



NGECC

National Gender and
Equality Commission



Annual Report 2019-2020





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List of Acronyms

ACHPR	African Charter on Human and Peoples Rights
AU	African Union
BBI	Building Bridges Initiative
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CoG	Council of Governors
CoP	Conference of Parties
CRC	Convention on the Rights of Children
CRPD	Convention on the Rights of Persons with Disabilities
CUC	Court Users Committee
EARCS	Education Assessment and Resource Centres
EITWG	Equality and Inclusion Technical Working Groups
FGM	Female Genital Mutilation
GBV	Sexual and Gender-Based Violence
GSSP	Gender Sector Statistical Plan
ICPD	International Conference on Population Development
IEBC	Independent Electoral and Boundaries Commission
ILEPA	Indigenous Livelihoods Partners
KAARC	Kenya Alliance for the Advancement of the Rights of Children
KLRC	Kenya Law Reform Commission
KNBS	Kenya National Bureau of Statistics
KPHC	Kenya Population and Housing Census
MCAs	Members of County Assemblies
MDAs	Ministries, Departments and Agencies
MPIDO	Manyoita Pastoralists Integrated Development Organization
MPs	Members of Parliament
NCAJ	National Council on Administration of Justice
NPIs	National Planning Institutions
NSOs	National Statistics Officers
OAG	Office of the Auditor General
PPA	Political Parties Act
PWDs	Persons with Disabilities
REDD+	Reducing Emissions from Deforestation and Forest Degradation
SDGs	Sustainable Development Goals
SIGs	Special Interest Groups
TWG	Technical Working Group
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review
VAC	Violence against Children

Foreword From The Chairperson

I am pleased to present the National Gender and Equality Commission's (NGEC) 2019-2020 Annual Report. The second half of the year witnessed an unprecedented disruption of the Commission's work plan due to the outbreak of the COVID-19 pandemic. As a result, the Commission had to put on hold some planned activities and quickly adapt to a new way of conducting business including holding coordination forums through online platforms. The novel coronavirus plunged the country into uncharted territory and presented a myriad of hitherto unknown challenges, especially to the Special Interest Groups. Just as the economy took a hit from the COVID-19 pandemic, vulnerable groups in the country were among the hardest hit. Fortunately, the World Health Organization recognized that adherence to recommendations developed for the general population would not be feasible for Special Interest Groups.

Therefore guidelines to support vulnerable populations to prevent, and respond to possible community transmission of COVID-19 were developed. Cognizant of the fact that special interest groups are disproportionately affected by the COVID-19 pandemic, the Commission monitored various interventions designed by the Government, Development Agencies and the Private Sector to cushion vulnerable populations from the effects and impacts of the pandemic. Despite the operational setbacks brought by the pandemic, the Commission managed to aggressively discharge its mandate through general and targeted policy interventions.

At the national level and for the first time, the Commission observed the implementation of the 2019 Kenya Population and Housing Census to establish the extent to which the Census complied with the principles of inclusion and gender equality as relates to women, youth, older members of society, children, Persons with Disabilities (PWDs), minorities and marginalized. It also evaluated how quality information was being collected by the use of various techniques and strategies to monitor and observe the census.

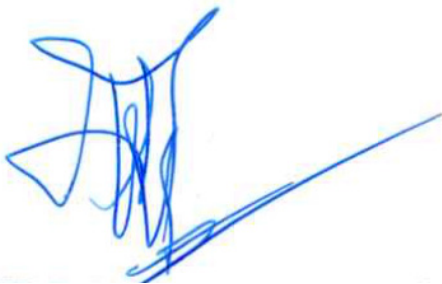
The Commission issued the Kenya National Bureau of Statistics-KNBS an advisory on the possible areas within the tools, manuals and protocols that may promote exclusions of special interest groups. As a result, Kenya became the first African nation and one of the only countries in the world to count intersex (people born with sexual anatomy that does not fit typical definitions for male or female bodies) as part of its 2019 census in August. This was a big win as it means intersex people are recognized and their rights must be safeguarded as all other minorities in this country.

At the County level, the Commission facilitated the review and development of the second edition of the Guidelines for county governments titled, 'Guide for County Government Leadership; Integration of Gender Equality, Inclusion in County Development'. The guidelines emphasize practical processes through which County Governments may accelerate promotion and the realization of gender equality and inclusion in leadership, planning, workforce, and budgeting.

During the Financial Year 2019-2020, the Commission mounted a robust defence against the proposed merger with the Kenya National Commission on Human Rights as contemplated in the Kenya National Commission on Human Rights (Amendment) Bill (National Assembly Bill No.1 of 2020). It remains our strong considered opinion that the move amounts to Parliament interfering with the independence of the two Constitutional bodies and an egregious violation of Article 255 (1) of the Constitution of Kenya 2010.

These and many other interventions detailed in this report account for the Commission's output during an eventful Financial Year that would have been impossible to deliver without the solid commitment and dedication of the Commissioners, the Commission Secretary and the entire Secretariat. In March 2019, the Commission bade farewell to Commissioner Dr. Florence Wachira whose term ended after an illustrious tenure. We look forward to a replacement of her position as provided in the National Gender and Equality Commission Act No. 15 of 2011.

I wish to thank and appreciate the support of the Government of Kenya and the Commission's development partners for financial and material support during the Financial Year under review. I also express my sincere gratitude to the Commissioners and staff for their contribution and urge them to continue in their efforts in the forthcoming year.



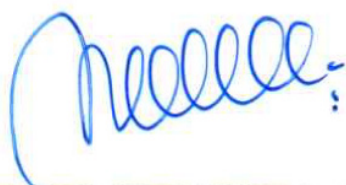
DR. JOYCE B.M. MUTINDA, PhD.
CHAIRPERSON

Statement from the Commission Secretary/Chief Executive Officer

The Financial Year 2019-2020 marked the commencement of the implementation of the Commission's 2019-2024 Strategic Plan whose projected budget for the 5 years is approximately Ksh. 4 billion, translating to a projected annual expenditure of Ksh. 800 million. During the sector working group bidding, the Commission managed to secure over Ksh. 600 million shillings for the Financial Year 2019-2020 budget. Unfortunately, the National Assembly reviewed the amount downwards to Ksh. 488million. Further budget rationalization due to the outbreak of the COVID- 19 pandemic reduced the Commission's overall financial envelope and led to a steep drawdown of strategic interventions.

The Financial Year 2019-2020, therefore, goes down as one of the most challenging moments the Commission has encountered. The programmatic interventions for the Financial Year 2019-2020 were driven by emerging trends in the mainstreaming of gender issues across the counties, national, regional and international spheres. Despite facing an existential threat posed by the proposed merger and crippling financial challenges, the Commission managed to execute strategic interventions aided by technology and leveraging on a rich pool of national and county stakeholders, which cemented its role as the defender and champion of gender equality and non-discrimination. The outbreak of the COVID-19 pandemic meant that we had to adapt and devise innovative ways of ensuring business continuity. The concept of working and delivering from home called for a need to ensure a functional, albeit rudimentary infrastructure and the facilitation of staff in essential services directorates. Going forward, it has become necessary to incorporate mainstream virtual systems for hosting and coordinating stakeholder forums as well as statutory engagements. This calls for the re-engineering of the Commission's processes, which will require a substantial capital outlay. The Annual Budgetary allocation is hardly enough to fund the Commission's activities, and we shall continue to bid for additional funding.

The achievements recorded by the Commission are attributable to the dedicated, competent and qualified staff at the Commission. The Chairperson and Commissioners provided valuable strategic, policy and programmatic guidance throughout the reporting period. We sincerely appreciate the involvement and participation of our key stakeholders, who provided a useful springboard for our achievements. In the next Financial Year, we shall continue to build on the successes and lessons learnt in the promotion of substantive equality. Finally, I appreciate the trust that the people of Kenya have bestowed on the Commission to promote gender equality and freedom from discrimination.



BETTY SUNGURA-NYABUTO, MBS
COMMISSION SECRETARY/CEO

Executive Summary

This section presents a summary of key achievements made by the Commission in the Financial Year 2019/2020 in monitoring, auditing, facilitating and coordinating the integration of the principles of equality and inclusion at national regional and international, levels and a summary of good practices and challenges encountered during the implementation of its programmes.

During the reporting period, the Commission observed the implementation of the August 2019 Kenya Population and Housing Census (KPHC) exercise. The objective of the exercise was to establish the extent to which the Census complied with the principles of gender equality and inclusion concerning women, youth, older members of society, children, PWDs, minorities and marginalized groups. Under the invitation of the UNWOMEN global office, the Commission contributed to the expert's groups meeting held in New York in December 2019. The forum sought to design strategies and instruments for measuring violence against women in elections and politics. Participants were drawn from all the continents and represented 30 countries.

During the reporting period, the Commission received and evaluated 153 annual gender-mainstreaming reports, compared to an expected 300 reports. The Commission issued certificates of compliance, and advisories detailing areas of improvement for consideration by the MDAs. The low levels of reporting by MDA's on the status of gender and equality in the public sector are attributed to the exclusion of the gender indicators from the 2019/2020 performance contracting process and the effects of the COVID-19 pandemic.

The Commission, in collaboration with the International Association of Women Judges–Kenya Chapter and the International Development Law Organization (IDLO), carried out an introspective institutional audit of the Judiciary on the principles of gender and inclusion. The gender audit sought to analyze the gender sensitivity and responsiveness of the Judiciary in its internal operations and delivery of its external mandate. During the reporting period, the Commission facilitated the review and development of the guidelines for county governments titled, "Guide for County Government Leadership; Integration of Gender Equality, Inclusion in County Development." The review was based on lessons learnt on effective strategies for integrating the principles of equality and inclusion into County Government structures over the last six years since the onset of Devolved Governments.

The Commission facilitated the Senate of Kenya during its sixth Senate Leadership Retreat, held in March 2020, under the theme, "*Defining the Legacy of the Third Senate: Identifying Priorities and Synergies in Deepening Public Trust.*" The Commission led discussions on, "*Gender Mainstreaming in Parliamentary Business, Progress made so far.*" Further, the Commission issued an advisory to the Chairperson of the Parliamentary Service Commission on the urgent establishment of breastfeeding stations/crèches within Parliamentary Buildings to accommodate nursing MPs and their children.

In line with function 8 (d) of the National Gender and Equality Commission Act, No.15 of 2011, the Commission coordinated and facilitated stakeholders' dialogue forums on the matter of the Age of consent for sex. The dialogue was spurred by the Court of Appeal proposal in March 2019 that invited national discussions on mechanisms for dealing with child offenders under provisions within the Sexual Offences Act 2006 while maintaining the best interest of the child. From the dialogues, the Commission gained a national consensus that the best interests of the child should prevail in all instances, including in cases where children are in conflict with the law, that the age of consent for sex should remain at 18 years if not increased, and that the Sexual Offences Act 2006 should be considered for an amendment to eliminate the violation of the rights of both boys and girls who are said to have committed sexual offences.

During the review period, the Commission reviewed and provided input to 38 legal instruments at both the County and National levels (24 bills, 14 policies and regulations). The inputs were mainly to address equality and inclusion issues and ensure the rights and freedoms of the most vulnerable population were guaranteed, protected and promoted. The Commission also reviewed the language used by drafters to avoid any derogatory terms or phrases in describing the status and needs of SIGs.

The Commission further issued several advisories to Government MDAs and private actors. They include advisories on compliance with the Health Act, No. 21 of 2017 that requires all employers to support working women to breastfeed at work through the establishment of lactation stations. The advisories were directed to all 44 Principal Secretaries, Kenya Private Sector Alliance and 14 hospitals, including national, county and private sector hospitals. The Commission also issued advisories to the Ministry of Health and the Ministry of Interior and Coordination of National Government on key issues affecting the welfare of people in vulnerable situations during COVID-19.

The Commission is mandated to 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 as well as special interest groups. In this function, the Commission during the reporting period contributed to the development of at least 11 country reports and, in a few cases, participated in the hearing sessions organized by the treaty bodies.

During the period under review, the Commission received and processed 91 complaints on the violations of the principles of gender equality and freedom from discrimination. In addition, the Commission initiated the process of developing the National Gender and Equality Commission Complaints Handling Practice and Procedure Regulations, 2020. The regulations will enable the Commission to exercise its powers and functions drawn from Article 252 of the Constitution and Sections 26 and 27 of its establishing Act.

During the reporting period, the Commission held 50 thematic based coordination meetings, bringing together stakeholders to discuss emerging and priority issues touching on women, youth, children, PWDs, elderly members of society and minority and marginalized groups both at the national and county government levels. The meetings bring together critical actors (national, county, private, academia, non-state actors, media and researchers), to discuss emerging and priority issues around equality and inclusion.

The Commission's receipts mainly comprise exchequer releases from the National Treasury and external grants from development partners. For the year ended 30th June 2020, the Commission received a total of Kshs. 386,352,945 in terms of exchequer received from the National Treasury of Kshs.375, 712,645 and other receipts from development partners of Kshs.10, 640,300. The other receipts were composed of funds received from development partners; Ford Foundation, Kshs. 10,131,000.00 and Kshs. 509,300 from UN-Habitat. The total payments by the end of the Financial Year were Kshs. 376,118,813 compared to a budget of Kshs. 401,349,273 translating to a 94% absorption level.

The year under review was not without challenges, key among them being;

1. Limited regional coverage of the issues affecting special interest groups. The Commission has five regional offices spread across the country. With limited vehicles and staffing levels, the five offices have inadequate capacity to reach and address all matters affecting special interest groups.
2. Inadequate funding reduces the Commission's visibility, reach to most vulnerable populations, and frequency in national reporting of SIGs-related conventions and treaties.
3. There is exponentially increased demand for assessments of equality and inclusion in emerging issues such as the effects and impacts of COVID-19, natural resource management, child pregnancies, social risk management, and business development.

To address the challenges, this report makes the following recommendations:

1. In many jurisdictions, government agencies access their budgets and grants upon submission of a certificate of clearance from equal opportunities oversight bodies (the equivalent of the NGEC) stating that the agency has put adequate measures in their planning and budgeting tools to address inequalities and exclusions. If such a measure were introduced in Kenya, many government agencies would certainly comply with the requirements of inclusiveness.
2. The Government to consider increased financial support for the Commission directed at full operationalization of the five regional offices and opening at least two more offices per year. The investment will increase the capacity of the Commission to handle matters of equality and inclusion particularly among vulnerable populations living in hard-to-reach areas

In the next Financial Year, the Commission has prioritized the following interventions:

1. Facilitate the development of a framework for greater and meaningful involvement of PWDs and youth in anti-corruption programs. PWDs and youth are the most affected by corruption, and we recognize that they, too, can make a significant contribution to the development of an ethos and beliefs based on integrity, equality, and non-discrimination. Expanding the scope of interventions to include universal access to public infrastructure. The Commission launched a pilot project on access to public transport in Nairobi and wished to expand the coverage and reach to provide national and county governments with concrete recommendations for consideration in ensuring universal access to, among others, Bus Rapid Transit.

2. Monitor and audit participation in SIGs on the opportunities available in the Big 4 Agenda and in the constitutional and legal reform agenda that commenced in 2020, leading to the 2022 general elections.
3. The Audit of County Governments on equality and inclusion in representation and employment in the executive and legislative organs including the service boards
4. Complete the audit of the uptake and effect of green energy among special interest groups, including the uptake of solar lanterns, improved cooking Jikos among others. Operationalization of the Commission's rules and regulations to strengthen procedures for the conduct of investigations and management of complaints. The program shall involve the first five counties' sittings of the Commission to hear and process complaints on equality and inclusion. The program will also entail the development of communications to promote the rules and regulations among the special interest groups, and the presentation of the rules in simple, easy-to-understand language, with a version in Swahili and braille formats.

Increasing the capacity of the Commissioners and management team in terms of corporate governance and knowledge management

This report is divided into five chapters. Chapter 1 describes the mandate, composition, and structure of the Commission. Chapter 2 chronicles critical programmatic achievements in key strategic objectives, while Chapter 3 details public education and advocacy interventions as well as the institutional growth achieved in the past year concerning personnel, information and technology, procurement and strengthening its risk management functions. The audited accounts of the Financial Year 2019/2020 are presented in Chapter 4, while Chapter 5 describes the key challenges, recommendations and priority areas of the Commission for the Financial Year 2020/2021.

Introduction

Reporting by Commissions and Independent Offices.

As per Article 254 (1) of the Constitution of Kenya 2010, it requires Constitutional Commissions and holders of Independent Offices to submit a report to the President and Parliament as soon as practicable after the end of each Financial Year.

Section 53 (1) of the National Gender and Equality Commission Act No. 15 of 2011 states that the report of the Commission under Article 254 of the Constitution shall, in respect of the financial year to which it relates, contain:

- a) The Commission's financial statements ;
- b) A description of the activities of the Commission;
- c) The Commission's recommendations on specific actions to be taken in furtherance of the findings;
- d) The Commission made recommendations on legal and administrative measures to address specific concerns identified; and
- e) Any other information relating to its functions that the Commission considers relevant.

This report is prepared according to Article 254 of the Constitution of Kenya (2010) and Section 53 of the National Gender and Equality Commission Act No. 15 of 2011. The report details key achievements made by the Commission in the Financial Year 2019/2020 in monitoring, auditing, facilitating and coordinating the integration of the principles of equality and inclusion at international, regional, and national levels and provides a summary of good practices and challenges encountered during the implementation of its programmes.

CHAPTER ONE

The Commission

The National Gender and Equality Commission (NGEC) is a Constitutional Commission established by the National Gender and Equality Commission Act No. 15 of 2011 under Article 59 (4) and (5) of the Constitution of Kenya, 2010. The Commission's mandate is to promote gender equality and freedom from discrimination for all people in Kenya with a focus on special interest groups, which include women, children, youth, persons with disabilities (PWDs), older members of society, minorities, and marginalized groups.

The Commission's headquarters is in Nairobi, with five regional offices in Garissa, Kisumu, Nakuru, Kitui, and Kilifi. As per the provisions of the National Gender and Equality Commission Act No. 15 of 2011, the Commission consists of a Chairperson and four other members appointed per its constitutive act. The Chairperson and members serve on a full-time basis for a non-renewable term of six years. By the end of the Financial Year under review, the leadership of the Commission was comprised of Dr Joyce M. Mutinda (PhD) as Chairperson, Dr Chomba Munyi (PhD) as Vice-Chairperson, Hon. Priscilla Nyokabi as Commissioner, and Betty Sungura-Nyabuto (MBS) as the Commission Secretary/CEO. Commissioner Dr. Florence Wachira's (MBS) tenure ended in March 2020.

1.1 Functions of the Commission

The mandate of NGEC is spelt out under Section 8 of the National Gender and Equality Act No. 15 of 2011 as follows:

- a) promote gender equality and freedom from discrimination under 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 relating to 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 advise the Government on all aspects thereof;
- e) monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
- f) investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;
- 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 advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- i) conduct and coordinate 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 on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination;
- k) work with the Kenya 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 disabilities, 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

General functions and powers.

In addition to the powers conferred in Article 252 of the Constitution, Section 26 of the National Gender and Equality Commission Act No. 15 of 2011 confers the Commission powers to;–

- a) issue summons as it deems necessary for the fulfilment of its mandate;
- b) require that statements be given under oath or affirmation and to administer such oath or affirmation;
- c) adjudicate on matters relating to equality and freedom from discrimination;
- d) obtain, by any lawful means, any information it considers relevant, including requisition of reports, records, documents and any information from any person, including governmental authorities, and to compel the production of such information for the proper discharge of its functions;

- e) by order of the court, enter upon any establishment or premises, and to enter upon any land or premises for any purpose material to the fulfilment of the mandate of the Commission and in particular, for the purpose of obtaining information, inspecting any property or taking copies of any documents, and for safeguarding any such property or document;
- f) interview any person or group of persons;
- g) subject to the adequate provision being made to meet his expenses for the purpose, call upon any person to meet with the Commission or its staff, or to attend a session or hearing of the Commission, and to compel the attendance of any person who fails to respond to a request of the Commission to appear and to answer questions relevant to the subject matter of the session or hearing;
- h) conduct audits of any public or private institution to establish the level of compliance with the Constitution with regard to integrating the principle of equality and equity in its operations; and
- i) require any public or private institution to provide any special report on matters relating to the institution's implementation of the principle of equality and equity including gender equity.

