safety Authority on human rights mainstreaming with regard to accessibility of public transport for vulnerable groups.

The partnership is envisioned to make major cities in Kenya more habitable for its vulnerable population with mobility challenges particularly persons with disabilities, expectant women and the elderly. In the urban context, the inclusive environment, which is a basic human right will focus on accessibility, space and transportation to ensure cities are designed to minimize the social and structural barriers faced by special interest groups with emphasis on persons with disabilities

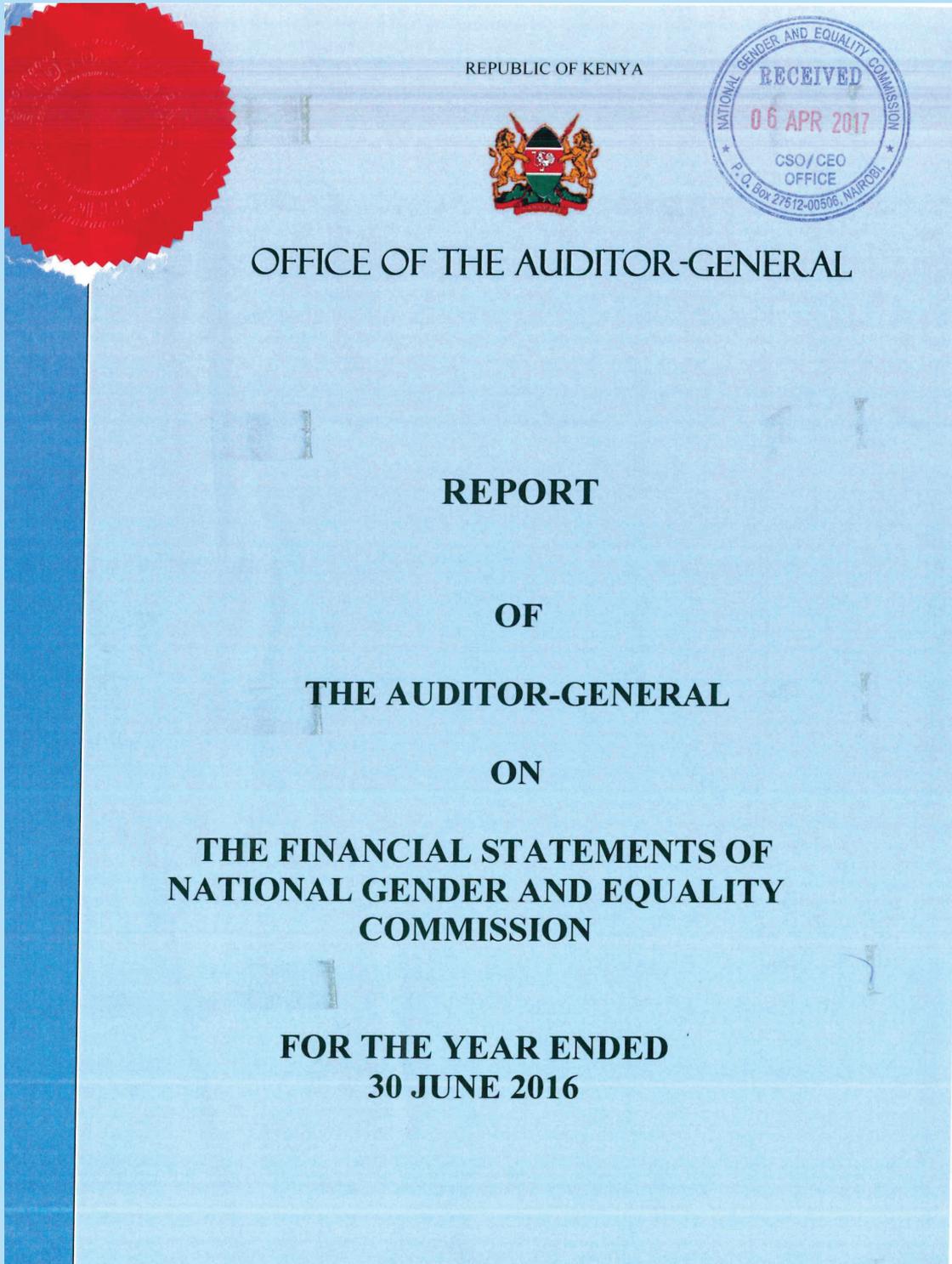
In May 2016, the Commission under the auspices of UNDP participated in the Human Rights in Devolved Governance Round Table and Project Closure Meeting at the Commission on Administrative Justice offices. Chairpersons of Commissions that focus on human rights and development partners attended the forum where talks revolved around the priority issues for funding with an eye on the 2017 General Election.