CHAPTER TWO

2.0 Programmatic Interventions

This chapter presents theme-based policy and programmatic achievements for the Financial Year 2019/2020.

2.1 Compliance, Monitoring and Reporting

2.1.1 Equality and Inclusion in the 2019 Kenya Population and Housing Census.

The Commission observed the implementation of the August 2019 Kenya Population and Housing Census (KPHC) exercise under the Commission's functions as outlined in the National Gender and Equality Commission Act, No. 15 of 2011. The objective of the exercise was to establish the extent to which the Census complied with the principles of gender equality and inclusion concerning women, youth, older members of society, children, PWDs, minorities and marginalized groups.

The observation process commenced in February 2019 through the review of KPHC's draft data collection tools. The Commission pointed out critical areas for improvement in measurement, data collection and data disaggregation. The Commission issued the Kenya National Bureau of Statistics (KNBS) with an advisory on the possible areas within the tools, manuals and enumeration protocols that may promote exclusions of special interest groups. Some of the key issues raised in the advisory include:

- a) Intersex people may be excluded from the categorization of sex as either male or female; the tool needed to be changed to allow for greater categorization.
- b) Inadequate measurement that could easily exclude estimation of;
 - i. Children below the age of 5 with disabilities,
 - ii. Children below the age of 18 currently married (early child marriages),
 - iii. Children and youth who are orphans, and
 - iv. Estimation of populations classified as either minority, marginalized or minority and marginalized population.
- c) Improving enumeration tools to collect data disaggregated by key variables such as gender, ability, age, and majority or minority status.
- d) Words and terms to avoid using in the census either because they are derogatory or offensive to vulnerable populations such as persons with disabilities.
- e) Need to ensure the advocacy and sensitization programs about the census reach the most vulnerable groups. This will ensure that vulnerable groups including PWDs, persons with albinism, intersex persons, women among others know that they shall be targeted by the census activities and that their participation is critical.

The Commission also provided documentary evidence and reports for the Kenya National Bureau of Statistics (KNBS) to consider and facilitate the development of comprehensive census questionnaires. These include the report published by the Commission on the mapping of the indigenous people and ethnic minorities in Kenya.

Furthermore, the Commission observed the enumeration processes. The observation exercise focused on the training and capacity development of selected census officials, the pre-household listing activities, the enumeration, as well as the inclusion and participation of special interest groups in the census activities. The Commission made four hundred and sixty-seven (467) observations in 30 counties (representing 64.3% of county coverage).

The Commission observed that, for the first time in Kenya, the 2019 KPHC considered enumeration of all communities that had been accorded a demographic variable by the KNBS. A case in point is the Shona community (originally from Zimbabwe) who migrated to Kenya in the early 1960s and are currently residing mainly in Kiambu County.



Chairperson Dr. Joyce Mutinda (in green reflector jacket) speaks to Census enumerators at the Moi International Airport in Mombasa

The Commission, however, noted that the public awareness programs run through televisions and other channels were not inclusive and left out vulnerable groups such as persons with visual and hearing impairments among others. The Commission recommended that in the future awareness and advocacy programs should have a module that builds awareness among extremely vulnerable groups to increase their acceptability of the census activities.

A report of the activity “The 2019 Kenya Population and Housing Census report”- An Observation Report of the National Gender and Equality Commission: Emerging Issues, Gaps, Good Practices and Recommendations” shall be launched in the financial year 2020/2021.

1.1.2 Equality and Inclusion in the Public Transport Sector



Legislators and members of public with disabilities joined the Commission during the launch of inclusive transport in Nairobi CBD

In the Financial Year 2019/2020, the Commission, with financial and technical assistance from the Government of Kenya and UN-Habitat in collaboration with the Institute for Transportation and Development Policy (ITDP) and National Transport and Safety Authority (NTSA), designed and executed a project titled “The Universal Access to Public Transport Project-Increasing Involvement of Persons with Limited Mobility to Development Through Inclusive Public Transport”. The project focused on persons with disabilities, older members of society, expectant women and children in Nairobi County.

The project was mainly delivered through meetings and working sessions with stakeholders drawn from the vulnerable populations, key government agencies, the private sector, and non-state actors involved in either design, regulation, or funding of public transport in Nairobi County. The goal of the project was to embed the concept of universal accessibility into policies, regulations and practice. The project supported the development of a transport system that is inclusive and accessible to vulnerable populations, which include persons with disabilities (PWD’s), older members of the society, women and children. A report, “*Access and Mobility Project: The implications of Universal Access on Groups in Vulnerable Situations in Nairobi,*” has been finalized and will be published in the financial year 2020/2021. The report provides a summary of discussions of all the activities implemented under the project and gives recommendations and policy commitments on inclusive urban transport in Kenya.

The Commission facilitated the 10th World Urban Forum 2020 in Abu Dhabi (UAE) under the theme ‘Make Cities and Human Settlements Inclusive, Safe, Resilient and Sustainable. During the conference held in February 2020, the Commission organized and hosted a side event on coordinating partnerships to develop supportive policies for inclusive urban transportation in Kenya. Lessons learned during Kenya’s inclusive urban transport program were shared during the conference.

1.1.2 Equality and Inclusion in Elections

At the invitation of the UNWOMEN global office, the NGECC contributed to the experts' group meeting held in New York in December 2019. Since 2018, UNWOMEN has convened expert groups to discuss the elimination of all forms of violence against women in elections and politics, under the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The forum brought together experts in elections, including in the conduct and monitoring of elections. The forum sought to design strategies and instruments for measuring violence against women in elections and politics. Participants were drawn from all the continents and represented 30 countries. The Commission represented Kenya by making a presentation on, "*The participation of women in the Kenya 2013 and 2017 general elections.*"

2.1.4 Equality and Inclusion in Ministries, Departments and Agencies (MDAs)

Function 8 (j) of the National Gender and Equality Commission Act, No. 15 of 2011, mandates the Commission to receive and evaluate annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination. Ministries, Departments, and Agencies (MDAs) are required to report to the Commission on a bi-annual basis on the progress they have made in mainstreaming issues of gender, equality and inclusion in the work environment, employment, promotions and training.

In the FY 2019/2020, the Commission received and evaluated 153 annual gender mainstreaming reports against the expected 300 reports. The Commission issued certificates of compliance and advisories detailing areas of improvement for consideration by the MDAs. The low levels of reporting by MDA's on the status of gender and equality in the public sector are attributed to the exclusion of the gender indicators from the 2019/2020 performance contracting process and the effects of the COVID-19 pandemic. It is expected that after the reinstatement of gender indicators in the performance contracting guidelines for the period 2020-2021 and the reducing trends in the incidence of COVID-19, all MDAs will submit their annual progress reports to the Commission.

The Commission contributed to and participated in the development of Gender Mainstreaming Guidelines for Public Institutions. The objective of the guidelines is to contribute towards gender mainstreaming in public institutions procedures, practices, policies, plans and programs. The guidelines also provide the public sector with a standard tool for national and county gender officers, gender focal persons, gender committees, gender units and other sectoral stakeholders for monitoring levels of compliance with gender equality and inclusion.

Further, the Commission facilitated various government agencies to improve the integration of the principles of equality and inclusion within their operations and programs. The training sessions were geared towards enabling responsible officers to report accurately and promptly on efforts their departments and agencies have put in place to address equality and inclusion issues. The institutions included the Competition Authority, Gender Mainstreaming Committee members and the Technical and Vocational Education and Training Authority (TVETA); Kenya National Highway Authority (KENHA), Kabete National Polytechnic. Similar sensitization campaigns were carried out with private and non-state actors, such as the Kenya Alliance for the Advancement of Children (KAAC).

The Commission facilitated the Technical and Vocational Education and Training Authority (TVETA) to develop a gender policy for all TVET Institutions in Kenya. The Commission facilitated the Energy and Petroleum Regulatory Authority (EPRA) in the formulation of internal procedures for mainstreaming gender equality and inclusion in the workplace. The Commission facilitated the Women Enterprise Fund (WEF) in the review of their new strategic plan, 2019-2023.

2.1.5 Equality and Inclusion in the Judiciary

The Commission, in collaboration with the International Association of Women Judges – Kenya Chapter and the International Development Law Organization (IDLO), carried out an introspective institutional audit of the Judiciary on the principles of gender and inclusion. The gender audit sought to analyze the gender sensitivity and responsiveness of the Judiciary in its internal operations and delivery of its external mandate. The report, ‘The Judiciary Gender Audit, 2019’ was launched during the reporting period. The report provides recommendations on key strategies and reforms the Judiciary must undertake to realize the dividends of gender equality and inclusion in human resources and delivery of services.

In the Financial Year 2019/2020, the Commission, in collaboration with IDLO, published a report titled. **“Barriers and Pathways to Women’s Participation and Empowerment in the Kenyan Justice Sector”**. The report looks at the barriers and pathways to women’s participation and empowerment in the Kenyan justice sector and presents working and practical recommendations that, if implemented, will ensure the representation of women in the justice sector. Some of the recommendations provided include supporting the education of the girl child, introduction of courses on gender and the law in law schools, affirmative action policies, the elimination of discrimination, stricter enforcement of the laws, the inculcation of political will, and empowerment, among others.

A Copy of the Judiciary Gender Audit Report

The Commission facilitated the Judiciary Service Commission (JSC) in the review of her new strategic plan 2021-2025.

2.1.6 Equality and Inclusion in County Governments

The Commission facilitated the review and development of the guidelines for county governments titled, “Guide for County Government Leadership; Integration of Gender Equality, Inclusion in County Development.” The review was based on lessons learnt on effective strategies for integrating the principles of equality and inclusion into County Government structures over the last six years since the onset of Devolved Governments. The review also emphasizes practical processes through which the County Government can accelerate promotion and the realization of gender equality and inclusion in leadership, planning, workforce and budgeting. The guide specifically targets Government officials at the County level charged with the responsibilities of providing services, staff recruitment and promotion, and responding to public concerns.

The Commission facilitated the County Assembly Forum to develop a monitoring plan for the action plans developed during the fourth annual legislative summit held in Kisumu in 2019, especially as it relates to integrating the principles of equality and inclusion into County Assemblies. The Commission also participated in a consultative meeting towards the development of the County Gender Policy for the County Government of Nairobi, Garissa, Kisumu, Nakuru, Taita Taveta, and Kilifi. The Commission provided technical support during the development of these policies.

2.1.7 Equality and Inclusion in Parliament

The Commission facilitated the Senate of Kenya during its sixth Senate Leadership Retreat, held in March 2020, under the theme, “Defining the Legacy of the Third Senate: Identifying Priorities and Synergies in Deepening Public Trust.” The Commission led discussions on, “*Gender Mainstreaming in Parliamentary Business: Progress made so far.*”

In August 2019, the Commission issued an advisory to the Chairperson of the Parliamentary Service Commission on the urgent establishment of breastfeeding stations/crèches within Parliamentary Buildings to accommodate nursing MPs and their children. The Commission was responding to a matter of discrimination against a female MP (Hon Zuleikha Hassan, Kwale Women Rep.) and her baby after they were ordered out of Parliament. Hon Hassan entered the debating chamber with her baby in her arms during morning parliamentary proceedings on August 7, technically violating house rules that prohibit “strangers,” including babies, from entering the chambers. The Commission called out the removal of the MP from the House as discrimination against a breastfeeding mother.

2.1.8 Equality and Inclusion in the Private Sector

The Commission conducted a rapid assessment of the compliance of the public hospitals and selected private hospitals in Nairobi with the establishment of lactation stations for working breastfeeding women. The Commission noted that most of the hospitals assessed had not established lactation centres. Based on these findings, on January 20, 2020, the Commission issued an advisory to the Kenya Private Sector Alliance (KEPSA) on the need to ensure workplaces have established lactation centres in compliance with the Health Act, 2017. The Act requires all employers to support working women to breastfeed at work by establishing lactation stations adequately provided with necessary equipment and facilities. The establishment of lactation stations is intended at increasing the productivity of women within the workplace. In the Financial Year 2020/2021, the Commission proposes to conduct a national audit to ascertain the compliance levels of the public and private sector with Section 71 (1) of the Health Act, No. 21 of 2017 and the Ministry of Health 2018 Guidelines on securing a breastfeeding-friendly environment at the workplace.

2.1.9 Monitoring the Impact of Covid-19 among SIGS

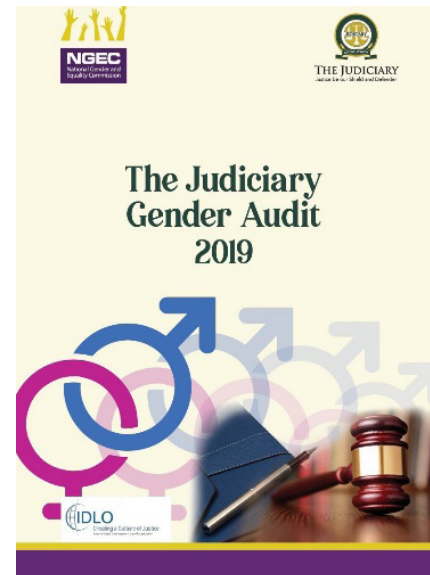
The Commission is cognizant of the fact that special interest groups are disproportionately affected by the COVID-19 pandemic. To this end, the Commission monitored various interventions designed by the Government, development agencies and the Private Sector to cushion vulnerable populations from the effects and impacts of COVID-19.

The Commission, for example, monitored the process of disbursement of the COVID-19 cash transfer funds among special interest groups in Kilifi County. Specifically, the Commission observed the registration process of persons with disabilities into the Cash Transfer program at the constituency level. The exercise was conducted in Malindi and Kilifi North sub-counties. The Commission observed various gaps, including the short time frame given to target beneficiaries to present themselves for registration.

The Commission recommended that more persons with disabilities and in need should be registered and the requirement that each beneficiary owns a mobile phone could easily exclude most PWDs from the program.

As a member of the COVID-19 technical sub-committee on gender, the Commission participated and contributed to the formulation of a Gender-Based Violence Facilitators Manual for Community Health Assistants and the development of data collection tools for gathering information on the incidences of GBV.

In this committee, the Commission championed gender issues for attention by other sub-technical committees (11 of them) and by the National Emergency Response Committee on coronavirus (NERCC) and the County Emergency Response Committee (CERCC) on COVID-19.



The Commission issued the Ministry of Health and the Ministry of Interior and Coordination of National Government with an advisory detailing key aspects relating to the welfare of persons in vulnerable situations during COVID-19 for consideration.

Besides, the Commission reviewed the May 2020 Guidelines prepared by the Task Force on Education Response and Reopening of Schools during the COVID-19 pandemic and issued an advisory stating key issues the Ministry of Education ought to consider before reopening the schools. The Commission focused on protecting the most vulnerable children from COVID-19 infections while in school and on transport to and from school. Special attention was paid to children with special needs, children living in informal and hard-to-reach areas, and children with medical conditions. The proposals made by the Commission are still valid for consideration by the Ministry of Education as the re-opening of schools would commence in the next Financial Year 2020/2021.

2.1.10 Integration of the Principles of Equality and Inclusion in Policy and Legislation

a) Minimum Age of Consent for Sex

In line with function 8 (d) of the National Gender and Equality Commission Act, No. 15 of 2011, the Commission coordinated and facilitated stakeholders' dialogue forums on the matter of the Age of consent for sex. The dialogue was spurred by the Court of Appeal proposal in March 2019 that invited national discussions on mechanisms for dealing with child offenders under provisions within the Sexual Offences Act 2006 while maintaining the best interest of the child. The forum brought together Government Ministries, Departments and Agencies (MDAs) including health, education, labour, planning, the Council of Governors, associations of persons with disabilities, youth, agencies working with children, research agencies, professional associations, universities, the Judiciary, The Kenya Special Taskforce on children's matters, Constitutional Commissions, religious bodies, older members of society, children in and out of school, among others.

The stakeholders presented both oral and written submissions on the matter. Besides, the Commission held forums with children drawn from Kilifi, Kisumu, and Nairobi Counties.

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From the dialogues, the Commission gained a national consensus that the best interests of the child should prevail in all instances, including in cases where children conflict with the law, that the age of consent for sex should remain at 18 years, if not increased, and that the Sexual Offences Act 2006 should be considered for an amendment to eliminate the violation of the rights of both boys and girls who are said to have committed sexual offences.

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The dialogue also recommended that there was a need to consider other mechanisms for averting the crisis where young boys, as opposed to girls, are convicted for engaging in sexual activities, including the development of clear regulations and the establishment of a strong child rehabilitation program. A report “*Minimum Age of Consent for Sex: Addressing the Dilemma: A Summary Report of Discussions and Proposals from Multi-sectoral Stakeholders’ Fora, 2019*” has been finalized and shall be launched in the next Financial Year. The report recommends, among others, the fast-tracking of the enactment of the Children’s Bill (2018); full implementation of the National Children Policy (2010), and commencement of implementation of the National Family Promotion and Protection Policy (2019).

Examining the Draft Policy on the Prevention, Response, and Protection from Unlawful Sexual Acts and the Administration of Justice in Sexual Offences, as well as Amendments to the Sexual Offences Act, 2006

The Commission, coordinated with Civil Society organizations (CSOs) to submit their comments and inputs on the Draft Policy on the Prevention, Response and Protection from Unlawful Sexual Acts and the Administration of Justice in Sexual Offences, and Amendments to the Sexual Offences Act, 2006. The reports generated from the submissions and memoranda were shared with the task force established by the office of the Attorney General to finalize these documents. NGEN is a member of the task force. The Commission also contributed to the development of the National Action Plan for the Violence Against Children Data Survey (VACS).

b) Legislative Framework on Article 100 of the Constitution of Kenya, 2010

The Commission was extensively involved in an Adhoc Technical Working Group established to support the National Assembly Select Committee on Constitutional Implementation Oversight Committee review and give inputs to the draft bill on the representation of special interest groups in Parliament known as the Representation of Special Interest Groups Laws (Amendment) Bill, 2019, also popularly known as the Hon Kioni Bill. Other members of this TWG included the Office of Attorney General, the IEBC, the Registrar of Political Parties and the Kenya Law Reform Commission. This bill proposed amendments to different legislative frameworks such as the Political Parties Act and the Elections laws to, among other things, give political parties incentives to increase the proportion of SIGs they nominate to Parliament and County Assemblies and the creation of Special Women Funds to support women candidates in elections.

The Commission also coordinated consultative forums in Nairobi and Narok on mechanisms for the realization of Article 100 of the Constitution of Kenya. The objectives of the forums were to explore strategies for ensuring greater representation of SIGs in Parliament, provide a clear understanding of the provisions of the Representation of Special Interest Groups Laws (Amendment) Bill, 2019 and provide a platform for stakeholders and SIGs to give their inputs into the Bill, as well as contribute to any other feasible mechanisms and frameworks useful in

increasing representation of SIGs in Parliament. 239 agencies and 300 SIGs were reached. The report from the forum informs any further discussion on the realization of Article 100. The stakeholders' collective perspectives and inputs were presented to

c) **The Constitutional Reform Agenda**

Under the Building Bridges Initiative (BBI), the Commission made recommendations on Agenda 3 that deal with inclusion. The Commission focused on possible areas for legal and constitutional reforms with the view of realizing not more than two-thirds of the gender principle and representation of other special interest groups.

The Commission also coordinated SIGs including women and PWDs, to consolidate their submissions on the agenda on divisive elections, devolution, and inclusivity. The Commission facilitated umbrella bodies of youth, PWDs, women and minority and marginalized groups to make their recommendations to the BBI task force on the greater and meaningful representation of SIGs in decision making and in reducing social and economic inequalities.

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Upon the launch of the BBI report on November 27, 2019, which was later committed to a validation process, the Commission conducted an in-depth analysis of the report to identify gaps, missed opportunities, and any misrepresentation of recommendations and key issues earlier submitted to the task force by the Commission and its stakeholders.

The Commission prepared a detailed report, which indicated, among others, a) that the voice of children was missing and b) that strategies earlier recommended by SIGs on greater representation in Parliament, County Assemblies, the executive positions at both national and county government level were inadequately captured.

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The Commission further facilitated PWDs and women to prepare a more action-based recommendation on these issues. For example, providing the minimum number of PWDs, including women and men with disabilities, is required to meet critical thresholds of representation. For women, a common women agenda was formulated, affirming the need to remove constitutional silence on the two-thirds gender principle and providing an explicit formula for the implementation of opposite gender rule in the positions of Governors and Deputy Governors, in Parliament leadership, and the Presidency.



Chairperson Dr. Joyce Mutinda makes her submissions to the BBI Committee during the hearings held at the KICC

d) Review of Bills and Policies

During the review period, the Commission reviewed and provided input on 38 legal instruments at the county and national levels (24 bills and 14 policies and regulations), as summarized in Table 1. The inputs were mainly to address equality and inclusion issues and ensure the rights and freedoms of the most vulnerable population is guaranteed, protected and promoted. The Commission also reviewed the language used by drafters to avoid any derogatory terms or phrases in describing the status and needs of SIGs.

e) Issuance of Advisories

In the Financial Year 2019/20, the Commission issued several advisories to Government MDAs and private actors. They include compliance advisories with the Health Act, No. 21 of 2017, which requires all employers to support workers who breastfeed at work by establishing lactation stations.

The advisories were directed to all 44 Principal Secretaries, Kenya Private Sector Alliance and 14 hospitals, including national, county and private sector hospitals. The Commission also issued instructions to the Ministry of Health and the Ministry of Interior and Coordination of National Government on key issues affecting the welfare of people in vulnerable situations during COVID-19.

Table 1. List of Legal Instruments Reviewed by the Commission, 2019/2020

S/ NO	BILLS			
		County	National	Senate
	Kenya Uwezo Fund Bill 2019			
	Representation of Special Interest Group Law(Amendment) Bill 2019			
	Sexual Assault Forensic Evidence Bill,2018			
	Sexual Offences (Amendment) Bill 2019			
	Social Assistance Repeal Bill 2020			
	The Constitution of Kenya (Amendment) (No.5) Bill 2019			
	Law of Succession Amendment Bill			
	Community Health Services Bill,2020			
	The Pandemic response and management bill 2020			
	The Public Health (Prevention, control, suppression of Covid 19) Rules 2020			
	The Public Health (Prevention, Control and Suppression of Covid-19) Rules, 2020;			
	The Public Health (Covid-19 Restriction of Movement of Persons and Related Measures) Rules, 2020			
	Kenya National Commission on Human Rights (Amendment),2020			
	Public Finance Management (COVID -19 Emergency Response Fund) Regulations, 2020			<input type="checkbox"/>
	Political Parties Primaries Bill,2019			
	The Referendum Bill (National Assembly Bill No.11 of 2020)			
	Social Assistance (repeal), Bill (National Assembly Bill No. 15 of 2020).		<input type="checkbox"/>	
	The Preservation of the Human Dignity and Enforcement of Economic and Social Rights, Bill no. 15. 2019		<input type="checkbox"/>	
	Representation of Special Interest Groups amendment bill 2019		<input type="checkbox"/>	
	The Tharaka Nithi County Persons with Disability Bill 2016	<input type="checkbox"/>		
	The data protection (civil registration) regulations 2020 and Registration of Person Act (National Integrated Identity Management System NIIMS) regulations 2020		<input type="checkbox"/>	<input type="checkbox"/>
	COVID-19 Guidelines for Children, CCI, Refugees and Caregivers			
	Regulations on Public Finance Management Biashara Fund Regulations 2020		<input type="checkbox"/>	<input type="checkbox"/>
	Rules and regulations meant to operationalize the proposed Children's Act 2020 on 22/5/2020		<input type="checkbox"/>	

POLICIES			
National Policy on Older Persons and Ageing 2019		<input type="checkbox"/>	
The National Youth Policy 2019			
National Policy on the prevention, response and Protection from unlawful sexual Acts 2019 and the Administration of Justice in Sexual Offences matters, 2019		<input type="checkbox"/>	
Technical Vocational and Education Training Authority (TVETA) guidelines for gender mainstreaming policy		<input type="checkbox"/>	
National Policy on Family Promotion and Protection 2019		<input type="checkbox"/>	
Nakuru County Gender Policy	<input type="checkbox"/>		
Nakuru County Disability Act of 2016	<input type="checkbox"/>		
Garissa County Gender Policy, 2020	<input type="checkbox"/>		
Siaya County Sexual and Gender-Based Violence Policy, 2020	<input type="checkbox"/>		
Kisumu County Sexual and Gender-Based Violence Policy, 2019	<input type="checkbox"/>		
Kisumu County Gender Mainstreaming policy, 2019			
Taita Taveta County Gender-Based Violence policy,2019	<input type="checkbox"/>		
Migori County Sexual and Gender-Based Violence Policy, 2020	<input type="checkbox"/>		
NGEC draft complaints and Procedure Regulations		<input type="checkbox"/>	

2.1.11 Facilitate State Compliance on Reporting of International and Regional Obligations.

One of the functions of the National Gender Equality Commission is to 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 as well as special interest groups. Under this function, the Commission contributed to the development of country reports and, in a few cases, participated in the hearing sessions organized by the treaty bodies. The sections that follow provide a detailed account of each international or regional obligation.

a) Implementation of CEDAW Recommendations

The Commission participated in the development of Kenya's interim report and the 2019-2022 national action plan to implement the concluding observations of the CEDAW reports. The interim report was a requirement by the Committee on the Elimination of Discrimination against Women, which is considered the eighth periodic report of Kenya (CEDAW/C/KEN/8) at its 1546th and 1547th meetings held on November 2, 2017. In its concluding observations, the committee requested that Kenya provide written information on the steps taken to implement the recommendations contained in paragraphs 31(a)(d), 39(e), and 51(a) of the report within two years. The Commission provided data towards the implementation of the recommendations for consideration by the responsible agency, namely the State Department for Gender.

b) The 64th Session of the Commission on the Status of Women (CSW)

The Commission facilitated the Kenya delegation under the Ministry of Public Service and Gender in the development of the Country Statement for the UN 64th session of the Commission on the Status of Women.

Further, the Commission prepared a presentation on the “*Economic burden of the sexual gender-based against women and girls in the Republic of Kenya*,” which was vetted and approved for delivery during the side event organized by UNFPA and the Commonwealth secretariat on March 11, 2020. The Commission also contributed to the development of the country report and drafted a technical paper on financing gender equality in Kenya. The CSW session which was scheduled to take place from March 9–20, 2020, was, however, limited to missions within New York City due to COVID-19.

c) **Beijing Declaration and Platform for Action (BPFA)**

The Beijing Declaration and Platform for Action (BPFA) was adopted by UN member states in 1995. The objective of BPFA is to improve the lives of women and girls by taking concrete actions in 12 critical areas of concern. The year 2020 marked the 25th anniversary of the adoption of the BPFA by Kenya and other member states. Periodic reviews of its implementation have been conducted at the global, regional, and national levels since its adoption. The Commission participated and contributed in consultative forums informing the review process on the implementation status of the BPFA in Kenya along with all the 12 critical areas.

d) **Kenya National Action Plan- 2nd Generation**

The Commission participated in the validation and the launch of the second Kenya National Action Plan (KNAP) for the implementation of United Nations Security Council Resolution 1325 (UNSCR 1325). The KNAP, currently domiciled within the Ministry of Defense and co-complemented by the Ministry of Public Service and Gender, recognizes the importance of women’s contribution to conflict resolution, peacekeeping, and peacebuilding. The Commission will monitor the implementation of the second KNAP.

e) **Climate Change**

i) **The 2019 Climate Change Summit**

The Commission is a member of the Inter-Ministerial planning committee for the Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC). In Kenya, the implementation of the UNFCCC decisions is led by the Ministry of Environment and Forestry. For the 25th Conference of Parties (COP), held in December 2020 in Spain, the Commission contributed to the development of the text for ‘gender and climate change submissions’ for Kenya. During the COP held in Madrid, the Commission made a presentation on progress Kenya has made on mainstreaming issues of gender and other vulnerable populations in national climate change actions.

ii) **Engendering REDD+ Readiness Process in Kenya**

Kenya is a signatory to the Cancun Agreements, which were reached at the 16th Conference of the Parties (COP 16) to the United Nations Framework Convention on Climate Change (UNFCCC) and set the stage for REDD+, a global policy initiative that seeks to address climate change threats by reducing emissions from deforestation and forest degradation and encouraging conservation, sustainable forest management, and the enhancement of forest carbon stocks

It aims to reduce forest loss and promote forest conservation by offering results-based payments as financial incentives for countries to conserve and sustainably manage their forests. In Kenya, REDD+ is already translating into real actions on the ground.

During the period under review, the Commission built the capacity of its staff and commissioners on the REDD+ Readiness Process in Kenya.



Loita forest dwellers in Narok South follow proceedings during the gender assessment exercise on forest dependent communities

The Commission also spearheaded the conduct of a gender assessment on forest-dependent communities in forest protection, conservation and management in eight counties: Nakuru, Narok, Trans Nzoia, West Pokot, Bungoma, Laikipia, Baringo and Elgeyo Marakwet. The assessment will inform the REDD+ readiness process in Kenya and ensure the integration of the principles of gender equality and inclusion into the process. The report on gender considerations for the eight counties is ready for launch in the next Financial Year.

f) International Conference on Population and Development (ICPD +25)

The Commission facilitated, contributed to and participated in the design and execution of the International Conference on Population and Development Nairobi Summit (ICPD +25), hosted in Nairobi, from 12th to 14th November 2019. The objectives of the conference were to i) obtain a political commitment for the Cairo ICPD agenda;

ii) create political and financial momentum to advance the ICPD agenda as an indispensable part of Agenda 2030, in particular around reducing preventable maternal mortality, unmet need for family planning, and eliminating violence against women and harmful practices; and

iii) offer an inclusive platform for a broad range of member states and other stakeholders to come together around the universally applicable principle of rights and choices for all. Furthermore, as part of the Technical Committee, the Commission contributed to the development of the state report on the implementation of the ICPD Program of Action in 1994, which revolved around five themes, including:

- a. Universal access to sexual and reproductive health as a part of universal health coverage:
- b. Financing to finish the ICPD Programme of Action and to sustain the gains made
- c. Drawing on demographic diversity to drive economic growth and achieve sustainable development
- d. Ending gender-based violence and harmful practices
- e. Upholding the right to sexual and reproductive health care even in humanitarian and fragile contexts.

The Commission also contributed to and participated in the drafting of the State commitments. Kenya made 17 commitments. In particular, NGEK took lead in developing commitments on gender and gender-based violence. The commitments were captured as item number 13, 14 and 15 of the ultimate country commitment report, as follows:

Commitment 13: *End Female Genital Mutilation by strengthening coordination in the areas of legislation and policy framework, communication and advocacy, evidence generation, and support for cross-border collaboration on the elimination of FGM by 2022.*

Commitment 14: *By 2030, all forms of gender-based violence, including child and forced marriages, must be eliminated by addressing social and cultural norms that propagate the practice while providing support to women and girls who have been affected.*

Commitment 15: *End gender and other forms of discrimination by 2030 through enforcing the anti-discrimination laws and providing adequate budgetary allocations to institutions mandated to promote gender equality, equity and the empowerment of women and girls.*

The Commission contributed to the development of the national action plan for monitoring the implementation of the commitments. The NGEK will continue to perform its function of monitoring the implementation of all 17 ICPD commitments.

g) Universal Periodic Review (UPR)

During the review period, the Commission facilitated the State-law Office and Department of Justice in the Office of the Attorney General in preparing the state report on the universal periodic review (UPR), ahead of the oral submission sessions that took place in January 2020 in Geneva. The Universal Periodic Review (UPR) is a peer review mechanism under the remit of the United Nations Human Rights Council, established in 2006 under United Nations General Assembly Resolution 60/251. The UPR takes place every four and a half years, when member states review the human rights record of accomplishment of every country, regardless of size or political influence, under the same rules and supervision.

During the first and second cycles of the UPR, each of the United Nations Member States has been reviewed for their human rights record of accomplishment. The UPR has hence been hailed as a success because, for the first time, all United Nations member states have been voluntarily assessed on their human rights record.

h) **African Charter on Human and People's Rights (ACHPR)**

The Commission facilitated the drafting of the 12th and 13th periodic state reports on the African Charter on Human and People's Rights, also known as the "Banjul Charter." This regional human rights instrument is intended to promote and protect human rights and basic freedoms on the African continent. The Charter was adopted by the Organization of African Unity, now the African Union, in 1981 and came into force in 1986. Kenya ratified the instrument on January 23rd, 1992. Under Article 62, each State party should report to the African Commission on Human and Peoples' Rights on the legislative and other measures taken to give effect to the rights and freedoms recognized in the Charter. The report contained the progress of implementation of the recommendations issued in 2016 for the 8th -11th periodic report, as well as updates on the progress of implementation on all the rights under the Charter.

i) **African Committee of Experts on the Rights and Welfare of the Child (ACERWC)**

The Commission submitted and contributed to the country's responses to the issues sought for clarification and raised by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the state report for the period 2012 - 2017. Most specifically, the ACERWC sought to know if the Commission has a dedicated division dealing with matters of children and measures put in place by the Government of Kenya to ensure adequate funding of child-focused programs.

j) **African Charter on Governance Democracy and Elections**

The Commission made submissions to the National Assembly on the consideration of the ratification of Kenya by the African Charter on Governance, Democracy, and Elections. The Charter presents Kenya with the opportunity to advance the representation of SIGs, including women, in the decision-making organs.

The African Charter on Human and People's Rights on the Rights of the Elderly in Africa, as well as the African Charter on Human and People's Rights on the Rights of Persons with Disabilities The Commission, contributed to the preparatory process for ratification by Kenya of the protocol to the African Charter on Human and People's Rights on Rights of the Older Persons in Africa and the African Charter on the Human and People's Rights on the Rights of Persons with Disabilities. The Commission, in collaboration with other stakeholders, facilitated the Ministry of Labor and Social Services in drafting and reviewing the texts of the Protocol to the African Charter on Human and People's Rights on the rights of persons with disabilities in Kenya and the rights of the older members of society in Kenya. Kenya proposes to adopt the protocols to strengthen its domestic legal and policy framework towards the rights and freedoms of PWDs and Older Members of Society.

2.1.12 Assessment of the Status of Children Living with their Imprisoned Mothers

During the Financial Year under review, the Commission conducted a rapid assessment of the status of children living with their incarcerated mothers in Langata Women's prison. The Commission observed a lack of adequate government funding for the prison to promote the basic rights of such children, including the right to play, and for children who may have special needs. Prisons lack a mechanism for early assessment and detection of special needs among children and a program within the prison environment to deal with such cases.

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Additionally, the Commission, through its regional office in Kilifi County, assessed the status of children in the Malindi Remand Home, which serves the lower Coast, including Kilifi, Lamu, and Tana River Counties. The assessment sought to find out the status of legal representation and the nature of cases that some of the children in the institution were faced with and why some cases had stalled for so long. During the assessment, the Commission established the number of cases pending at the facility and some of the challenges facing the children.

These cases were escalated to the Deputy Registrar, Malindi High court, for review. The Commission focused on cases that had taken a long time to determine due to a lack of legal representation for the child offenders. The Commission recommended the accelerated provision of national legal aid services to needy people especially SIGs, including children in conflict with the law. After conducting surveys on children in other prisons and remand homes across the country, a comprehensive and appropriate advisory will be issued.

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In our efforts to address equality and inclusion issues in the judiciary, the Commission's Nakuru and Malindi regional offices became members of the Court User's Committees (CUC) in line with the new guidelines by the National Council on Administration of Justice (NCAJ) that recognize NGEN as one of the actors involved in the administration of justice. The NGEN role is critical to ensure integration of the principles of equality, inclusion and freedom from discrimination into the committee's core mandate.

2.1.13 Audit of Education Assessment and Resource Centres (EARCs)

The Commission carried out an audit into the alleged mismanagement and neglect of Education Assessment and Resource Centers (EARC) in Kiambu, Kisumu and Homabay and various institutions serving children with disability. The audit sought to formulate a citizen-based action plan for holding governments accountable for the running of the EARCs, prepare a consolidated report on challenges faced by EARCs, and prepare an advisory to the Ministry of Education, Science and Technology. The mission reached 123 participants, that included EARC coordinators, special school heads and teachers, Disabled Persons Organizations, and representatives of SIGs. The audit report will inform the improvement program for EARCs to effectively and efficiently serve children with disabilities and help in rehabilitating children with special needs.

2.1.14 Rapid Assessment on Violence and Exploitation Directed at PWDs

The Commission conducted a rapid assessment on violence and exploitation meted out to Persons with Disabilities (PWDs) in Nyeri and Kirinyaga Counties. This was based on media reports indicating increased cases of abuse and violation of rights of PWDs in these counties. The main objectives of the assessment were to establish causes of the escalation of the violence and abuse towards children and women with disabilities in the area and to determine if any measures have been put in place by County Governments and/or other actors to curb the vice.

The assessment established that cases of abuse towards PWDs are rampant in the two counties. These cases, however, go unreported because of either stigma or a lack of information on the reporting channels. Abusers are often known to their victims. Women and girls with mental disabilities are particularly vulnerable and face sexual abuse, among other forms of abuse. The assessment also established that PWDs were not able to access justice due to inaccessible physical infrastructure and communication barriers in the justice sector. Compared to other PWDs, people with hearing impairments have much discrimination on access to justice.

2.1.15 Mechanisms for Monitoring Implementation of International and Regional Commitments

In line with section 8 (c) of the National Gender and Equality Commission Act, No.15 of 2011, the Commission facilitates the development of the following tools to aid and monitor compliance with international and regional commitments:

a) **Scorecard for the Evaluation of Progress Made by the State in the implementation of the Protocol to the African Charter on Human and Peoples' Rights On the Rights of Women in Africa (Maputo Protocol)**

During the period under review, the Commission facilitated the development of a scorecard for the evaluation of progress made by the state in the implementation of the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The Scorecard will be used as a performance management tool in the assessment of Kenya's enactment, enforcement and implementation of the Maputo Protocol. The tool will aid in the biennial reporting of Kenya to the African Union's Committee on the Protocol of the African Charter on Human and Peoples Rights on the Rights of Women in Africa. The tool covers all the articles within the protocol. The tool was developed through a consultative process and validated by stakeholders drawn from both the Government and Civil Society Organizations. The scorecard will be published in Financial Year 2020/2021.

a) **Tool for Assessing Compliance with Concluding Observations and Recommendations issued to the Government of Kenya under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD)**

In line with section 8 (c) of the National Gender and Equality Commission Act, No. 15 of 2011, the Commission facilitated the development of a monitoring tool for assessing compliance with concluding observations and recommendations issued to the Government of Kenya under CEDAW, CRC, and CRPD. The tool is an accountability tool for monitoring and reporting on steps taken by the state to promote and protect the rights of women, children and persons with disabilities based on all conclusions, recommendations and feedback issued to Kenya by the Human Rights Treaty Committees (HRTCs). The tool will be used by NGENC and its stakeholders including communities and networks to review progress made by Kenya in the implementation of concluding observations and recommendations issued specifically by the Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities.

The monitoring tool (scorecard) is simplified into an illustrative colour scheme that is easy to apply, interpret, and present results. The scorecard was developed through a consultative process bringing together relevant ministries, departments, agencies, county governments, civil society organizations; Independent Offices and Constitutional Commissions (IO&CCs), and select UN agencies and development partners. The tool will be published in the 2020/2021 Financial Year.

2.2 Investigations and Redress

Function 8 (f) of the National Gender and Equality Commission Act, 2011 mandates the Commission to investigate, on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned. The Commission achieved the following under this theme:

2.2.1 Development and Operationalization of Complaints Handling System

During the year under review, the Commission initiated the process of developing the National Gender and Equality Commission Complaints Handling Practice and Procedure Regulations, 2020. These Regulations will enable the Commission to exercise its powers and functions drawn from Article 252 of the Constitution and Sections 26 and 27 of its establishing Act. More specifically, the activity enables the Commission to receive, process and handle complaints relating to gender equality and freedom from discrimination. This power and function also promote the provisions of the Constitution of Kenya under Articles 22, 47 and 48 on the enforcement of the Bill of Rights, fair administrative action, and access to justice that is affordable, fair and just for all Kenyans. Before the establishment of the NGEC complaints handling mechanisms, all matters of violation of the rights to equality and freedom from discrimination had been finding their way to the judicial process. The latter is expensive and, indeed, at times, inaccessible to many Kenyans, especially the SIGs.

2.2.2 Investigations on Violations of the Principles of Equality and Inclusion

During the period under review, the Commission received and processed 91 complaints on the violation of the principles of gender equality and freedom from discrimination. Table 2 presents a summary of the complaints received and processed.