Table 8: Structured Collaborative Activities between NGEC and other Agencies

Month	Region/County/Venue	Activity	Category of Participants	Key Outcome
August 2015	Hotel La Maison, Nairobi County	IRI Gender Policy Roundtable	Women MCAs and county executives, gender representatives from Baringo, Busia, Turkana, Nyeri, Vihiga and Nairobi counties	Increased understanding of gender mainstreaming as a national strategy by the participants. There was also documentation of the challenges and opportunities for counties about gender integration.
May 2016	Nairobi County	IRI Kenya/Egypt Exchange Program	Civil society representatives from Egypt	Increased understanding of best practices and lessons in ensuring gender compliance in electoral and political processes. Adoption of gender-focused lobbying and advocacy strategies for civil society.
June 2016	Boma Hotel, Uasin Gichu County	IRI Civil society/ MCAs Gender Working Groups Inter-county Forum	Women MCAs and civil society representatives from Busia, Baringo and Turkana counties	Exchange of best practices by participants on development of gender-focused development policies at the county level. Increased understanding of gender integration national-level efforts by NGEC and other actors.

CHAPTER FIVE

5.0 FINANCIAL STATEMENTS



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 NAIROBI

OFFICE OF THE AUDITOR-GENERAL

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GENDER AND EQUALITY
 COMMISSION FOR THE YEAR ENDED 30 JUNE 2016

REPORT ON THE FINANCIAL STATEMENTS

I have audited the accompanying financial statements of the National Gender and Equality Commission set out on pages 2 to 17, which comprise the statement of assets as at 30 June 2016, and the statement of receipts and payments, statement of cash flows and 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 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

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 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 47 of the Public Audit Act, 2015.

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 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. The audit was conducted in accordance with International Standards of Supreme Audit Institutions. 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 disclosure 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

Report of the Auditor-General on the Financial Statements of National Gender and Equality Commission for the year ended 30 June 2016

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 the 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 qualified audit opinion.

Basis for Qualified Opinion

Irregular Lease Payments

The expenditure balance of Kshs. 137,153,717 on use of goods and services reflected in the financial statements for the year ended 30 June 2016 includes amounts totalling Kshs.476,921, which were irregularly paid to a firm for lease of offices by the Commission at Nakuru/Municipality Block 9/121. The amounts comprise a double payment of Kshs.374,723 and an overpayment of Kshs.102,198 to the firm. As a result, the propriety of the expenditure totalling to Kshs.476,921 incurred on use of goods and services cannot be confirmed.

Qualified Opinion

In my opinion, except for the effects of the matter described in the Basis for Qualified Opinion paragraph, the financial statements present fairly, in all material respects, the financial position of National Gender and Equality Commission as at 30 June 2016, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012.



FCPA Edward R.O. Ouko, CBS

AUDITOR-GENERAL

Nairobi

28 March 2017

Report of the Auditor-General on the Financial Statements of National Gender and Equality Commission for the year ended 30 June 2016

STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2015-2016 Kshs	2015-2016 Kshs
RECEIPTS			
Exchequer releases	1	309,000,000	289,500,000
TOTAL RECEIPTS		309,000,000	289,500,000
PAYMENTS			
Compensation of Employees 107,101,539	2	110,314,534	
Use of goods and services 159,818,021	3	137,153,717	
Staff Gratuity	4	43,700,000	-
Acquisition of Assets 22499,996	5	11,596,178	
Other Expenses (Gratuity)	6	1,157,490	-
TOTAL PAYMENTS 22499,996		11,596,178	
SURPLUS/DEFICIT 22499,996		11,596,178	