Table 2: Complaints Received, Processed and/or Referred by the Commission, 2019-2020

SR/NO	REF NO	GENDER/ SIG CATEGORY	SUMMARY OF COMPLAINT	STATUS AS OF JUNE 2020
	NGEC/46/2019	Female	Discrimination of nominated members of Bungoma County Assembly	Complaint resolved
	NGEC/47/2019	Female	Child maintenance	Matter in court
	NGEC/48/2019	Female	Alleged harassment by family members	File closed
	NGEC/49/2019	Male	Termination of employment	Matter referred
	NGEC/50/2019	Male	Delay in court	Matter referred
	NGEC/51/2019	Female	Matrimonial dispute	Matter referred
	NGEC/52/2019	Elderly Male	Cash transfer for elderly	Matter resolved
	NGEC/53/2019	Female	Enquiry regarding social services	file closed
	NGEC/54/2019	Male youth	Enquiry regarding probate and administration	File closed
	NGEC/56/2019	Female	Alleged employment dispute	Matter referred
	NGEC/57/2019	Female	Alleged employment dispute from Kirinyaga County hospital	Matter referred to Union
	NGEC/58/2019	Female	Alleged employment dispute	Matter referred
	NGEC/59/2019	Male	Alleged assault	File closed
	NGEC/60/2019	Female	Matrimonial dispute	File closed
	NGEC/61/2019	Male	Enquiry regarding registration	File closed
	NGEC/62/2019	Female	Enquiry regarding registration	File closed
	NGEC/63/2019	Male	Alleged discrimination	File closed
	NGEC/64/2019	Male	Social assistance	File closed
	NGEC/65/2019	Male	Alleged discrimination	Matter ongoing
	NGEC/66/2019	Female	Alleged discrimination	Matter ongoing
	NGEC/67/2019	Female	Medical appeal	File closed
	NGEC/68/2019	Male	Alleged corruption	Matter referred
	NGEC/69/2019	Male	Matrimonial property dispute	File closed

NGEC/70/2019	Male	Financial assistance	File closed
NGEC/71/2019	Male	Breach of contract	File closed
NGEC/72/2019	Female	Financial assistance	File closed
NGEC/73/2019	Female	Matrimonial dispute	File closed
NGEC/74/2019	Male	Alleged discrimination	File closed
NGEC/75/2019	Male	Land dispute	Matter referred
NGEC/76/2019	Female	Matrimonial dispute	Matter referred
NGEC/77/2019	Female	Matrimonial dispute	File closed
NGEC/78/2019	Female	Employment dispute	Matter referred
NGEC/79/2019	Male	Matrimonial dispute	File closed
NGEC/80/2019	Female	Civil case in court	File closed
NGEC/81/2019	Female	Enquiry regarding the court process	File closed
NGEC/82/2019	Female	Alleged discrimination	File closed
NGEC/83/2019	Female	Alleged theft	File closed
NGEC/84/2019	Male	Alleged land dispute	File closed
NGEC/85/2019	Female	Social assistance	Matter referred
NGEC/86/2019	Male	Alleged discrimination	Matter ongoing
NGEC/87/2019	Male	Alleged discrimination	Matter ongoing
NGEC/88/2019	Male	Alleged discrimination	Matter ongoing
NGEC/89/2019	Male	Alleged discrimination	Matter ongoing
NGEC/90/2019	Female	Jobseeker	File closed
NGEC/91/2019	Male	Alleged discrimination	Matter ongoing
NGEC/92/2019	Male	Alleged discrimination	Matter ongoing
NGEC/93/2019	Male	Alleged discrimination	Matter ongoing
NGEC/94/2019	Female	Child support	Matter referred
NGEC/95/2019	Female	Alleged discrimination	Matter ongoing
NGEC/96/2019	Male	Jobseeker	File closed
NGEC/97/2019	Male	Employment dispute	Matter referred
NGEC/98/2019	Male	Jobseeker	File closed
NGEC/99/2019	Female	Alleged assault	Matter referred
NGEC/100/2019	Female	Matrimonial property dispute	Matter referred
NGEC/101/2019	Female	Domestic abuse	Matter referred
NGEC/102/2019	Male (PWD)	Alleged discrimination	Matter ongoing
NGEC/103/2019	Female	Matrimonial dispute	File closed
NGEC/104/2019	Male	Criminal matter on an alleged assault	The case is still ongoing. File closed
NGEC/105/2019	Male	Alleged unresponsiveness	Matter referred
NGEC/106/2019	Female	Alleged defilement	Matter in court
NGEC/107/2019	Male	Employment dispute	Matter referred
NGEC/108/2019	Male	Child custody	Matter referred
NGEC/109/2019	Female	Alleged defilement	File closed
NGEC/110/2019	Female	Alleged land dispute	Matter referred
NGEC/111/2019	Female	Child maintenance	Matter ongoing
NGEC/112/2019	Female	Alleged domestic abuse	File closed
NGEC/113/2019	Male	Alleged unresponsiveness	Matter ongoing
NGEC/114/2019	Female	Alleged rape	Matter in court
NGEC/1/2020	Male	Alleged discrimination	File closed
NGEC/2/2020	Female	Child maintenance	File closed
NGEC/3/2020	Male	Employment dispute	File closed
NGEC/4/2020	Female	Alleged domestic abuse	File closed
NGEC/5/2020	Male	Alleged unresponsiveness	File closed
NGEC/6/2020	Female	Alleged delay	Matter referred
NGEC/7/2020	Female	Ongoing criminal matter	File closed

NGEC/8/2020	Male	Marital dispute	Matter referred
NGEC/9/2020	Female	Child custody	Matter ongoing
NGEC/10/2020	Female	A criminal complaint in court	File closed
NGEC/11/2020	Male	Alleged discrimination	File closed
NGEC/12/2020	Institution	Alleged discrimination	Matter ongoing
NGEC/13/2020	Male	Property dispute	File closed
NGEC/14/2020	Female	Child maintenance	Matter referred
NGEC/15/2020	Female	Matrimonial property dispute	Matter referred
NGEC/16/2020	Female	Employment	Closed
NGEC/17/2020	Female	Employment	Closed
NGEC/18/2020	Male	Alleged theft	Referred
NGEC/19/2020	Female	Domestic Violence	Ongoing
NGEC/20/2020	Female	Cash Transfer	Referred
NGEC/21/2020	Male	Sexual Gender-Based Violence	Ongoing
NGEC/22/2020	Female	Sexual Gender-Based Violence	Ongoing
NGEC/23/2020	Female (Elderly)	Cash Transfer	Referred
NGEC/24/2020	Male	Discrimination	ongoing
NGEC/25/2020	Female (PWD)	Discrimination	Ongoing

2.2.3 Public Interest Litigation and Alternative Dispute Resolution Mechanisms

To facilitate legal redress for SIGs, the Commission pursued public interest litigation and alternative dispute resolution mechanisms as an avenue for obtaining court declarations and decisions on the compliance of the state with the not more than two-thirds gender principle and the elimination of discrimination directed at women in the positions they hold in Parliament and County Assemblies. In the matter, **Petition No. 1 of 2019 NGECE v Majority Leader, County Assembly of Nakuru & 4 others; Jubilee Party & Another (Interested Parties)**, the Commission received a favourable judgment, directing the County Assemblies and Salaries and Remuneration Commission to provide nominated women Members of County Assemblies (MCAs) with mileage allowances and other privileges similar to those provided to elected MCAs and afford nominated members opportunities to run for leadership positions in house committees alongside elected members.



To build the capacity of officers in the Commission to facilitate legal redress for SIGs, 28 members of staff completed in February 2020, a course on alternative dispute resolution mechanisms.

2.3 Public Education and Mainstreaming Equality and Inclusion

Section 8(d) of the National Gender and Equality Commission Act No. 15 of 2011 mandates the Commission to coordinate and facilitate the mainstreaming of gender, disability, and other marginalized groups issues in national development, as well as to advise the government on all aspects thereof. Further Section 8(h) mandates the Commission to coordinate and advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination.

1.1.1 Public Education Forums

The Commission coordinated and facilitated the following public education forums:

- a) In August 2019, the Commission facilitated and coordinated public education for special interest groups on their rights and opportunities, as well as disseminated a mapping report on ethnic minority and marginalized communities in the following counties: Garissa, Tana River, Kiambu, West Pokot, Kajiado, Makueni, Vihiga, and Migori. The forum targeted both right holders and duty bearers. The main goals of the forums were to raise awareness of fundamental human rights among duty bearers and right holders, as well as opportunities for enhancing equality, access to justice, and freedom from discrimination among special interest groups such as women, youth, persons with disabilities, children, and the elderly.

During the forums, the Commission shared the key findings on the profile, distribution and challenges faced by minority and marginalized groups in Kenya with a focus on the identification of strategies and opportunities for greater involvement of these groups in county development. The forum reached 1,000 right holders and, 100 duty bearers. The program specifically targeted representatives from national and county governments, non-governmental organizations, interfaith institutions, community-based organizations, community members, the elderly, youth and women leaders, and disabled person organizations. A report (Equality, Justice and Dignity: A Report of County Forums held in September 2019 to Promote Gender Equality and Inclusion of Vulnerable Populations in Development) presenting the proceedings of the forum and recommendations made during the forums has been finalised.

- b) The Commission conducted a public education forum at Umoja Lanet, Nakuru County. The forum sensitized the public on the rights and responsibilities, opportunities available at both the County and National Government levels, and the mandate and functions of the NGECE. Participants were sensitized on the processes of reporting complaints and following up on pending cases with NGECE. The Commission also coordinated and facilitated a two-day public education forum in Nakuru East and Nakuru West targeting the sub-county Equality and Inclusion Technical Working Groups (EITWG). Members of the EITWG were sensitized about the provisions in the Children Act 2001, the Sexual Offences Act 2006, and the Prevention against Domestic Violence Act 2015, among others.
- c) In collaboration with the Lake Regional Economic Block (LREB), the Commission participated in a forum in November 2019 whose objective was to support the county in enhancing opportunities for growth and investment among women and youth in the region. NGECE and its stakeholders shared available government opportunities for youth and women with agencies responsible for service delivery in the region.

- d) The Commission in partnership with the Women Enterprise Development Fund (WEDF) sensitized Muslim women on the role, mandate and functions of the Commission. The WEDF sensitized the participants about the various opportunities available for empowerment including the devolved funds. The community members were further sensitized on the Commission complaints handling and redress system.

1.1.2 **Enjoyment of Rights to Property and Land**

- a) In partnership with the county government of Kericho, the Commission sensitized residents of Cheborgei village on their rights to property and land. In particular, the Commission sensitized the local community about the Matrimonial Property Act with a focus on the rights of women and girls to land. The Commission pledged to continue monitoring the implementation of legal provisions, policy frameworks and initiatives that seek to ensure comprehensive integration of the principles of equality and inclusion in the administration of land rights.
- b) The Commission participated in an Experts Forum held between September 17th – 19th, 2019 in Nakuru County. The forum was organized by a task force established by the Government of Kenya to advise on the implementation of the judgment and decision of the African Court on Human and People’s Rights issued against Kenya in regards to the rights of the Ogiek Community in accessing Mau forest. In the performance of its functions, the task force was also required to hold public meetings and to solicit, receive and consider views of the members of the public and interested groups on effective strategies for meaningful involvement of indigenous and forest communities in forest and natural resource management.

2.3.3 **Conference on Indigenous Women and Natural Resources**

The Commission participated in and contributed to a four-day conference dubbed “Indigenous Women and Natural Resources.” The conference was aimed at supporting indigenous women across Africa to interrogate and assess progress made in the implementation of policies and legislation on gender and climate change. The conference also sought to empower African indigenous women to contribute to the realization of the Sustainable Development Goals (SDGs).

Some of the emerging issues during the conference include the need for greater funding of interventions targeting women and girls in climate change management; the need to provide public education on communal land rights and the involvement of indigenous women with disabilities in the management and conservation of natural resources; as well as the empowerment of women and youth in environmental governance.

2.3.4 **Coordination of Stakeholders on Matters of Equality and Inclusion**

The Commission held 50 thematic based coordination meetings, bringing together stakeholders to discuss emerging and priority issues touching on women, youth, children, PWDs, older members of society and minority and marginalized groups both at the national and county government levels.

The meetings bring together critical actors (national, county, private, academia, non-state actors, media, and researchers) to discuss emerging and priority issues around equality and inclusion. Table 3 presents the distribution of the coordination meetings by thematic area.

Table 3: Coordination Meetings held, 2019/2020.

Theme	No. of	Critical issues discussed
Gender and Women	5	<ul style="list-style-type: none"> - Emerging issues on COVID-19 on gender and women, GBV in emergencies - Gender Agenda within the Building Bridges Initiatives - Validation of the Maputo Protocol scorecard; - Weakness within the Kenya National Human Rights Amendment Bill, 2019
Minority and marginalized	5	<ul style="list-style-type: none"> - Inclusion of minority and marginalized groups in the development - Planning and coordination of the Kenya pastoralist week - The relevance of the National Climate Change Action Plan to minority and marginalized groups - Development of an inclusive framework for minority and marginalized groups - Mainstreaming gender rights in community land rights
Youth and Children	4	<ul style="list-style-type: none"> - Status of the development of the Kenya National Youth Development Policy - Age of consent for sex - Collaboration between Law Society of Kenya, NGEK and the Kenya Alliance for Advancement of the Rights of Children (KAARC) on programming around child rights. - Effects and impacts of COVID -19 among children and youth.
Disability and Elderly	4	<ul style="list-style-type: none"> - Inclusive transport - Drafting and reviewing the texts to the Protocol to the African Charter on Human and Peoples Rights on the rights of persons with disabilities in Kenya and on the rights of the older members of society in Kenya - Enhancing inclusivity by empowering Persons with Disabilities - Review of the published BBI Initiative Report
Equality and Inclusion technical working groups	20	<ul style="list-style-type: none"> - COVID -19 and emerging issues including GBV, child pregnancies - Planning and commemoration of SIGs international and national days in Nakuru Garissa, Kilifi, Kisumu and Kitui - Mapping partners to foster inter-agency capacity in addressing issues of equality and inclusion. - Support in the review of County policies and laws - Gender-responsive budgeting in Migori and Kisumu

Theme based commemoration of National/ International Days for SIGs at county levels	12	- During the celebration of the international days, the Commission issued statements pointing out priority areas affecting the SIGs in line with the theme of the celebration for consideration by the government and SIGs themselves.
i) The International Day of the Girl Child is marked in Garissa on the 11 th of October 2019.		
ii) International Day for Persons with Disabilities marked December 2019.		
iii) 16 days of activism against gender-based violence		
iv) The celebration of the International Human Rights Day, 2019		
v) Celebration of the Older Persons Day, held in Nyeri County, 1st October 2019		
vi) The International Women Day 2020		
vii) The International Day on Zero Tolerance for FGM is celebrated on 6 th February.		
viii) The celebration of the 2020 Day of the African Child was held on June 16		
ix) The World Elder Abuse Awareness Day is celebrated on June 15, 2020.		
Total	50	

2.3.5 Establishment and Management of the Equality and Inclusion Technical Working Groups

During the year under review, the Commission developed guidelines for the establishment and management of Equality and Inclusion Technical Working Groups (E&ITWGs) in Counties. The guidelines seek to widen the mandate of the GBV Technical Working Groups to address more comprehensively issues of equality, freedom from discrimination, and inclusion for SIGs, including women, youth, persons with disabilities (PWDs), children, youth, older members of society, minority and marginalized groups. The E&ITWGs are designed to act as vehicles for monitoring progress that the National and County Governments are making in promoting gender equality and freedom from discrimination. The E&ITWGs are also expected to identify emerging drivers of exclusion and develop a county-specific accountability framework to ensure SIGs' rights are protected and promoted. The guidelines were published and will be disseminated in the Financial Year 2020/2021.

2.3.6 Accountability Forum on Gender-Based Violence

The Commission with support from UNFPA and the Council of Governors (COG) held accountability forums on gender equality and GBV in Nairobi, Kilifi and Homa Bay Counties. The forums were held in July and September 2019. The forums served as a platform to discuss ways and means of improving the management of GBV during a crisis. The forum brought together state and non-state actors to assess progress made so far in addressing GBV in emergencies, explore the legal, policy gaps and opportunities to effectively respond to emerging incidences of GBV in emergencies, and map out next steps to increase collaboration in addressing GBV in emergencies.

Some of the key issues emerging from the forum include;

- a) The need for enforcement of GBV laws;
- b) Increased investment in prevention and response mechanisms that include safe houses/shelters, rescue centres, access to information, forensic evidence, and data systems;
- c) Development of a policy on SGVB in schools, and
- d) the need to strengthen the existing coordination mechanisms on equality and inclusion at the national and county government level

As a follow up to the GBV in emergencies forum, the Commission, with support from UNFPA, participated in training on preparedness and response to GBV in emergencies. The workshop brought together representatives from the health sector in counties prone to emergencies such as Lamu, West Pokot, and Turkana, among others. Participants suggested that UNFPA assist NGEAC in conducting a rapid assessment of the application of Gender-Based Violence in Emergencies Minimum Standards in humanitarian settings.

Besides, the Commission participated in the National Conference on Gender-Based Violence organized by the State Department for Gender. The conference objectives were to take stock of the progress recorded so far towards the elimination of GBV; create enabling spaces for meaningful dialogue between state and non-State actors and survivors of GBV on prevention, protection, prosecution, programming, and partnership; and, amplify the voices of survivors as they call for urgent intervention and deliberate collective action towards the elimination of GBV in Kenya.

The Commission, through the Nakuru regional office and in collaboration with Hope in Life, Nakuru Level Five Hospital, and the National Police Service, facilitated a one-day GBV response education program for police officers based in Nakuru. The officers were trained on forms of GBV, psychological support for GBV survivors, GBV reporting, and the legal framework for GBV. This partnership enhanced referral pathways for managing GBV incidences in Nakuru County.

2.3.7 Integrating Accountability Framework within the National Development Agenda

As part of the United Nations Development Account Tenth Tranche Project dubbed “Strengthening the Capacity of African Governments for Integrating Accountability in National Development”, officers from the Commission were trained in Nairobi from 16th - 21st December 2019 on strategies for integrating accountability within national development blueprints. The program seeks to address capacity-related challenges faced by the National Planning Institutions (NPIs) and National Statistics Officers (NSOs) and to support the implementation of the UN Development Account Project in five member countries namely: Egypt, Benin, Cameroon, Zambia and Kenya. In Kenya, the State Department for Planning that hosts KBS and the National Monitoring and Evaluation Directorate shall benefit from this program.

2.3.8 Assessment of Government Affirmative Actions and Programs for Older Members of Society

The National Gender and Equality Commission Act, 2011, Section 8(e), mandates the Commission to monitor, facilitate, and advise on the development of affirmative action implementation policies as contemplated by the Constitution. In this regard, the Commission conducted a rapid assessment of the existing government affirmative actions and programs for older members of society in Machakos County. The assessment also sought to establish the challenges faced in the implementation of affirmative actions and programs. The activity was conducted on the 25th and 26th of September 2019. The assessment established that, other than the Inua Jamii Program by the National Government targeting people aged 70 or more, there were no other actions directly targeting older members of society in Machakos County.

While the program has weighty benefits for both older members of society and their caregivers, the Commission noted increasing levels of abuse of the elderly based on the stipends they receive. The abuses were perpetrated largely by people well known to the victims and included their children, daughters-in-law, and spouses in their attempt to swindle the beneficiaries’ money. Other challenges include an inadequate financial allocation to cover all the older members of society (60 years +) in the area, the pay points that were positioned too far away from some older members, and low awareness levels on the existence of the program. Based on the assessment, the Commission issued an advisory to the Ministry of Labour and Social Protection (MLSP) on the need to expand the Inua Jamii affirmative action program and ensure inclusion of all older members of the society (60 years +) as per the definition provided by Constitution of Kenya, 2010. A full audit covering all counties on this program among other affirmative action’s targeting all SIGs is slated for the Financial Year 2020/2022.

2.3.9 Involvement of Minority and Marginalized groups on Sustainable Development Goals

In collaboration with Manyoita Pastoralist Integrated Development Organization (MPIDO), Indigenous Livelihoods Enhancement Partners (ILEPA), and other stakeholders, the Commission reviewed the progress in the implementation of SGDs. More specifically, the meeting identified how issues on Indigenous People have been integrated into the realization of SDG 3, 4, 5 and 6.

The meeting further identified gaps, challenges, and opportunities available for the stakeholders to accelerate the greater involvement of indigenous peoples in the realization of the SDGs. The meeting resolved on the following:

- a) The disconnect between community and county reporting. There is a need for greater involvement of indigenous peoples in the reporting of the progress made by the state on each of the SDGs;
- b) The root cause of unequal project distribution among indigenous peoples and inadequate service delivery is a lack of consultation with stakeholders when implementing projects; Inadequate or lack of social amenities, including health facilities, schools and poor infrastructure directly affects the contribution of indigenous peoples to the national and local development agenda;
- c) Lack of adequate disaggregated data on ethnic minorities at the county level;
- d) The need to establish at the county level a department or unit in charge of SDGs.

2.3.10 Equality and Inclusion Issues among Refugees



Multisectoral plenary forum at the UNHCR Kakuma Camp on issues affecting Sexual and Gender - Based Violence programming in the region and propositions for support and collaboration with NGECC.

During the period under review, the Commission, at the invitation of the United Nations High Commission for Refugees in Kenya, participated in a mission to the Kakuma Refugee Operation in Turkana County. The mission occurred between 1st October and 4th October 2019 and covered the Kakuma Operation Centre and Kalobeyei Integrated Socio-Economic Development Settlement Program.

The mission provided a rare opportunity for the Commission to interact with the refugees, host community and agencies working on refugees' affairs. From the mission, the Commission identified emerging issues affecting refugees and host communities that it would consider for programming and also identified opportunities for partnership and collaboration between NGECC, the United Nations (UNHCR) national government agencies, and the County Government of Turkana for better protection and promotion of the rights of refugees and host communities. A report "Hard Living: Equality and Inclusion of Refugees in Kenya: A Mission to Kakuma Operation Centre and Kalobeyei Integrated Socio-Economic Development Settlement Program in Turkana County," was published and shall be launched and disseminated in the FY 2020/21

2.3.11 The Equality and Exclusion Dimension in Poverty

In 2019, Kenya released the national poverty report, showing estimated poverty levels by Counties and SIGs. The reports were designed to inform economic empowerment programs targeting not only SIGs but also other subgroups, including pastoralists, those participating in the blue economy, and small-scale businesses, among others. The Commission contributed to the validation workshop of the reports and advocated for the full disaggregation of the poverty data to unmask dimensions of equality and exclusion in the analysis. The workshop was held at the Machakos University Conference Centre between 11th – 15th November 2019 and was convened by the Kenya National Bureau of Statistics (KNBS). Different modules of the poverty reports were generated covering poverty levels and distribution among children, youth, men and women. The final report was finalized and disseminated in June 2020.

2.4 Research and Knowledge Management

2.4.1. Development of a Research Policy

During the period under review, the Commission developed a draft research policy. The policy shall provide a framework through which the Commission will discharge its mandate of conducting and coordinating research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution of Kenya and the National Gender and Equality Commission Act (2011), Section 8 (1). The policy covers all the research processes, from conceptualization through the dissemination of findings.

The policy further provides statements on the development of partnerships, collaborations and linkages in researching the Commission. The policy also covers different forms of research activities the Commission is mandated to conduct including audits, assessments, investigations and exploratory studies. The Commission is set to finalize and disseminate the research policy in the next Financial Year.

2.4.2. Development of Knowledge Management Policy

As part of the implementation of its Strategic Plan (2019 – 2024), the Commission developed a draft Knowledge Management Policy as a mechanism for the successful implementation of components of knowledge management. The main aim of the policy is to facilitate the conversion of resident tacit knowledge into explicit knowledge for actionable use as well as better organization, transmission and sharing of data, information and materials. The policy will be finalized and disseminated in the Financial Year 2020/21.

2.4.3. Assessment of the Uptake of Green Energy among SIGS (The Green Energy Project)

In Financial Year 2019/2020, the Commission received funding from the National Government for a project to assess the uptake of selected forms of green energy by SIGs in Kenya. The project is premised on the fact that Kenya has invested heavily in green energy production and distribution and has made major policy, regulatory and institutional reforms to enhance access to clean energy and to promote investments in renewable energy.

Make it fluent

The SIGS are the most marginalized in the energy sector, relying on costly and hazardous energy. The research project is designed to be implemented in three phases, one of which is completed. The second phase is 40% complete and shall be completed together with phase three in 2020/2021.

Phase 1: Conceptualization of the project: This phase entails building the capacity of the Commission to effectively conduct the assessment.

Phase 2: This is the execution phase and entails the development of a communication strategy, the design of data collection tools, mapping of study sites, data collection, analysis, and the writing of a zero draft of the report.

Phase 3: Report writing and dissemination.

2.4.4. An Information System for Monitoring Prevention and Response to Gender-Based Violence in Kenya

Under its mandate, the National Gender and Equality Commission (NGEC) facilitated the review of the first edition (2014) of the national monitoring and evaluation framework towards prevention and response to SGBV. The Commission proposes to expand the framework to meet the needs of all implementing agencies and cover a wide range of violence directed at SIGs, including Child early and forced marriage, female genital mutilation and other forms of GBV.

The Commission received technical and financial support from Equality Now to facilitate the review process. Due to the COVID-19 pandemic, both virtual and limited physical meetings were organized with critical stakeholders in the SGBV justice sector, including; the National Police Service, Judiciary, the Office of the Director of Public Prosecution, Ministry of Health, Ministry of Education (State Department of Early Learning and Basic Education), Directorate of Criminal Investigations (Anti-Human Trafficking and Child Protection Unit), and non-state actors.



Members of NGEC and Equality during the signing of the MoU to facilitate the review of the National Monitoring and Evaluation Framework towards the prevention of and response to SGBV in Kenya and Information System

During the review exercise, the stakeholders provided feedback on challenges encountered during the implementation of the 2014 framework. Some of the challenges included inadequate indicators for capturing data on broad GBV issues in Kenya. The first edition framework focused more on SGBV resulting in the exclusion of indicators that are critical for reporting by stakeholders.

Once completed, the framework will provide comprehensive indicators that will inform the process of redesigning and developing an expanded Gender-Based Violence Information System (GBVIS) for access and use by the public. The GBVIS will enhance public awareness of the status of GBV in Kenya, provide evidence-based reporting on GBV, and inform policy and programme decisions, besides influencing advocacy and resource mobilization strategies towards a response to GBV.

2.4.5. Internal Monitoring System of Commission Interventions

The Commission endeavours to ensure equality and inclusion of all counties and areas during the implementation of its interventions and activities. This deliberate measure ensures that far-flung, hard-to-reach areas benefit from the Commission's intervention relative to their needs and that all areas receive services from the Commission as per Article 6(2) of the Constitution of Kenya. The internal program-monitoring framework informs the spread and allocation of interventions across counties.

The frequency of interventions undertaken by the Commission by counties is summarized in Figure 1. Nairobi had the highest frequency of interventions, followed by Kisumu, Kilifi, Nakuru and Garissa, respectively. This may have been attributed to the presence of the NGECE offices in these counties. Seven counties (Wajir, Mandera, Samburu, Trans-Nzoia, Nandi, Kisii and Nyamira) did not directly receive any of the NGECE interventions. Activities covering these counties were scheduled for the months of March to June 2020, and due to COVID-19, they were postponed. This information will be used to inform county intervention coverage for the Fiscal Year 2020/2021.

2.4.6. Enhancing Communication Diversity.

The Constitution of Kenya, 2010, article 54 (1, d) states that a person with a disability is entitled to use sign language, Braille or other appropriate means of communication. The Commission's mandate is to promote gender equality and freedom from discrimination for all people in Kenya, including those with visual impairment.

NGECE's programmatic interventions also target people with visual impairment, hence the need to produce information, education and communication materials in Braille and translate them into sign language. Currently, the Commission has one embosser, which is obsolete. During the year under review, the Commission was not able to produce adequate braille materials. To address this challenge, the Commission in the Financial Year 2020/2021 initiated a request for support from the International Development Law Organisation to set up a Braille Unit furnished with a Juliet 120 Double-Sided Braille Embosser, Acoustic Hoods, Index Basic –Dv5 Embosser, Perkins Braille Machine and Desktop Computers. The status of the braille units and services provided must be documented and reported in subsequent fiscal years.

2.4.7. Sex, Age and Disability Disaggregated Data

The Commission, through the national inter-agency gender statistics committee, facilitated the development of the National Gender Sector Statistical Plan (GSSP) for 2019 - 2023. The plan is designed to promote the generation and use of gender-disaggregated data. The State Department for Gender, KNBS, and NGECE have been given the most responsibility for the GSSP's management. The NGECE is assigned the role of monitoring the extent to which Ministries, Counties, Government Departments and Agencies use gender-disaggregated data to inform policies, laws, programs and decisions. The Commission has advocated further disaggregation of the data by age and disability. To this end, the Commission is a member of the Technical Working Committee established by KNBS to generate disability statistics for Kenya.

2.4.8. National Diversity and Inclusion Awards

The Commission was awarded the winner in the category of “Best Commission on Persons with Disability” in the Third Edition of the 2019 National Diversity and Inclusion Awards and Recognition (DIAR). The award scheme celebrates companies, government agencies, civil society organisations, non-governmental organisations and individuals who champion diversity and promote inclusion in the workplace and socially cohesive society. The awards cover excellence in various areas of diversity, including disability, age, gender, ethnicity, race, nationality, and religion across sectors including public, private, civil society, and non-governmental organisations. The award ceremony, slated for March 15, 2020, was postponed indefinitely due to the COVID-19 pandemic.

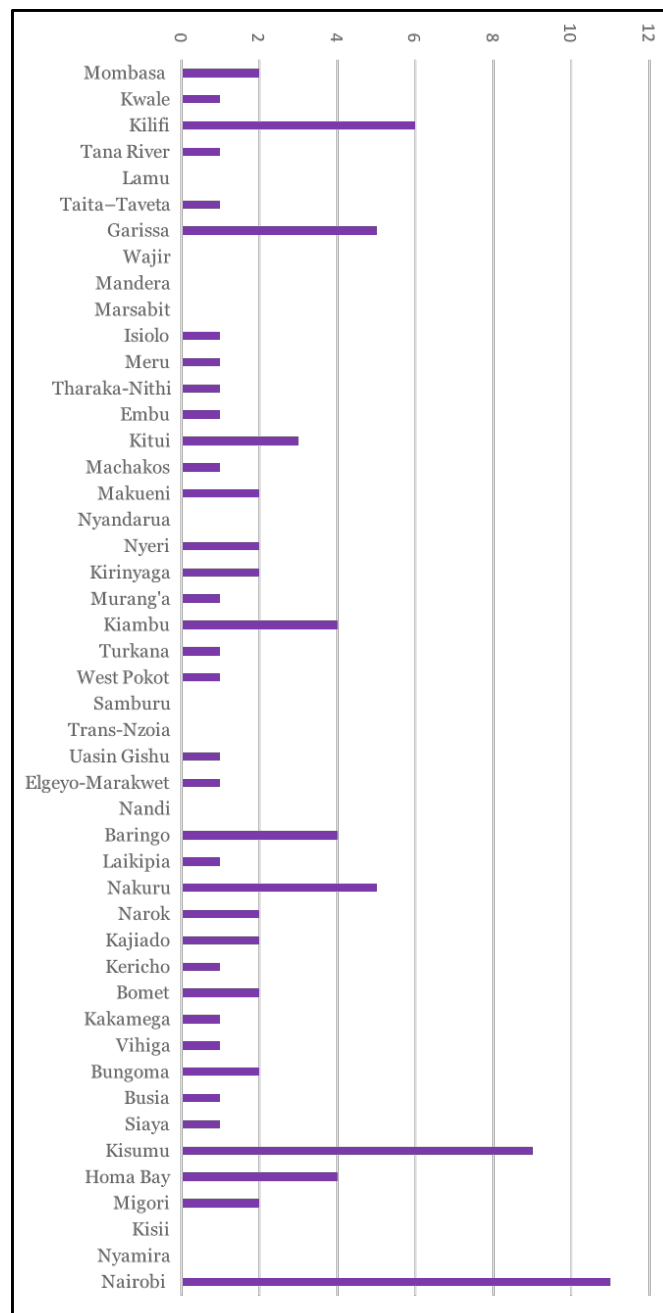


Figure 1. Frequency of NGEIC Interventions by County, FY 2019/2020

CHAPTER THREE

3.0 Institutional Capacity

3.1 Human Resource

3.1.1 Career Guidelines and Staff Placement

During the reporting period, the Commission completed the development of Career Progression Guidelines and successfully undertook staff sensitization and placement in line with the revised organizational structure. The Career Progression Guidelines enable the Commission to ensure appropriate training opportunities are provided to assist serving officers to acquire the necessary additional qualifications/specialization and experience required for the efficient performance of their duties and advancement within their respective career structures.

3.1.2 Meeting between the SRC and NGECC

During the reporting period, the Commission sought a meeting with the Salaries and Remuneration Commission (SRC) to discuss its experiences and challenges faced when implementing salary structures for 2017 and 2019 (as proposed by SRC). The expected outcome of the meeting was to obtain an advisory from SRC on how to implement these salary structures without violating the basic principles of human resources management. The SRC admitted that NGECC has the user experience to share with the SRC about the implementation of the salary structures and conduct of job evaluations and noted the difficult circumstances NGECC has faced in the last 6 years.

The SRC provided some of the crucial principles applied when completing job evaluations and setting salary structures, which include, among others, the need to consider roles instead of individual officers; the need to segregate duties and responsibilities more distinctively to avoid overlaps and duplication of efforts across roles; the need to use distinct designations that reflect the overall responsibilities of the officer; avoid splitting of roles, clarity of magnitude of duties; and risks born by the officers in their respective roles. It was agreed that the SRC would conduct another round of job evaluations in the Financial Year 2020/2021. The process will entail prior training of the Human Resource officers and managers about the development of job descriptions and the conduct of job evaluations. All lessons learned from previous job evaluations must be taken into account, and the NGECC case study must be used to inform the design of the next job evaluation activity.

3.1.3 Registration of the NGECC Staff Pension Scheme and Acquisition of Statutory Documents.

During the reporting period, the Commission commenced the process of converting the terms and conditions of 92 eligible staff from contract to pensionable. The Retirement Benefits Authority (RBA) registered the National Gender and Equality Commission Staff Pension Scheme (NGECCSPS) on March 10th, 2020. The scheme registration reference number is 02087. The scheme received a Kenya Revenue Authority PIN (P051897390E) on the 10th March 2020. The scheme applied and was approved for tax exemption by the Kenya Revenue Authority. Following the successful registration of the NGECC Staff Pension Scheme, the Public Service Commission declared the Commission. The NGECC Staff Pension Scheme Board of Trustees and members continue to explore opportunities for participating in training and conferences organized mainly through our service providers.

3.2 Supply Chain Management

In the 20-19-2020 Financial Year, the Commission's total expenditure on goods and services was KSH. 56,997,949.03, out of which KSH. 15,080,038.00 was awarded to youth, women, and persons with disabilities.

3.3 Public Communications

In the Financial Year 2019-2020, the Commission, through the Division of Public Communications undertook strategic corporate and public communications, interventions aimed at solidifying the Commission's mandate in the promotion of gender equality and non-discrimination. The interventions included:

3.3.1 Policy Statements and Advisories

The Commission delivered the following policy statements and advisories during the reporting period;

- a. Statement opposing the proposed merger of NGEC and KNCHR.
- b. Statement applauding the appointment of the first female Kenya Defence Forces Spokesperson.
- c. Statement applauding the establishment of the first all-female police Special Weapons and Tactical (SWAT) team in Kenya.
- d. Statement condemning the discrimination of a breastfeeding member of parliament inside the chambers and demand for the provision of a crèche.
- e. Statement inquiring into the appointment of Board Members of Kenya Hospital Association.
- f. Statement affirming findings and recommendations of the World Bank Report on Inclusion Matters in Africa.
- g. Statement on the International Day of the Girl Child.
- h. Statement on the protection of SIGs in the implementation of COVID 19 pandemic health and security protocols.
- i. Statement on the International Day of the African Child.
- j. Statement on reported child pregnancies during the COVID 19 pandemic.

3.3.2 Public Communications

a. Kenya Population Household Census 2019

During the reporting period, the Commission participated in the observation exercise of the Kenya Population Household Census 2019. To increase visibility and highlight the role of the Commission in ensuring an inclusive enumeration process, the Commission observation team donned branded corporate reflector jackets, caps, and accreditation badges.

b. Promoting Mobility and Accessibility Video Documentary

The Universal Access to Public Transport project, increasing the involvement of people with limited mobility in development through inclusive public transport, is a joint project by the National Gender and Equality Commission with financial support from UN-HABITAT. The project is undertaken with technical support from the Ministry of Transport, Infrastructure, Housing, Urban Development, and Public Works, the Institute for Transportation and Development Policy (ITDP), Nairobi Metropolitan Area Transport Authority (NaMATA),

National Transport and Safety Authority (NTSA), and all other stakeholders in the transport industry. During the reporting period, the Commission co-produced a documentary that was filmed in Dar es Salaam, Tanzania, featuring the Dar es Salaam Bus Rapid Transit System, which evolved from a chaotic and discriminatory public transport system into an orderly, accessible, and inclusive system. The documentary highlighted the challenges experienced by persons with physical disabilities and the mainstreaming of universal public service vehicles. The documentary provided a valuable learning lesson for Kenyan policymakers and monitoring bodies such as NGEN on gender mainstreaming in the public transport sector and offered insights on a model monitoring and evaluation framework for the entire public transport infrastructure.

c. Championing Equality of MCAs

NGEC savoured a well-deserved victory in a protracted legal and highly publicized battle pitting the Commission and the County Assembly of Nakuru, against Petition No. 1 of 2019, after the High Court in Nakuru affirmed the equality of nominated members of county assemblies. The Commission had moved to court seeking a determination on a matter in which the Nakuru County Assembly passed a motion effectively de-whipping nominated members serving as chairpersons and vice-chairpersons in different committees.



Chairperson Dr. Joyce Mutinda and Commissioner Hon. Priscilla Nyokabi with a section of nominated women MCAs at the Nakuru Law Courts. Cameroon National Commission on Human Rights and Freedoms.

The case also concerned a circular issued by the Salaries and Remunerations Commission (SRC) stating that nominated MCA's do not have a defined constituency and therefore capped their mileage allowance at the standard mileage provision. In the landmark judgement delivered by Justice Joel Ngugi, the High Court declared nominated MCAs to have equal opportunities, responsibilities, and privileges just like their elected counterparts, effectively quashing the decision of the County Assembly. "Nominated MCAs represent special interest groups especially the vulnerable, minority and historically marginalized groups, such as women, youth, persons with disabilities, and racial minorities". Read the judgement in part.

The decision sparked a wave of celebrations, with many Nakuru County Assembly nominated MCAs applauding it. Chairperson Dr Joyce Mutinda described the judgement as setting a

precedent, saying she expected all county assemblies across the country to comply with the principles of equality and non-discrimination.

d. Amplifying Debate on Age of Consent for sex

During the reporting period, the Commission set the agenda for a national debate on the matter of the age of consent for sex. The Judiciary sparked the framing of the conflict in this matter in March 2019, when the Court of Appeal judges called for a serious re-examination and interrogation of the Sexual Offences Act. They proposed a law change, raising the need to discuss lowering the age of consent for sex from 18 years to 16 in light of the realities and challenges of maturity, morality, autonomy, and protection of children.

The Commission coordinated multiple fora to shed light on the matter and inform the nation based on practical, sound, and inclusive considerations of the suitable age of consent for sex.

e. Foreign Delegations on Learning Mission

Since the establishment of NGEK, Kenya has been hailed at both regional and international levels by all human rights organs for establishing an independent framework for responding to equality, exclusion, and freedom from discrimination. Kenya has been a trendsetter in addressing gender equality via the NGEK institutional framework. In the Financial Year 2019-2020, the Commission received three delegations on a learning mission to understand Kenya's gender equality and freedom from discrimination framework. They include the National Human Rights Commission of Mozambique, the Uganda Parliamentary Committee on Gender, Labour and Social Development, and the



Commission Secretary Betty Sungura-Nyabuto, MBS with members of the Cameroon National Commission on Human Rights and Freedoms.

3.4 Information and Communication Technology

During the year, the Information and Communication Technology (ICT) Unit was able to install broadband internet at the Kitui and Malindi regional offices to improve communication and productivity.