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 29.9.2016 and signed by:



Ag. Commission Secretary/CEO



Senior Assistant Accounting General

STATEMENT OF ASSETS

	Note	2015-2016 Kshs	2015-2016 Kshs
RECEIPTS			
Cash and Cash Equivalents			
Bank Balances	7	65,522,709	19,819,756
Cash Balances			
Total Cash and cash equivalent		65,522,709	19,819,756
TOTAL FINANCIAL ASSETS		65,522,709	19,819,756
FINANCIAL LIABILITIES			
Accounts Payables – Deposit and retentions	8	44,674,807	4,049,934
NET FINANCIAL ASSETS		20,847,902	15,796,821
REPRESENTED BY			
Fund balance b/fwd	9	15,769,821	15,689,377
Fund balance b/fwd		5,078,082	80,444
NET FINANCIAL POSSITION		20,847,902	15,769,821

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 29.9.2016 and signed by:



Ag. Commission Secretary/CEO



Senior Assistant Accounting General

VI. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	314,151,440	0	314,151,440	309,000,000	5,151,440	98.36%
PAYMENTS						
Compensation of Employees						
Compensation of Employees	110,314,586	5,000,000	115,164,960	110,314,534	4850,426	96%
Use of goods and services	138,641,894	-	138,641,894	137,153,717	1,488,177	99%
Social Security Benefits	45,000,000	(1,300,000)	43,700,000	43,700,000	-	100%
Acquisition of Assets	20,194,960	(7,850,000)	12,344,960	11,596,178	748,782	94%
Repayment of principal on Domestic and Foreign borrowing						
Other Payments				1,157,490.00	1,157,490.00	
TOTAL PAYMENTS	314,151,440	(4,150,000)	309,851,814	303,921,919	5,929,895	98%

The entity financial statements were approved on 29.9.2016 and signed by:



Ag. Commission Secretary/CEO



Senior Assistant Accounting General

STATEMENT OF CASHFLOW

		2015-2016 Kshs	2015-2016 Kshs
Receipts for operating Income			
Exchequer Releases	1	309,000,000	289,500,000
		309,000,000	289,500,000
Payments of Operating Expenses			
Compensation of Employees	2	(110,314,534)	(107,101,539)
Use of goods and Services	3	(137,153,717)	(159,818,021)
Social Security Benefits	4	(43,700,000)	
Other Expenses (Gratuity)	5	(1,157,490)	
Adjust for:			
Increase in payables		40,624,873	1,503,894
Net cash flow from operating activities		57,299,132	24,084,334
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	6	(11,596,178)	(22,499,996)
Net cash From Investing Activities		(11,596,178)	(22,499,996)
CASHFLOW FROM BOROWING ACTIVITIES			
NET INCREASE IN CASH AND CASH EQUIVALENT			
		45,702,955	1,584,338
Cash and cash equivalent at BEGINNING of the year	7	19,819,755	18,235,418
Cash and cash equivalent at END of the year	8	65,522,709	19,189,755

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 29.9.2016 and signed by:



Ag. Commission Secretary/CEO



Senior Assistant Accounting General

VIII. NOTES TO THE FINANCIAL STATEMENTS

NOTES TO THE FINANCIAL STATEMENTS (Continued)

1. EXCHQUER RELEASES

	2015-2016	2014 - 2015
	Kshs	Kshs
Total Exchequer Releases for quarter 1	51,200,000	10,000,000
Total Exchequer Releases for quarter 2	92,800,000	100,000,000
Total Exchequer Releases for quarter 3	52,500,000	60,000,000
Total Exchequer Releases for quarter 4	112,500,000	119,500,000
Total	309,000,000	289,500,000

2 COMPENSATION OF EMPLOYEES

	2015-2016 Kshs	2015-2016 Kshs
Basic salaries of permanent employees	63,184,285	62,097,492
Basic wages of temporary employees	-	-
Personal allowances paid as part of salary	45,767,549	45,767,549
Personal allowances paid as reimbursements	-	-
Personal allowances provided in kind	-	-
Pension and other social security contributions	-	-
Employer Contributions Compulsory national social security schemes	1,362,700	1,321,920
Employer Contributions Compulsory national health Insurance schemes	-	-
Total	110,314,534	107,101,539

*NOTES TO THE FINANCIAL STATEMENTS (Continued)***1. EXCHQUER RELEASES****2 COMPENSATION OF EMPLOYEES**

	2015-2016 Kshs	2015-2016 Kshs
Basic salaries of permanent employees	63,184,285	62,097,492
Basic wages of temporary employees	-	-
Personal allowances paid as part of salary	45,767,549	45,767,549
Personal allowances paid as reimbursements	-	-
Personal allowances provided in kind	-	-
Pension and other social security contributions	-	-
Employer Contributions Compulsory national socia security schemes	1,362,700	1,321,920
Employer Contributions Compulsory national health Insurance schemes	-	-
Total	110,314,534	107,101,539

*NOTES TO THE FINANCIAL STATEMENTS (Continued)***3. COMPENSATION OF EMPLOYEES**

	2015-2016 Kshs	2015-2016 Kshs
Utilities Supplies and Services	978,464	2,4000,000
Communication, Supplies and services	1,371,694	6,088,656
Domestic Travel and Subsistance	23,117,312	2,739,993
Foreign Travel and Subsistance	7,933,125	6,766,124
Printing, Advertising and Information Supplies & Services	3,584,218	4,766,124
Rentals of Produced Assets	47,673,468	42,355,094
Training Expenses	12,373,434	36,677,127
Hospitality Supplies and Services	4,356,800	4,089,976
Inurance Costs	18,538,282	16,962,181
Specialized Materials and Services	1,102,000	10,100,000
Other Operating Expenses	3,849,896	3,640,000
Routine Maintenance – Vehicles & other Transport Equipment	3,206,238	7,499,997
Routine Maintenance – Other Assets	947,923	2,770,999
Office and General Supplies and Services	3,742,130	2,700,000
Fuel Oil and Lubricants	4,378,732	613,536
Total	137,153,717	159,818,021

4. SOCIAL SECURITY BENEFITS

	2015-2016 Kshs	2015-2016 Kshs
Goverments Pension and Retirement Benefit	43,700,00	
Social Security Benefits in Cash and in Kind	-	-
Employer Security Benefits in Cash and in Kind	-	-
Total	43,700,00	-

NOTES TO THE FINANCIAL STATEMENTS (Continued)

5. ACQUISITION OF ASSETS

Non Financial Assets

	2015-2016 Kshs	2015-2016 Kshs
Refurbishment of Buildings	1,307,459	16,559,998
Purchase of Vehicles and Other Transport Equipment	6,693,130	-
Purchase of Vehicles and Other General Equipment	5,595,580	5,939,998
Total	11,596,178	22499,996

6. GRATUITY PAYMENTS

	2015-2016 Kshs	2015-2016 Kshs
	11,157,490	
Total	11,157,490	

7. BANK ACCOUNTS

Name of Bank, Account No. & Currency	Amount in Bank Account Currency	Indicate Whether Recurrent, Development Deposit e.t.c	Exc Rate (if in Foreign Currency	2015-2016 Kshs.	2014-2015 Kshs.
Central Bank of Kenya 1000181532 Kshs.	Kshs.	Recurrent	-	3,343,127	80,444
Central Bank of Kenya 1000181532 Kshs.	Kshs.	Deposit	-	62,179,583	19,739,311
Total				65,522,709	19,810,755

*NOTES TO THE FINANCIAL STATEMENTS (Continued)***8. ACCOUNTS PAYABLE**

	2015-2016 Kshs	2014-2015 Kshs
Deposits	44,674,807	4,049,934
Total	44,674,807	4,049,934

These are funds for paying Staff Gratuity upon resignation or expiry of their contract whichever is earlier.