A technical audit of the Sexual and Gender-Based Violence Information Systems (SGBVIS) has been completed; the report will inform the system's redesign and expansion.

In the last half of the year, informational technological interventions such as the deployment of virtual meeting tools, bulk messaging solutions, online reporting and chat systems enabled the Commission to navigate and continue serving Wananchi during the COVID - 19 pandemic restrictions.

3.5 Internal Audit

The Public Finance Management Act, 2012, Section 73(5) and Public Finance Management Regulation, 2015 require that each public entity shall establish an audit committee. The Guidelines for Audit Committees in National and State Corporation outline the operationalization of audit committees in the public sector. The National Gender and Equality Commission inaugurated its Audit Committee on December 19th 2017, whose membership is made up of two independent members, one Commissioner and one National Treasury Representative.

For the period from July 1st, July 2019 to June 30th, 2020, the Audit Committee held three meetings: 1st August 2019, 22nd October 2019, and 28th January 2020. However, the statutory audit committee meeting scheduled for April 14th 2020 was not held due to the COVID - 19 Pandemic.

The internal audit unit carried out assignments under the 2019/2020 Internal Audit Annual Work Plan and also special assignments as given from time to time by the Commission Secretary and Chair of the commission.

The following are the reports that were considered and approved by the Audit Committee for the period 1st July 2020 to 30th June 2020;

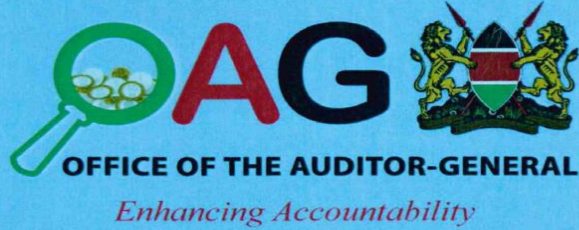
- i. Internal audit charter
- ii. Audit committee charter
- iii. Internal audit annual work plan 2019/2020
- iv. Audit committee work plan 2019/2020
- v. Human resource department activities
- vi. Financial statements for the year ending 30th June 2019
- vii. 1st quarter financial statements for the period 1st July to 30th September 2019
- viii. External audit management letter for financial statements ending 30th June 2019 and responses
- ix. Transport management
- x. f Fraud at Toyota Kenya
- xi. 2nd quarter financial statements for the period 1st October to 31st December 2019
- xii. 3rd quarter financial statements for the period 1st January to 31st March 2020
- xiii. Cash management
- xiv. Staff medical insurance cover for the year 2018/2019 and 2019/2020
- xv. Procurement division activities

CHAPTER FOUR

4.0 Audited Report and Financial Statements

The Commission's receipts mainly comprise exchequer releases from the National Treasury and external grants from development partners. For the year ended 30th 2020, the Commission received a total of Kshs.386, 352,945 in terms of exchequer received from the National Treasury of Kshs.375,712,645 and other receipts from Development Partners of Kshs.10,640,300. The other receipts were composed of funds received from Development Partners, Ford Foundation Kshs. 10,131,000.00 and Kshs. 509,300 from UN-Habitat. The total payments by the end of the Financial Year were Kshs. 376,118,813 compared to a budget of Kshs. 401,349,273 translating to a 94% absorption level. This chapter presents comprehensive financial statements for the year in review.

REPUBLIC OF KENYA



REPORT

OF

THE AUDITOR-GENERAL

ON

**NATIONAL GENDER AND EQUALITY
COMMISSION**

**FOR THE YEAR ENDED
30 JUNE, 2020**

*National Gender and Equality Commission Reports and Financial Statements
For the year ended June 30, 2020*



NATIONAL GENDER AND EQUALITY COMMISSION

ANNUAL REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED

JUNE 30, 2020

**Prepared in accordance with the Cash Basis of Accounting Method under the
International Public Sector Accounting Standards (IPSAS)**

*National Gender and Equality Commission Reports and Financial Statements
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I. KEY ENTITY INFORMATION AND MANAGEMENT

a) Background Information

The National Gender and Equality Commission is a Constitutional Commission established by the National Gender and Equality Commission Act. No. 15 of 2011 pursuant to Article 59 (4) & (5) of the Constitution of Kenya. The Commission's mandate is to promote gender Equality and freedom from discrimination for all people in Kenya with focus on special interest groups, which include women, children, youth, Persons with Disabilities (PWDs), older members of society, minority and marginalized groups.

The vision, mission, core values and functions of the National Gender and Equality Commission are:

1.1.1 Vision

A society free from gender in equality and all forms of discrimination

1.1.2 Mission

To promote gender equality and freedom from all forms of discrimination in Kenya, especially for special interest groups through ensuring compliance with policies, laws and practice.

1.1.3 Core Values

- a) Fairness;
- b) Inclusiveness;
- c) Accountability;
- d) Teamwork and
- e) Integrity.

1.1.4 Functions

The functions of the Commission as provided for in Section 8 of the National Gender and Equality Commission Act No. 15 of 2011 are to:

- 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;

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- 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 relating to 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 implementation policies as contemplated in the Constitution;
- f) investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;
- 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 programmes 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 on compliance with constitutional and statutory requirement on the implementation of the principles of equality and freedom from discrimination;
- 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 collaborations 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 obligation under this Act;

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- m) conduct audits on the status of special interests 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.

b) Key Management

The National Gender and Equality Commission's day-to-day management is under the following key organs:

- (i) The Commission
- (ii) The Commission Management Board

c) Fiduciary Management

The key management personnel who held office during the year ended 30th June, 2020 and who had direct fiduciary responsibility were:

- (i) Betty Sungura - Nyabuto, MBS - Commission Secretary/CEO (Full year)
- (ii) Paul Kihugu Kuria – Director; Programmes and Research (Full year)
- (iii) Joseph Muthama Ndiku - Assistant Director; Finance, Planning & Accounts (Full year)
- (iv) Winfred Mutindi Wambua – Assistant Director; Special Interest Groups (Full year)
- (v) Wilson Desire Njamwea - Assistant Director; Legal, Complaints, Investigation and Redress (Full year)
- (vi) Kennedy Jalang'o – Senior Human Resource Officer (Resigned March 2020)
- (vii) Beatrice Cheruiyot – Senior Accountant, assisting in payroll Preparation (From April, 2020)
- (viii) Mathew Kioko Musau – Senior Supply Chain Management Officer (Full year)
- (ix) Goretty Ndeda Osur – Regional Co-ordinator (Full year)

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d) Fiduciary Oversight Arrangements

1.4.1 Audit Committee

Committee members:

- i) Kenneth Kuguru Macharia – Chairperson
- ii) Commission Vice Chairperson: Dr. Joel Chomba Munyi - Member
- iii) Esther Ngeru – Member
- iv) Rosemary Akoth Olonde – Member
- v) Jackline Kwamboka Kanisa – Senior Internal Auditor, Secretary

The Audit Committee was launched in December 2017. The Committee is responsible for strengthening the effectiveness of the Internal Audit function including regular review of its capacity, approval of the Internal Audit Charter and Internal Audit Annual Work Plan.

1.4.2 Advisory Team

a) Members at Policy level

- i) Dr. Joyce Mwikali Mutinda, PhD – Chairperson
- ii) Dr. Joel Chomba Munyi, PhD – Vice Chairperson
- iii) Hon. Priscila Nyokabi Kanyua- Commissioner
- iv) Dr. Florence Nyokabi Wachira – Commissioner (Retired March 2020)
- v) Betty Sungura– Nyabuto, MBS - Commission Secretary/CEO

The main roles played by the team are to:

- review and approve financial reports. These include expenditure, receipts and procurement reports.
- review all financial, procurement and programs quarterly and annual work plans.
- review and approve budget proposals.

b) Members at Secretariat Level

- (i) Betty Sungura - Nyabuto, MBS - Commission Secretary/CEO
- (ii) Paul Kihugu Kuria – Director; Programmes and Research
- (iii) Joseph Muthama Ndiku - Assistant Director; Finance, Planning & Accounts
- (iv) Winfred Mutindi Wambua – Assistant Director; Special Interest Groups
- (v) Wilson Desire Njamwea - Assistant Director; Legal, Complaints, Investigation and Redress
- (vi) Kennedy Jalang’o – Senior Human Resource Officer (Resigned March 2020)
- (vii) Beatrice Cheruiyot – Senior Accountant, assisting in Payroll Preparation
- (viii) Mathew Kioko Musau –Senior Supply Chain Management Officer
- (ix) Goretty Ndeda Osur – Regional Co-ordinator

The main roles played by the Secretariat include to:

- review and consider the cash flow plans for recommendation to the Commission.
- review the utilization of the cash limits and consider any changes as may be required;
- review the utilization of the donor funds voted for the Commission.

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- advise the Accounting Officer on the challenges related to the budget implementation
- review and approve the submission of the expenditure returns, payroll IPPDs, pending bills
- review budgets, supplementary estimates and performance of budget against actual for the Commission in consultation with the Heads of Department.
- reviewing and making recommendations on management programs established to monitor compliance with sound public financial management, internal controls, policies, laws, regulations, procedures and the code of ethics.

1.4.3 Human Resource and Advisory Committee

The members who served the Committee were:

- (i) Betty Sungura - Nyabuto, MBS - Commission Secretary/CEO (Chairperson)
- (ii) Paul Kihugu Kuria – Director; Programmes and Research
- (iii) Joseph Muthama Ndiku - Assistant Director; Finance, Planning & Accounts
- (iv) Winfred Mutindi Wambua – Assistant Director; Special Interest Groups
- (v) Wilson Desire Njamwea - Assistant Director; Legal, complaints, investigation and redress
- (vi) Kennedy Jalang’o –Senior Human Resource Officer (Resigned in March 2020)
- (vii) Beatrice Cheruiyot – Senior Accountant, assisting in Payroll Preparation

The roles played by the Committee include to:

- review training plans and reports.
- adjudicate disciplinary matters and make recommendations.
- review human resource policies and make recommendations
- consider and approve staff training requests
- review staff needs and welfare.

e) Entity Headquarters

P.O.Box 27512-00506, Nairobi.
1st Floor, Solution Tech Place
5 Longonot Road, Upper Hill, NAIROBI.

Contacts

Toll Free. 0-800-720-187
Phone: +254 709375100
Phone: +254 203213100
SMS: 20459

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f) Entity Bankers

Central Bank of Kenya
Haile Selassie Avenue
P.O. Box 60000
City Square 00200
NAIROBI.

g) Independent Auditors

Office of Auditor General
Anniversary Towers, University Way
P.O. Box 30084, GPO 00100
NAIROBI.

h) Principal Legal Advisor

The Attorney General
State Law Office
Harambee Avenue
P.O. Box 40112, City Square 00200
NAIROBI.

i) Users of Financial Statements

- i) The National Treasury
- ii) The Office of Controller of Budget
- iii) The Commission of Revenue Allocation
- iv) The Office of Auditor General
- v) Development Partners
- vi) Other Stakeholders

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j) The Commission



Dr. Joyce Mutinda, PhD
Commission Chairperson



Dr. Joel Chomba, PhD
Vice Commission Chairperson



Hon. Priscilla Nyokabi
Commissioner



Dr. Florence Wachira, MBS
Commissioner

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BIOGRAPHIES



Dr. Joyce Mwikali Mutinda is the Chairperson of the National Gender and Equality Commission. She was appointed on August 17, 2018 and sworn in on August 27, 2018. Dr. Mutinda is an accomplished educationist, gender analyst, quality auditor, training consultant and a monitoring and evaluation expert. She holds a Doctor of Philosophy degree in Educational Management from Makerere University in Uganda, a Master of Arts degree in Gender Analysis in Development from the University of East Anglia in the United Kingdom and a Bachelor of Education degree from the University of Nairobi, Kenya.

Prior to her appointment, Dr. Mutinda was the Chairperson of Rongo University Council. Throughout her career, Dr. Mutinda has served in over fifteen public institutions in the education sector and civil service and undertaken numerous local, regional and international consultancies.

She has published over 20 research papers and reports and is a respected training consultant and facilitator. She has attended over 40 high level workshops and seminars and represented the Country in various capacities. At the community level, she has served in various Management Boards of secondary schools and Teachers Training Colleges as well as holding leadership positions in various associations.

Dr. Mutinda is an avid reader and writer, cherishes mentoring the youth, motivating the girl-child and women, conserving the environment and loves singing.



Dr. Joel Chomba, PhD
Vice Commission
Chairperson

Dr. Chomba is the Vice Chairperson of the Commission. He was appointed on August 17, 2018 and sworn in on August 27, 2018. He holds a Doctor of Philosophy Degree from Kenyatta University, Doctor of Education (Special Needs Education) from the University of Marylebone, UK, PGDE in Curriculum Development and Evaluation from Kenyatta University, Master's degree in Special Needs Education from Michigan State University, U.S.A, and a Bachelor of Education from University of Nairobi.

He has served in the Disability Sector as a Chairman in the Disabled Voters of Kenya Alliance (DVA) and Kenya Union for the Blind (KUB). Other memberships include; the Nairobi County Public Service Board, National Council for Persons with Disabilities (NCPWD), Kenya Institute of Special Education (KISE) Council, Kenya Institute for the Blind (KIB) Board of Management and Nguviu Boys' High School Board of Management.

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Prior to his appointment Dr. Chomba worked as a Senior Lecturer at Kenyatta University in the Special Needs Education Department, as Managing Director at Disability Awareness and Development (FAMDAD) Management Consultancy and as an Executive Director at the African Union of the Blind (AFUB).



Hon. Priscilla Nyokabi
Commissioner

Hon. Nyokabi is an Advocate of the High Court of Kenya and holds a Bachelor of Law Degree from the University of Nairobi and a Diploma from the Kenya School of Law. She is the first Nyeri County Woman Member of Parliament who served from 2013 to 2017. She was appointed on August 17, 2018 and sworn in on August 27, 2018. Before joining Parliament, Hon. Nyokabi was the Executive Director of Kituo Cha Sheria. She served as the Deputy Presiding Officer Eastern Africa in the African Union Permanent Assembly of the Civil Society (AU ECOSOC) and as a Media Council of Kenya Complaints Commissioner. She was nominated Top 40 under 40 Women in Kenya in 2010 and 2011 by Nation Business Daily. During her stint in Parliament Hon. Nyokabi championed issues of women, human rights and development.

She served in various Parliamentary committees including: Justice and Legal Affairs Committee as the Vice Chairperson, Budget and Appropriations Committee, House Business Committee, Chairperson of Caucus 47 of all the County Women Representatives, Kenya Women Parliamentary Association (KEWOPA) as an Executive Committee Member and Catholic MPs Forum as a Member. Hon. Nyokabi is married and a mother of two.

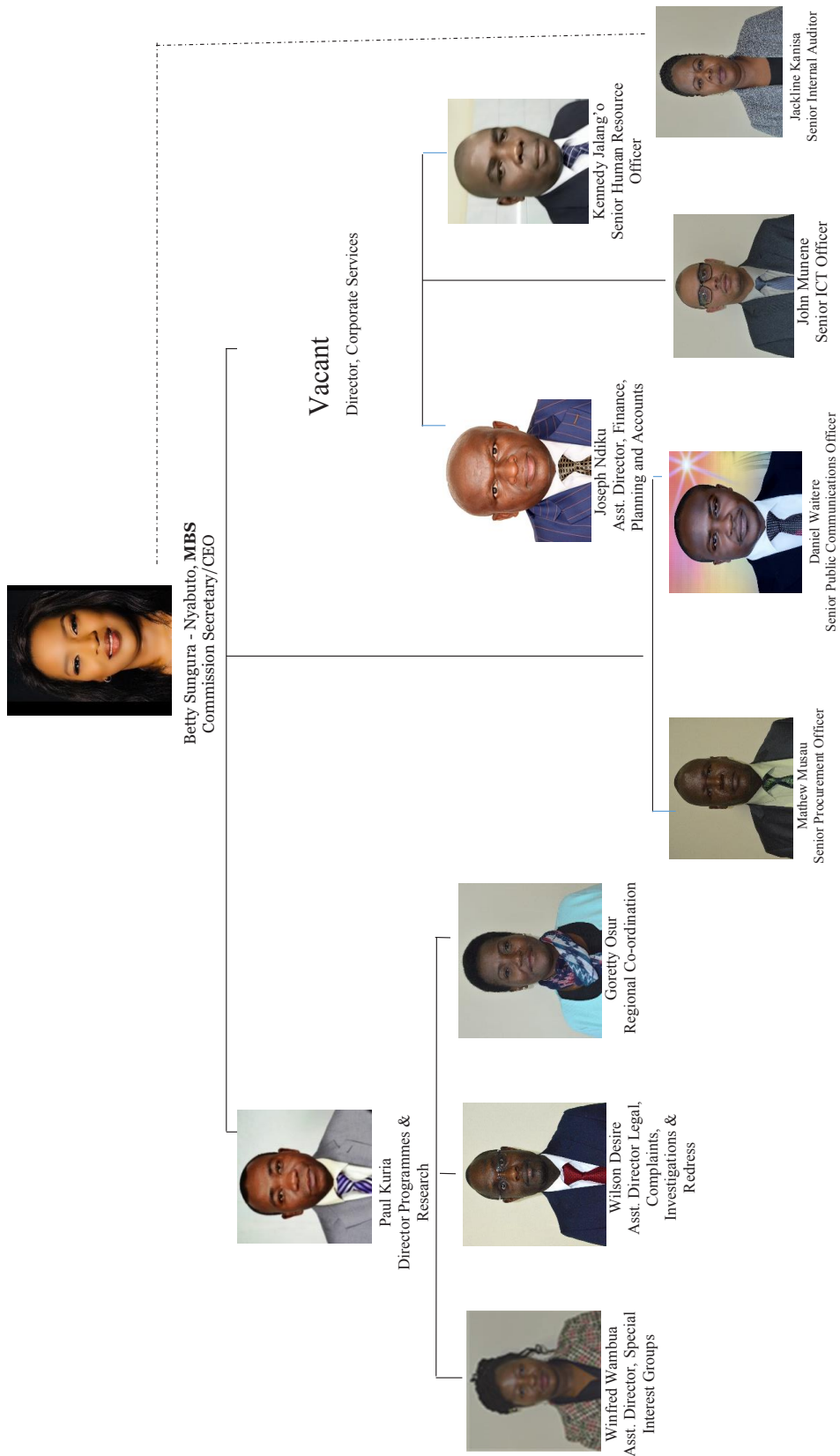


Dr. Florence Wachira
Commissioner, MBS

Commissioner Dr. Florence Nyokabi 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 of Kenya where her last appointment was as Director of Recruitment and Selection in the Public Service Commission. She holds a Doctorate degree in Human Resource Management, a Master's degree in Human Resource Development and another Master's 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. She is a firm believer in truth, justice and fairness in all matters affecting people.

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k) The Secretariat



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Betty Sungura-Nyabuto, **MBS**
Commission Secretary/CEO

Ms. Betty Sungura- Nyabuto MBS, is the Commission Secretary and Chief Executive Officer of the National Gender and Equality Commission (NGEC). An accomplished scholar, Advocate of the High Court of Kenya and an active member of the Law Society of Kenya, Betty holds a Bachelor of Laws (LLB) and Master in Laws (LLM) in International Trade & Investment Law, both from the University of Nairobi.

Betty has served at the Independent Electoral and Boundaries Commission (IEBC) in the Chief Executive portfolio both as Acting CEO and Deputy CEO capacities. She had previously served as the CEO of the Law Society of Kenya. She has served as Legal Counsel at FIDA- Kenya. In her legal career and governance leadership stint, she has interacted widely with the legal profession at the bar, bench, private and public sector as well as at local, regional and international levels including the East African Court of Justice(EACJ) and the EAC.

Betty is a proficient author, child rights defender and has written books on good governance and also authored separately with the UN- Women on how to promote participation of women in elections. As part of her participation in good governance, Betty has undertaken major regional and international consultancies including assisting the Burundi Bar Association with Strategic Planning in preparation of their first ever Strategic Plan with the support of Avocats sans frontières Belgium.

She has worked with Plan Nederlands International in Amsterdam defending child rights and is currently serving as a member of the Law Society of Kenya Mentorship Board/ Committee. She is a Commissioner of Oaths and a Notary Public, both conferred by the Judiciary in Kenya.



Paul Kuria
Director Programmes
& Research

Mr. Paul Kuria was appointed the position of Director Programs and Research in March 2019.

He holds a bachelor's degree in Anthropology and a master's degree in Anthropology both from the University of Nairobi, Kenya.

He is responsible for the design of programmatic interventions and strategic research activities essential for the fulfilment of the Commission's core mandate and functions.

Prior to the appointment, Mr. Kuria served in the management of NGEC (2013 and 2017) as Ag. Commission Secretary/CEO

In 2018, Mr. Kuria was the technical advisor of Gender Committee, Council of Governors where he directed UNWOMEN supported programs.

Mr. Kuria is the former Kenya Country Manager of Bill and Melinda Gates Kenya Urban Reproductive Health Program, and former Project Manager of the David and Lucile Packard Foundation Western Kenya Reproductive Health Project.

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 <p>CPA Joseph Ndiku Asst. Director, Finance, Planning and Accounts</p>	<p>CPA Joseph Ndiku was appointed to the position of Assistant Director, Finance Planning and Accounts on 7th July 2019. He holds a Masters of Business Administration (MBA - Finance), Bachelors of Business and Management (Accounting Option) both from Egerton University. He is a Certified Public Accountant of Kenya (CPAK), Certified Information Systems Auditor (CISA), Certified Public Secretary (CPS) and a Diploma in Information Technology of Jomo Kenyatta University of agriculture and Technology. He is in charge of Finance, Planning and Accounting Department that is mandated with the development and maintenance of effective financial management and control systems; coordination of budgeting processes and financial reporting. He has over 17 years' working experience having previously served as Chief Finance Officer at Jaramongi Odinga Oginga University of Science and Technology, Chief Officer, Finance and Socio-Economic Planning, Makueni County Government, Finance and Accounting Manager at Higher Education Loans Board (HELB) among others.</p>
 <p>Winfred Wambua Assistant Director, Special Interest Groups</p>	<p>Ms. Winfred Wambua was appointed the Assistant Director Special Interest Groups in 10th August, 2018. She holds a Master of Arts in Development studies and a Bachelor of Arts degree in Anthropology (first class honors) from the University of Nairobi. In her role she is responsible for the design, development and execution of the programmatic interventions that promote equality and inclusion of the special interest groups. Prior to her appointment Ms. Winfred served as a Chief Officer in charge of Gender, Youth, Sports and social services in Makueni County.</p>
 <p>Wilson Desire Assistant Director Legal, Complaints, Investigations & and Redress</p>	<p>Desire Njamwea was appointed the Assistant Director Legal, Complaints, Investigations and Redress on 10th August, 2018. He holds a Master of Laws in International Human Rights and HIV in Africa from the University of Pretoria, Bachelors of Law from Moi University, Kenya and Diploma in Law. He is in charge of designing and reviewing the Commission's mechanism for receiving and processing complaints of violations of principles of equality and freedom from discrimination; designing and facilitating mechanisms for formal hearings and inquiries; establishing joint referral mechanisms for complaints with Article 59 Commissions; ensuring compliance by the Commission on its legal mandates; reviewing laws, policies and administrative regulations to ensure integration of principles of equality and freedom from discrimination.</p>

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 <p style="text-align: center;">Jackline Kanisa Senior Internal Auditor</p>	<p>Mrs. Jackline Kwamboka Kanisa assumed the position of Senior Internal Auditor in 24th June, 2019. She is in charge of Internal Audit Division that provides objective appraisal of the financial and operational activities of the Commission.</p> <p>She holds a Masters in Strategic Management from Kenyatta University and Bachelors degree in Commerce (Finance option) from Catholic University of Eastern Africa, a Certified Public Accountant, an active Member of the Institute of Certified Public Accountants of Kenya (ICPAK) and a member of Certified Information Systems Audit and Control Association (ISACA).</p>
 <p style="text-align: center;">Mathew Musau Senior Procurement Officer</p>	<p>Mr. Mathew Musau was employed as the Senior procurement Officer on 1st September 2014. He holds a Masters degree in Procurement and Logistics from JKUAT, a Bachelor of Commerce Degree in Business Management/ Marketing from Daystar University, a Graduate Diploma in Procurement from the Chartered Institute of Procurement and Supply (CIPS) and a certificate in Strategic Management and Leadership from the Kenya Institute of Management (KIM).</p> <p>Prior to this employment, Mathew was the Senior Procurement Officer at KenGen.</p> <p>He is responsible for managing the procurement function of the Commission and providing technical advice to the Management.</p>
 <p style="text-align: center;">Daniel Waitere Senior Public Communications</p>	<p>Daniel Waitere is the Head of Communications Division at the National Gender and Equality Commission -NGEC. Mr. Waitere holds a Bachelor of Arts degree in Communications from Daystar University.</p> <p>Mr. Waitere has excellent communication skills and good understanding of mainstreaming issues of gender and disability into programmatic interventions in promotion of the rights of the special interest groups who include women, persons with disabilities, the youth, children, older members of society, the minority and marginalized groups in Kenya.</p> <p>As the programme leader in the Public Communications Division, Mr. Waitere has implemented projects on communications, public education, advocacy and capacity building at the national and county levels.</p> <p>He is the liaison person with the media helping in accelerating public education and coverage of the Commission's activities in both emerging and traditional print and electronic media.</p>

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II. FOREWORD BY THE COMMISSION CHAIRPERSON



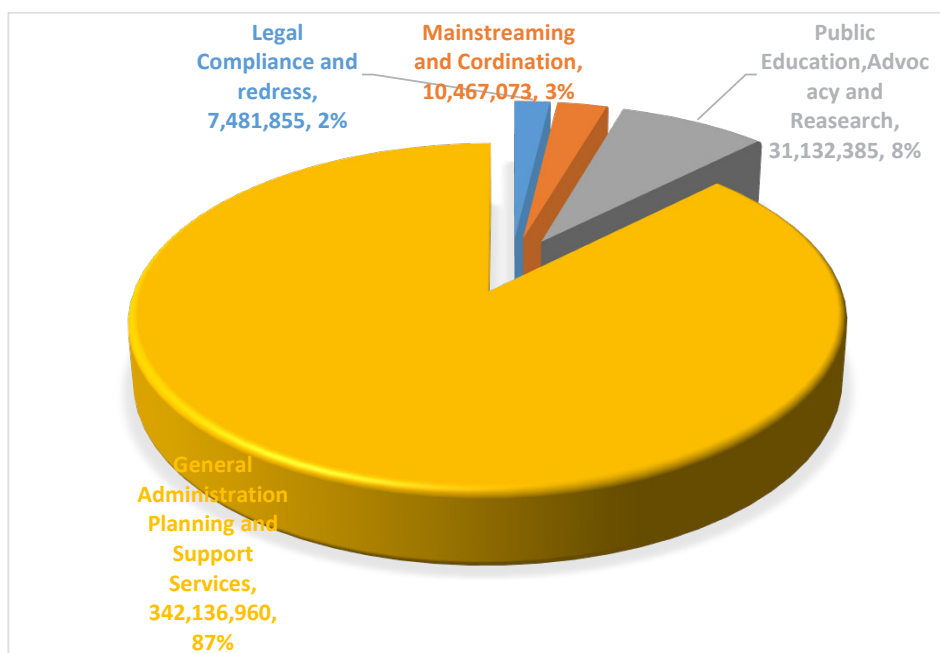
The National Gender and Equality Commission (NGEC) is a Constitutional Commission established by the National Gender and Equality Commission Act. No. 15 of 2011 pursuant to Article 59 (4) & (5) of the Constitution of Kenya, 2010. The Commission's mandate is to promote gender equality and freedom from discrimination for all people in Kenya with focus on special interest groups, which include: women, children, youth, persons with disabilities (PWDs), older members of society, minority and marginalised groups.

In the financial year 2019/20 the National Gender and Equality Commission had a gross budget of **KShs. 391,218,273** which was made up of **Kshs 390,708,973** and **Kshs 509,300** for recurrent and development partners' votes respectively. The Commission received Kes 10,131,000 from Ford Foundation during the year. The actual expenditure was Kshs **376,118,813** making it **94% absorption level**.

Budget allocation

This gross budget was allocated under the programme for promotion of Gender Equality and Freedom from discrimination under the following four sub-programmes as shown in the chart below:

Budget Allocation by sub-programmes



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- i) **Legal Compliance and Redress:** The objective of the sub-programme is to monitor, facilitate and advise on the integration of the principles of equality, freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions. It also includes investigations and redress for violation of principles of equality and inclusion as envisaged under article 27 and 43 of the Constitution. It was allocated Kshs. 7,481,855 representing 2% of the budget.
- ii) **Mainstreaming and Co-ordination:** The objective is to co-ordinate and facilitate mainstreaming of issues of gender, persons with disabilities and other marginalised groups in national development programs and actions. It also advises the Government and facilitates the implementation of affirmative actions and programs. It was allocated Kshs. 10,467,073 representing 3% of the budget.
- iii) **Public Education, Advocacy and Research:** The main objective is to co-ordinate and advice on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination, conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution of Kenya, 2010. It was allocated Kshs. 31,132,385 representing 8% of the budget.
- iv) **General Administration and Support Services:** the objective is to strengthen institution capacity to deliver on its mandate. It was allocated Kshs. 342,136,960 representing 87 % of the budget.

Key Performance Highlights:

Financial Performance Summary

Actual Performance against budget for the year ending 30th June 2020

	Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
Amount Kes	401,349,273	376,118,813	30,140,319	94%

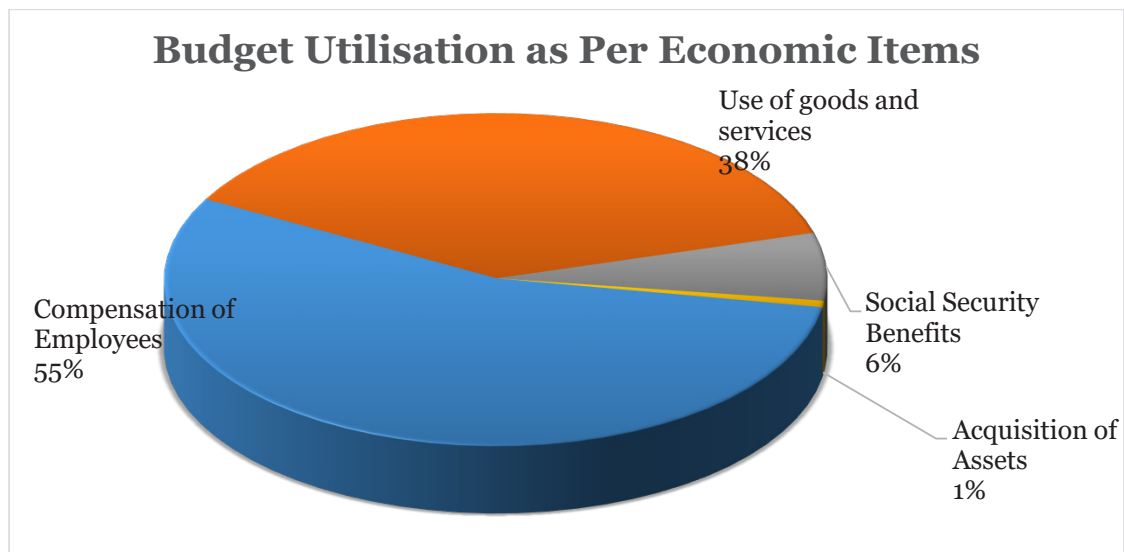
Actual receipts by the Commission stood at 4% below budget while actual payments were 6% below budget. This is attributable to underutilization of budget allocation for some votelines occasioned by Covid-19 pandemic.

Budget Utilisation

The Commission spent **KShs. 376,118,813** against an approved budget of **KShs. 391,218,273** representing absorption of **94%**. Utilisation of the budget was carried out through various activities (economic classifications) as shown in the graph below:

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It should be noted 38% of budget allocation for the Commission was used on procurement of goods/services and operations, 55% for personnel emoluments, 6% on gratuity and 1% is for acquisition of fixed assets.



Comparing the current financial year to FY 2019/20, there was an increase of 9.0% in utilization from Kshs 345,197,543 in FY 2018/19 to Kshs. 376,118,813 in FY 2019/20.

Receipts

The Commission receipts mainly comprise of exchequer releases from the National Treasury and external grants from development partners. During the financial year 2019/2020, the Commission received a total of Kshs. 375,712,645 relating to exchequer releases from National Treasury and Kshs 10,640,300 from development partners. This is an increase of 11.7% of total receipts compared Kshs. 345,777,100 received in FY 2018/19.

Payments:

The total payments for the FY 2019/20 were Kshs. 376,118,813 representing 6.6% increase compared to Kshs. 345,197,543 spent in the FY 2019/20.

The payments for FY 2019/20 were as follows: -

	Actual Payments
Compensation of Employees	207,435,262
Use of goods and services	141,575,687
Social Security Benefits	24,746,161
Acquisition of Assets	2,361,704
Total Payments	376,118,813

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Cash and Bank Balance

	2019-2020	2018-2019	Balance	%
	Kshs	Kshs	Kshs	
Total Bank Balances	21,061,595	53,720,737	- 32,659,142	-61%

The cash position dropped by 32.7 million due to the fact that the Commission transitioned staff to Permanent and Pensionable terms and hence they were paid gratuity that was outstanding.

Key Achievements of the National Gender and Equality Commission in the FY 2019/20

- 1.0 The Commission reviewed and gave inputs to 39 legal instruments both at the County and National level (29 bills, 10 policies and regulations). The inputs were mainly to address equality and inclusion issues and ensure the rights and freedoms of the most vulnerable population is guaranteed, protected and promoted. The Commission also reviewed the language used by drafters to avoid any derogatory terms and phrases in describing status and needs of SIGs. Some of the bills/laws reviewed include:

a) Bills

- i) The Kenya National Commission on Human Rights (Amendment) Bill 2020. The Commission issued a statement and prepared a memorandum on this bill with emphasis on the detriments and loss of the Constitutional gains if the bill was passed in parliament without consideration of the views of NGECE and SIGs.
- ii) The Political Parties Primaries Bill, 2020. The review documented explicit legal provision of ensuring political parties comply with the Constitutional provisions on inclusion of PWDS, women, youth and minority and marginalized groups in the political processes, parties and elections
- iii) The Constitution of Kenya (Amendment) (No.5) Bill 2019. The Commission emphasized the need to develop an independent formula for accommodating presidential candidates who loose elections in Parliament as opposed to interfering with the seats reserved for women and special interest groups.
- iv) The Referendum Bill (National Assembly Bill No.11 of 2020). The Commission advised on the need to ensure that Special Interest groups are consulted as a constituent by themselves and to have them approve the recommendations of the questions that relate to their issues/interest in the Constitution Amendment Bill; the need to have SIGs represented in the Referendum Committee.
- v) The Community Health Services Bill, 2020. The Commission noted the need to ensure that the proposed management structure incorporate the devolution structure up to the village administrators for purposes of ensuring reach of services to all community members, the need to capacitate counties to hire care givers at ward and village levels, to have the data collection forms disaggregated to youth, women, age and type of disabilities to allow for collection of correct data for planning purposes.
- vi) The Sexual Offences (Amendment) Bill, 2020. The Commission noted among others the need to remove crimes that discriminate against the boy child.

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- vii) The Preservation of the Human Dignity and Enforcement of Economic and Social Rights, Bill no. 15; The Commission advised on the dropping of the term preservation of human dignity in the title of the Bill since enforcement of economic and social rights would lead to preservation of human dignity, the Commission sought to have a role in oversight on enforcement of economic rights which are about equality.
- viii) The Tharaka Nithi County Persons with Disability Bill 2016. The Commission issued the County with the model PWD bill designed with facilitation of NGEC to help improve their bill
- ix) Kenya Uwezo Fund Bill, 2019. The Commission noted the need to ensure that barriers of accessing the funds as well as repayment terms are not prohibitive to the youth, PWDs and minorities.
- x) Sexual Assault Forensic Bill, 2018. The Commission made inputs on procedures of obtaining evidence from SIGs in particular children and PWDs in a manner that respects their dignity with the objective of reducing their burden of evidence when forensic evidence is procedurally gathered and stored. The Commission also noted that the Bill and its procedures would help deal with prosecution in cases where the victims are deceased either as a result of direct assault on their person during the commission of offence or due to other reasons in the course of trial.
- xi) Representation of Special Interest Groups amendment bill 2019. The Commission applauded the move as a step in the right direction towards having a framework for representation of SIGs in Parliament but asked for an independent legal framework for the same. The Commission advised on the need to ensure that IEBC does not accept nomination papers from parties that have not complied with the two thirds gender principle and have no youth nominees.
- xii) Social Assistance (repeal), bill (National Assembly Bill No. 15 of 2020). The Commission opposed the Repeal Bill mainly on grounds that it sought to amend the Social Assistance Act, 2013 via Regulations of Public Finance Management Act, without resorting to another substantive Act that deals comprehensively with the issues of Social Assistance.

b) Regulations

- (i) The Data Protection (Civil Registration) Regulations 2020 and Registration of Person Act (National Integrated Identity Management System (NIIMS)) regulations 2020 for their consideration County
- (ii) Following the publishing of the Public Finance Management (Covid-19 Emergency Response Fund) Regulations, 2020, the Commission provided inputs, comments and suggestions on ensuring full integration of the principles of equality and inclusion in the draft regulations for consideration by the National Treasury
- (iii) The Commission reviewed its own NGEC draft complaints and Procedure Regulations. The regulations are designed to provide mechanism and framework of managing and resolving complaints on equality and inclusion received by the Commission
- (iv) Rules and regulations meant to operationalize the proposed Children's Act 2020
- (v) Regulations on Public Finance Management Biashara Fund Regulations 2020. The Commission opposed the regulations on the basis that they were being

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proposed within the Public Finance and Management Act instead of the primary substantive Act, the Social Assistance Act, 2013 that governs social assistance.

c) Policies

- (i) National Family Promotion and Protection Policy, 2018
- (ii) The National Policy on Older Persons and Ageing 2019
- (iii) Technical Vocational and Education Training Authority (TVETA) guidelines for gender mainstreaming policy
- (iv) The National Youth Policy 2019
- (v) Nakuru County Gender Policy

Further, the Commission prepared and submitted memoranda to the validation forum of the Building Bridges Initiative Report with focus towards addressing the missing links and gaps on all matters of equality and inclusion. The Commission emphasized on the need to listen to the voices of children on all key agenda items of the BBI, involvement of the PWDs in shaping the core issues identified by the BBI as well as inclusion of the issues and priorities identified under the **Common Women Agenda Paper**.

2.0 The Commission finalized **Nine** reports and guidelines addressing different issues of equality and inclusion and various sectors of life. The reports are now with the printers for publishing. The reports include:

- a) The Maputo Protocol scorecard
- b) Minimum Age of Consent for Sex: Addressing the Dilemma 2020.
- c) Guide for County Government Leadership: Integration of Gender Equality, Inclusion in County Development, 2020.
- d) Guidelines on the establishment of the Equality and Inclusion technical working groups
- e) A report on rapid assessment on gender vulnerabilities of forest communities in 8 counties (*Nakuru, Baringo, Elgeyo Marakwet, West pokot, Laikipia, Narok, Bungoma and Trans-Nzoia*)
- f) Equality and Inclusion of Refugees in Kenya: A Mission to Kakuma Operation Centre and Kalobeyei Integrated Socio-Economic Development Settlement Program in Turkana County
- g) The 2019 Kenya Population and Housing Census observation report
- h) Access and Mobility Project: The Implications of Universal Access on Groups in Vulnerable Situations in Nairobi
- i) The Expert Group Meeting on Violence against Women in Politics, a global report on the proceedings of the consultative workshop organized by global UNWOMEN in New York, December 2019.

During the period under review, the Commission issued several advisories to Government Ministries, Departments, Agencies and the private actors. They include advisories on compliance with Health Act, no. 21 of 2017 which requires all employers to support working women to breastfeed at work through establishment of lactation stations. The advisories were directed to all 44 Principal Secretaries, Kenya Private Sector Alliance and 14 hospitals including national, county and private sector hospitals. The Commission also issued the Ministry of Health and the Ministry of Interior and Coordination of National Government on key consideration of the welfare of persons in vulnerable situations during times of Covid-19.

3.0 The Commission received and analyzed 114 bi-annual reports from Ministries,

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Departments and Agencies on progress they have made in mainstreaming issues of gender, women, youth, PWD, children, minority and marginalized groups and communities. The Ministries shall be awarded certificates of compliance coupled with management letter on areas of improvement.