9. FUND BALANCE BROUGHT FORWARD

Bank accounts	19,819,755	-
Cash in hand	-	-
Accounts Receivables	-	-
Accounts Payables	4,049,934	18,235,418
Total	4,049,934	18,235,418

These are funds for retention and excess vote

10. DEPOSIT MOVEMENT RECONCILIATION

Balance Brought Forward Start of Year	19,739,311
Receipts Gratuity	43,700,000
Receipts Others	1,227,192
Total	64,666,503
Less-	19,739,311
Payment - Gratuity	1,102,648
Payment - Others	1,384,235
Balance	62,179,584

11. OTHER IMPORTANT DISCLOSURES

11.1 DONOR FUNDS RECEIVED AND SPENT

UN-WOMAN

Funds Received

1 st Quarter Transfer	3,157,325	-
2 nd Quarter Transfer	2,806,952	-
3 rd & 4 th Quarter Transfer	1,776,000	-
UNVs Salaries		

Total **16,848,457**

EXPENSES FOR DONOR

1 st Quarter Transfer	2,864,585	-
2 nd Quarter Transfer	3,103,499	-
3 rd & 4 th Quarter Transfer	1,776,000	-
UNVs Salaries		

Total **12,416,201**

BALANCE AS AT 30th JUNE 2016 **4,432,256**

URAIA FUND

Fund Received

1 st Quarter Transfer	4,200,000	-
2 nd Quarter Transfer	-	-
3 rd Quarter Transfer	1,272,475	7,000,000
4 th Quarter Transfer	1,513,733	-

Total **6,986,208** **7,000,000**

EXPENSES FOR DONOR

1 st Quarter Transfer	4,200,000	-
2 nd Quarter Transfer	-	7,000,000
3 rd Quarter Transfer	1,272,475	-
4 th Quarter Transfer	1,513,733	-

Total **6,986,208** **7,000,000**

BALANCE AS AT 30TH JUNE 2016

NORWAY FUND

Funds Received

1 st Quarter Transfer	14,947,962	29,994,904
2 nd Quarter Transfer	-	-
3 rd Quarter Transfer	-	-
4 th Quarter Transfer	-	-

Total **14,947,962** **29,994,904**

EXPENSES FOR DONOR

1st Quarter Transfer	14,947,962	29,994,904
2 nd Quarter Transfer	-	-
3 rd Quarter TransferS	-	-
4th Quarter Transfer	-	-
Total	14,947,962	29,994,904
BALANCE AS AT 30TH JUNE 2016	-	-

NATIONAL GENDER AND EQUALITY COMMISSION

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12: PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

Referen ce No. on the external Audit Report	Issue/ Observation From Auditor	Management Comments	Focal Point Person to Resolve the issue (Name and Designation)	Status: Resolved/ Not Resolved	Timeframe, put a Date when you Expect the Issue to be Resolved
1.1 Medical Cover	Tender awarded for kshs. 10,760,000 instead of the lowest kshs. 9,405,548/ Thus extra payment of kshs. 1,354,452/=	<p>As evidenced by the tender, negotiation and evaluation Committee minutes attached in Annex 1 UAP Insurance was disqualified due to the following discriminatory reasons;</p> <ul style="list-style-type: none"> • Required full payment of all premiums at the commencement of the cover • Overseas travel cover on reimbursement basis • Evacuation cover limit only in Kenya Uganda and Tanzania • The insured never gets to see the bill <p>BRITAM was also disqualified for the following reasons;</p> <ul style="list-style-type: none"> • Excludes Cover on Venereal Diseases and STIS • Excludes Specialist Consultants unless Referred by General Practitioner • Excludes Examination or Checkups eg. General Health Examination not related to Diagnosis of Sickness or Accidental Injury. 	Mathew Musau Head of Procurement	Explanations made and the response to be discussed with the External Auditors	
1.2 Group Life Cover	Annual contract for Kshs. 797,174/= actual payment Kshs. 1,308,178/= Excess payment	After award of the group life cover to M/S Metropolitan Insurance Company at the tendered amount of Ksh. 797/174/= the company changed terms of group life that was quoted in the tender document. While the tender document indicated a group life of staff at Ksh. 213,282/= the document metropolitan presented during negotiation	Mathew Musau Head of Procurement	Explanations made and the response to be discussed with the External Auditors	

Reference No. on the external Audit Report	Issue/ Observation From Auditor	Management Comments	Focal Point Person to Resolve the issue (Name and Designation)	Status: Resolved/ Not Resolved	Timeframe: put a Date when you Expect the Issue to be Resolved
	Kshs. 511,004/=	showed an increase to Ksh. 1,065,601/=The award to Metropolitan was cancelled and awarded to the 2nd lowest evaluated bidder M/s CIC. (Copies of the award letter, negotiation Committee meeting minutes, document from metropolitan and tender committee meeting minutes attached in Annex 1 .)		with the External Auditors	
2.0 Refurbishment and partitioning works	Contract for refurbishment of Kshs. 9,750,626.25 awarded without bills of quantity from Ministry of Public Works hence no evidence of value for money for the expenditure.	The Commission procured competitively a private firm to undertake the bills of quantities and supervision of the works. The list of bidders was obtained from the PPOA website (Registered with Board Registration of Architects and Quantity Surveyors -BORAQS). Attached please find the bill of quantities and the reports for the project in Annex 2 .	Mathew Musau Head of Procurement	Explanations made and the response to be discussed with the External Auditors	
3.0 Irregular issuance of imprests	Imprest issued without imprest warrant forms and before surrendering previous imprest	As at 30th June 2015 no Commission Officer had outstanding imprest as per the financial statements. All the listed payments were issued as imprest as can be confirmed from the IFMIS records. The imprest was also accounted for hence confirmed to have been used for the intended purposes. Issuance of more than one imprest only happened when field activities followed one another closely hence staff were facilitated before the earlier imprest were cleared from the IFMIS system	Nemwel Motanya Head of Accounting Unit	Explanations made and the response to be discussed with the External Auditors	

Reference No. on the external Audit Report	Issue/ Observation From Auditor	Management Comments	Focal Point Person to Resolve the issue (Name and Designation)	Status: Resolved/ Not Resolved	Timeframe, put a Date when you Expect the Issue to be Resolved
4-1 Accounts payable	Previous year 2013/2014 balance kshs. 2,546,040/= differ with the brought forward balance of kshs. 15,689,378/=	Accounts payable The accounts payable deposits of Ksh. 2,546,041/= is the retention moneys that were held by the Commission as shown in Note 24 of the accounts (Annex 3)	Nemwel Motanya Head of Accounting Unit	Explanations made and the response to be discussed with the External Auditors	
4-2 Cash Flow Statement	The statement of cash flow reflects erroneous balances brought forward from 2013/2014	The difference in the figures was brought about by change in format of cash flow report used in 2013/14 accounts from the one used in 2014/15 accounts. Whereas in 2014/15 format, all cash flows are first added together at each stage and subtracted from the Receipt for Operating income figure, in the 2013/14 format the cash out flows are subtracted from the receipt for Operating income figure at each stage. This can also be evidenced by the bottom figure of cash and cash equivalent at the end of 2013/14 and opening cash and cash equivalent at the beginning of 2014/15 does not change (Annex 4, 2013/14 format)	Nemwel Motanya Head of Accounting Unit	Explanations made and the response to be discussed with the External Auditors	



Ag. Commission Secretary/CEO



Senior Assistant Accounting General

NATIONAL GENDER AND EQUALITY COMMISSION

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ANNEX 1 - SUMMARY OF FIXED ASSET REGISTER

Assets Class	Historical Cost (Kshs) 2015/16	Historical Cost (Kshs) 2015/16
Land		
Building and Structures	87,510,595	86,203,136
Transport equipment	70,386,260	63,693,130
Office equipment, furniture and fittings	48,764,686	45,169,098
ICT Equipment, Software and Other ICT Assets	12,508,956	12,508,956
Other Machinery and Equipment	-	-
Heritage And Cultural Assets	-	-
Intangible Assets	-	-
Total	219,170,497	207,574,320

CHAPTER SIX

6.0 CHALLENGES, RECOMMENDATIONS AND PRIORITY AREAS

The Commission has in the past financial year benefited from an increased resource allocation from the Government. At the same time, funding from development partners declined. The Commission will in the next three years develop and implement a fundraising strategy to increase the resource base in support of the upcoming five (5) years strategic plan 2017-2022.

In its new Strategic Plan, the Commission proposes to reposition itself as the first reference point for discrimination related issues among Kenyans. It will strategically target children, youth and older members of the society. In addition, the Commission will work closely in the next financial year with Parliamentary Committees in the National Assembly and Senate and where appropriate with joint parliamentary committees to discuss key outcomes of the Commissions' finding and recommendations of reports from the costing and equality studies. Some of the committees to work with are the Joint Committee on National Cohesion and Equal Opportunities, Labour and Social Welfare and Justice and Legal Affairs among others.

The Commission will strive to open at least two additional offices at the regional level and also work with county executives and assemblies to advance its mandate to bring services closer to the people. In 2016 -2017 the Commission shall engage the National Treasury to obtain resources to recruit necessary staff.

APPENDIX A.

Profile of Commissioners and Commission Secretary



Commissioner Winfred O. Lichuma, EBS

Ms. Lichuma is the Chairperson of the National Gender and Equality Commission (NGEC). She holds an LLB from the University of Nairobi, an LLM from the University of Essex in the United Kingdom and an MA in Gender and Development from the University of Nairobi.

Among her key accomplishments at the Commission include advocacy in the search for a framework to enhance political representation for women in the National Assembly and the Senate in implementing the “not more than two third” equality principle provided

under the Kenya Constitution 2010. She has also been instrumental in ending gender based violence and led NGEC to launch a campaign dubbed “Keeping the Promise” which is an accountability call for National and County governments to implement the laws and policies to end gender based violence.

The campaign has been launched in 19 counties and Technical committees established under CECs responsible for gender for sustainability. Ms. Lichuma has been instrumental in holding the government (National and County) accountable on realization of the inclusion principles for the SIGs as per the Constitution.

Ms. Lichuma serves as a panel member of Every Woman Every Child Every Adolescent Independent Accountability Panel (IAP), to oversee implementation of the UN Global Strategy for Women, Children and Adolescents Health to help further the 2030 Sustainable Development Goal’s Agenda. She became the first African woman to sit on this panel having been appointed by the UN Secretary General Ban Ki- moon.



Commissioner Simon J. Ndubai

Commissioner Ndubai is the Commission's Vice Chairperson. He is a holder a Bachelor of Commerce Degree from Poona University. Mr. Ndubai has served as an Internal Auditor in Government and parastatals for more than 20 years in various capacities.

He has previously served as 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. He is a member of the Victims Protection Board, upon nomination in February 2015. He is the convener for the Disability and Elderly & Research, Monitoring, Evaluation and Documentation in the Commission.



Commissioner Dr. Gumato Ukur Yatani

Commissioner 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 has now concluded 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 organizational development and human resource manager with Kenya Red Cross Society. She also worked with the Kenya Post office savings bank as a senior field service training coordinator for Western Union money transfer agency. Mrs. Yatani has served in various organizations including being the vice chair of Ewaso Ng'iro North Development Authority and board membership of several local NGOs. 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, MBS

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

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

Institute of Personnel Development (CIPD). She has vast knowledge and experience in people management and especially in talent development and management of Diversity.



Mr. Paul Kihugu Kuria

Acting Commission Secretary/CEO

Mr. Kuria's background is in research and metrics, social and behavioural 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 Reproductive Health (RH) programme of APHRC funded by David and Lucile Packard Foundation in Kenya. Between 2002 and 2008, he served as a Research Officer in Population Services International, Kenya, before rising to the position of Deputy Director for 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 NGEK. He was responsible for establishment of a functional Research and Programmes Directorate of the Commission. He is an ordinary member of the Institute of Directors, Kenya and a full member of the Kenya Institute of Management.



NGEC
National Gender and
Equality Commission

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