- 4.0 In addition to enhance compliance with the principles of equality and inclusion, the Commission trained various government agencies on integration of the principles of equality and inclusion. The training sessions were geared towards enabling responsible officers report accurately and in timely manner, the efforts their departments and agencies have put in place to address equality and inclusion issues. The institutions included the Competition Authority, Gender Mainstreaming Committee members and the Technical and Vocational Education and Training Authority (TVETA); KENHA, Kabete National Polytechnic. A similar sensitization has been extended to private and non-state actors for example, the Kenya Alliance for Advancement of Children (KAAC). Further the Commission facilitated the Technical and Vocational Education and Training Authority (TVETA) to develop a gender policy for all TVET Institutions in Kenya and the Energy and Petroleum Regulatory Authority (EPRA) in formulation of internal procedures for mainstreaming gender equality and inclusion at workplace
- 5.0 To facilitate State compliance reporting on international and regional treaties and conventions the Commission:
- a) contributed to the development of the text for ‘gender and climate change submissions’ for Kenya for consideration through the Ministry of Environment and Forestry during the 25th Conference of Parties (COP), United Nations Framework Convention on Climate Change (UNFCCC). The submissions were discussed in Madrid, Spain. NGEC also made a presentation on progress Kenya has made on mainstreaming issues of gender and other vulnerable populations in national climate change actions. Under the invitation of the UNWOMEN global office, the NGEC made a presentation on the participation of women in politics in Kenya and the role of the Commission in observation of elections. The presentation was made in December 2019 in New York, during the Experts Group Meeting.
 - b) facilitated, contributed and participated in the design and execution of the International Conference on Population and Development Summit held in Nairobi, 13th to 15th November 2019. The Commission also contributed in the writing of the ICPD+25 conference report and is committed to monitor progress of implementation of the Kenya ICPD+25 commitments.
 - c) facilitated the Ministry of Labor and Social Protection, in the drafting and reviewing texts to the Protocol in the African Charter on Human and Peoples Rights on the rights of persons with disabilities in Kenya and on the rights of the older members of society in Kenya. Kenya proposes to adopt the protocols to strengthen its domestic legal and policy framework towards the rights and freedoms of PWDs and older members of the society in Kenya.
 - d) facilitated the Kenya delegation under the Ministry of Public Service, Youth and Gender Affairs in the development of the Country Statement for the UN 64th session on the Commission on Status of Women. Further the Commission prepared a presentation on the “economic burden of the sexual gender based violence against women and girls” in the Republic of Kenya, which was vetted and approved for delivery during the side event organized by UNFPA and Commonwealth secretariat on March 11, 2020. The CSW session was however limited to Missions within New York and therefore the presentation was not done

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Maborokomoni in *Magarini* Sub-County and the day of Older Persons on 1st October, 2019.

- e) Universal Day of the Child, an event that is celebrated every 20th November. This year marked 30 years of the United Nations Convention on the Rights of the Child (UNCRC). The theme was “Every Child Every Right”.
- f) The International Women under the theme “*An equal world is an enabled world*”. The celebrations were held in Nairobi, Nakuru, Kisumu, Kilifi and Kitui Counties reaching in excess of 2000 persons. In Nairobi, the Commission held Rights and Justice awareness forums and provided the communities in the informal settlements of *Mathare* opportunities to register complaints. The forum reached in excess of 400 persons. At the Commission headquarters, the Commission designed a campaign on equality and inclusion targeting its entire workforce and regional offices. In Nakuru the Commission delivered key note address on equality and inclusion for women in all spheres of life.
- g) The International Day on Zero Tolerance for FGM celebrated every 6th February. This year’s theme was “*Unleashing Youth Power: One decade of accelerating actions for Zero Female Genital Mutilation by 2030*”
- h) 2020 Day of the African Child, June, 16th themed “*Access to Child Friendly Justice Systems*”. The Commission also issued a statement calling upon Parliament to expedite deliberations on the Care and Protection of Child Parents Bill, 2019 and the speedy enactment of the Children Bill 2018. Further, the Commission participated and contributed in several virtual platforms.
- i) The world elder abuse awareness day, June 15. The Commission issued a statement urging Parliament to expedite the enactment of the Care and Protection of Older Members of the Society Bill, 2018 that seeks to give effect to Article 57 of the Constitution of Kenya, 2010.

These forums discussed issues affecting the Commission Special Interest Groups and provided a platform for the Commission to engage with the public in terms of its mandate and functions

- 10.0 The Commission held 32 theme based equality and inclusion coordination meetings in Nairobi and all the regional offices. Further the Commission contributed in the finalization of the National Action Plan for the Violence Against Children Data Survey (VACS). It also contributed in the planning for the youth and children devolution conferences scheduled for April 2020.
- 11.0 The Commission through the National Inter-Agency Gender Statistics Committee, facilitated the development of the National Gender Statistical Plans and Gender Rapid Assessment (GRA) studies to assess the impact of COVID-19 on equality and inclusion issues.
- 12.0 The Commission participated and contributed in several virtual and media platforms on topical issues that touch on issues of equality and inclusion in the context of Covid - 19. The Commission participated as panelists in the following platforms: KTN show on GBV in the context of COVID-19, a Webinar on GBV, Disability & COVID-19, Webinar organized by the Network of African National Human Rights Institutions (NANHRI) on GBV in the context of COVID-19. The Commission contributed in the gender donor round table forum where development partners under UNWOMEN discussed opportunities for closing the gender gaps during COVID-19. The Commission made a presentation on gender equality in political space and towards 2020. Further the Commission developed communication/media messages to create awareness on COVID-19 and challenges in relation to the special interest groups. The messages also focused on access to energy as key driver for improving safety of special interest groups against COVID-19 and harmful gender based violence.

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- 13.0 As a member of the COVID-19 technical subcommittee on gender, the Commission participated and contributed in the formulation of a Gender Based Violence Facilitators Manual for Community Health Assistants, and data collection tools on the incidences of GBV. In this committee, the Commission championed gender issues for attention by the committee, other sub-technical committees (11 of them) and by the national emergency response committee on coronavirus, and the county emergency response committee on COVID-19.
- 14.0 The Commission commenced the process of review of the Sexual and Gender Based Violence Information System (SGBVIS) to incorporate other forms of gender based violence as well as reflect emerging issues including GBV in emergencies.
- 15.0 During the period under review, the Commission finalized the development of audit and assessment tools for various assessments:
- a) Tool for the assessment of the status of children of imprisoned mothers)
 - b) Tools for the assessment of the status of youth led business with a focus to those funded through affirmative action funds including Access to Government Procurement Opportunities Program
 - c) Tools for the audit of built environment within public buildings in Kenya.
 - d) Tools for auditing the uptake of green energy among special interest groups in Kenya

The tools will be used in audits and assessments of various sector and the reports shall be used to draw advisories to County and National Government on the integration of the principles of equality and inclusion in various sectors including youth empowerment, universal access to services and physical infrastructure, and welfare of children living with incarcerated mothers.

- 16.0 Under institutional strengthening the following achievements were recorded;
- a) Held 6 strategic partnership meetings with UNFPA, UNWOMEN, Coffey International REINVENT program, Humanity Inclusion, Water Trust Fund, UNDP RED+ project, EqualityNow, the Collaborative Centre for Gender and Development, and National Council for Population and Development
 - b) Under the staff capacity development, the Commission trained 100 of its staff on equality and inclusion issues in energy sector for application during the national assessment on the uptake of clean energy in Kenya. Further 25 members of the Commission were trained on Alternative Dispute Mechanism (ADR). The skills were useful in establishing institutional framework for the management of complaints filled by SIGs at the Commission under powers provided in the NGEC constitutive Act.

Emerging Issues

- i) High demand for social safety programs due to increased vulnerability of women, youth, older members of the society, PWD and marginalized groups
- ii) Increased violation of principles of equality and inclusion in both private and public sphere with high incidence reported among children, older members of the society, minorities and persons with disabilities.
- iii) Need for coordinated response to vulnerability of special interest groups on the following: Disasters, erratic climate changes, energy and infrastructure projects that displace population.

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Challenges

The following challenges weighed heavily on the Commission's effort to effectively deliver on its strategic interventions:

- (i) COVID -19 pandemic disrupted the implementation of Commission activities.
- (ii) **Budgetary constraints:** Inadequate funding coupled with budget cuts which resulted in inability to effectively discharge its mandate
- (iii) Under staffing of professional/technical levels hampered effective service delivery.
- (iv) Inability to fully operate regional field offices due to limited resources.
- (v) Inadequate vehicles for operational activities both in headquarters and the regional offices



Dr. Joyce Mutinda, PhD
Commission Chairperson

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III. STATEMENT OF PERFORMANCE AGAINST COMMISSION'S PERFORMANCE

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that, “at the end of each financial year, the Accounting officer when preparing financial statements of each National Government entity in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board includes a statement of the National Government entity’s performance against predetermined objectives”.

The key objectives of the Commission’s Strategic Plan 2019-2024 are to:

- a) To enhance and monitor compliance with the principles of equality and inclusion in State and non-state actors
- b) To reduce violations of the principle of equality and freedom from discrimination for the SIGs
- c) To promote public awareness on principles of equality and inclusion
- d) To promote implementation of affirmative action and inclusion of SIGs in development agenda
- e) To increase evidence-based knowledge on issues of equality and inclusion through research and knowledge management
- f) To attract, develop and retain skilled and productive human capital
- g) To enhance organizational capacity, effectiveness and efficiency
- h) To strengthen corporate governance and stakeholder involvement
- i) To strengthen financial capacity of the Commission
- j) To acquire and maintain appropriate infrastructure and assets

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made Specific, Measurable, Achievable, Realistic and Time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

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Program me/Sub- Program mes	Objective	Outcome	Key Performance indicator	Performance FY 2019/2020		Remarks
				Planned	Achieved	
SP1. Legal Compliance and Redress	To enhance and Monitor Compliance with Principles of equality and inclusion in state and non-state actors	State compliance with the principles of gender equality and non- discrimination monitored	No. of reports on state compliance with international treaties and conventions prepared No. of treaty Sessions Attended	5	4	Variance due to budget rationalization and COVID-19 pandemic. Achieved through collaboration with partners: 1. United Nations Climate Change Conference (COP25), Spain. 2. International Conference on Population and Development Nairobi Summit held in Nairobi, 13th to 15th November 2019. 3. The Commission facilitated and participated in the preparation of the UN 64th session on the Commission 4. The Commission facilitated the development of the Country paper for the 11th Session of the Open ended working Group which were postponed due to COVID -19 epidemic. 5. The Commission contributed in the development of a Kenya's Interim Report on

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								implementation of Specific recommendations in the Concluding Observations by the CEDAW Committee on Kenya's 8th Periodic Report
	To enhance and monitor compliance with the principles of equality and inclusion in state and non-state actors	Policy and legislative advisories issued to national and county governments on affirmative actions for SIG's	No of Advisories issued	22	62			Exceeded set target. They included; advisories on compliance with Health Act, no. 21 of 2017 which requires all employers to support working women to breastfeed at work through establishment of lactation stations. The advisories were directed to all 44 principal secretaries, Kenya Private Sector Alliance and 14 hospitals including national, county and private sector hospitals. Advisory to Ministry of Health and the Ministry of Interior and Coordination of National Government on consideration of the welfare of persons in vulnerable situations, Advisory to Nairobi Metropolitan Services on infrastructural refurbishments and parking charges in the Central Business District in relations to PWDs

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			No. Audits conducted	5	3	Variance attributed to budget rationalization and COVID-19 Pandemic
To reduce violations of the principle of equality and freedom from discrimination for the SIGs	Cases received /investigated on violation of rights to inclusion resolved	% cases resolved		100	100	Due to COVID-19 and budget rationalization 90% of the cases received have been processed. Budget cut has resulted to reduced follow up of the complainants particularly where legal officers need to undertake rapid assessments. Further most SIGs are not able to lodge complaints using on-line platforms. So far 67 cases received from special interest groups
		Tribunal established	1		0	Variance attributed to budget rationalization
To reduce violations of the principle of equality and freedom from discrimination for the SIGs	Public interest cases on rights to equality and inclusion advanced	% public cases litigated	100		100	The Commission successfully litigated on the case of (National Gender and Equality Commission v Majority Leader, County Assembly of Nakuru & 4 others; Jubilee Party & another (Interested Parties) [2019]
To promote implementation of affirmative action and inclusion of SIGs in development agenda	Enhanced participation by the Special interest groups in decision making at the national and county governments.	No. of counties monitored	6		47	Achieved targets due to collaboration from partners (UNDP and IDLO): Gender vulnerability assessment of forest communities-Nakuru, Baringo, Elgeyo Marakwet, West Pokot, Laikipia, Narok,

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						Bungoma and Trans-Nzioa; Audited 3 counties on Education Assessment and Resource Centres (EARC) in Kiambu, Kisumu and Homabay. Facilitated the Kenya National Bureau of Statistics (KNBS) document data on representation of SIGS including women, youth and PWDs in the various arms of government (national government and county government) in the 2020 economic survey, chapter 18 on gender and development
					1	Monitored by election in Ugenya Constituency through Kisumu regional office
					-	
				No. Counties monitored for inclusion	1	Variance attributed to budget rationalization.
				No. of modules developed		
				Inclusiveness of the SIGs in the Electoral process monitored		
				Information system on equality and inclusion for the public developed		
				To promote implementation of affirmative action and inclusion of SIGs in development agenda		
				To increase evidence-based knowledge on issues of equality and inclusion through research and knowledge management		

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SP2. Mainstreaming and Coordination	To promote public awareness on principles of equality and inclusion	Enhanced Stakeholders participation in issues of equality and inclusion	No. forums	36	32	Variance due to the COVID-19 Pandemic
	To promote implementation of affirmative action and inclusion of SIGs in development agenda	Reports submitted on Gender mainstreaming by Counties and MDA's on PCs	% feedback on. Gender mainstreaming reports from MDAs and Counties	100	100	Feedback and advisories issued to all gender mainstreaming reports received from Ministries, departments and agencies (187 reports-1 st and 2 nd Bi-annual)
SP3. Public education, advocacy, and research	To promote implementation of affirmative action and inclusion of SIGs in development agenda	Advisories issued to county and national government on SIGs uptake on clean energy and access to inclusive transport	No. of advisories issued	3	-	Variance attributed to COVID-19 pandemic
	To promote public awareness on principles of equality and inclusion	Enhanced public awareness on SIGs rights held	No. of people reached	2,500	2,500	Met the set target, mainly through multi-media activation on COVID-19 and the green energy and collaboration with stakeholders.
	To increase evidence-based knowledge on issues of equality and inclusion through research and knowledge management	Evidence-based knowledge provided on issues of equality and inclusion	No. Research/Assessments conducted	1	1	The Commission completed a large scale assessment on the participation of special interest groups in the August 2019 Kenya Housing and Population Census and issued a report

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	To strengthen Corporate Governance and stakeholder involvement	Diversity communication programme developed	No. of Diversity communication programmes	2	2	Brailing and sign language communication programmes established
SP4. Header Administrative Services	To enhance organizational capacity, effectiveness and efficiency	Enhanced staff capacity to enable Commission deliver on mandate	% staff trained	100	100	-100 staff trained on equality and inclusion issues in energy sector. -25 members of the Commission were trained on Alternative Dispute Mechanism (ADR).
	To strengthen Corporate Governance and stakeholder involvement	Regional offices established and operationalized	No. of regional offices operationalized	2	-	Variance attributed to resource constraints

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IV. CORPORATE SOCIAL RESPONSIBILITY STATEMENT/ SUSTAINABILITY REPORTING

The National Gender and Equality Commission recognizes that it is accountable to stakeholders, the society and the (our) environment in achieving a sustainable society in Kenya. As a Commission, we acknowledge our responsibility to the environment and the (to our) local communities in which we operate in/co-exist. We aim to embrace responsibility for corporate actions and to encourage a positive impact on the environment and the stakeholders including but not limited to our employees, special interest groups (women, children, youth, Persons with Disabilities (PWDs), older members of society, minority and marginalized groups).

The Commission actively encourages its staff to recognise these responsibilities and behave in a responsible manner towards the society in which it carries out its functions. Below are some examples of how the Commission and its staff have shown commitment to practice responsible corporate behavior, establish and support initiatives that aid Corporate Social Responsibility:

Community Activities

Among Special interest Groups that the Commission is mandated to focus on are children. On 11th November, 2019, the Commission, led by the Chairperson Dr. Joyce Mutinda visited the Lang'ata Women's Prison on a mission to assess conditions of children living with incarcerated mothers including establishing their educational and nutritional welfare.

During the visit, the Commission toured the institution. The Commission representatives got an opportunity to visit the children at the day care centre, in their sleeping quarters as well as the new born babies. The Commission made cash donations to support children especially those with special needs. The Commission representatives also purchased embroideries, dolls and ornaments which were products of the *prisoners empowerment program*. The purchases made provided motivation for prisoners as a way of encouraging them to embrace rehabilitation and prepare them for their future after imprisonment.

The Commission from time to time responds to national duty by lending a helping hand to needy Kenyans. Following the declaration of the COVID 19 outbreak in March by the National Government, the Commission responded to the call for donations towards the COVID 19 national kitty which was meant to provide resources for the provision of critical equipment for managing the pandemic. The Commission fundraised within itself (Commissioners, Commission Secretary and staff members). The funds were presented to the COVID 19 national kitty under the umbrella of Constitutional Commissions and Independent Offices)

Environment

The Commission is currently implementing a project with funding from the National Government to assess the uptake and effect of selected forms of green energy on the special interest groups. The assessment will create awareness and statistics to assist policymakers regarding uptake of green energy.

Employees

Our success as a Commission is largely dependent on the human capital (people).

- We seek to recruit, retain, reward and develop the best talent in the Commission.

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- We recognise the need to inculcate among our employees the culture of being sensitive to matters of safety, security, society and the environment. This ensures that employees act with integrity and responsibility with the people they deal with and the environment they interact with.
- Further, we continually seek to improve the welfare and skills of our employees through structured programs for personal and professional development.
- We actively seek to ensure gender parity and where possible recruit persons with disability and from the minority groups of our society.

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V. STATEMENT OF ENTITY MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting Officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the Financial Statements so prepared to be in a form that complies with relevant Accounting Standards as prescribed by the Public Sector Accounting Standards Board of Kenya from time to time.

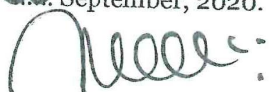
The Accounting Officer in charge of the National Gender and Equality Commission is responsible for the preparation and presentation of the entity's Financial Statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2020. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the National Gender and Equality Commission accepts responsibility for the entity's Financial Statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the entity's financial statements give a true and fair view of the state of the entity's transactions during the financial year ended June 30, 2020, and of the entity's financial position as at that date. The Accounting Officer in-charge of the National Gender and Equality Commission further confirms the completeness of the accounting records maintained for the entity, which have been relied upon in the preparation of the entity's financial statements as well as the adequacy of the systems of internal financial control.

The Accounting Officer in charge of the National Gender and Equality Commission confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the entity's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the entity's Financial Statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the Financial Statements

The entity's financial statements were approved and signed by the Accounting Officer on 30 September, 2020.



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

REPUBLIC OF KENYA

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 Anniversary Towers
 Monrovia Street
 P.O. Box 30084-00100
 NAIROBI

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE, 2020

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of the National Gender and Equality Commission set out on pages 38 to 53, which comprise the statement of financial assets and liabilities as at 30 June, 2020, and the statement of receipts and payments, statement of cash flows, and summary statements of appropriation – recurrent and development combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the National Gender and Equality Commission as at 30 June, 2020, 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 National Gender and Equality Commission Act, 2011 and the Public Finance Management Act, 2012.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of National Gender and Equality Commission in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There are no key audit matters to communicate in my report.

Report of the Auditor-General on National Gender and Equality Commission for the year ended 30 June, 2020

Other Matter**Pending Bills**

As disclosed under Notes 15 to the financial statements, the Commission had pending bills totalling Kshs.5,887,415 as at 30 June, 2020 that were not settled during the year 2019/2020 but were instead carried forward to 2020/2021. Management has attributed the delay in settlement of pending bills to late submission of invoices by suppliers and lack of Exchequer releases. Failure to settle bills during the year to which they relate adversely affects the provisions of the subsequent year to which they have to be charged.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES**Conclusion**

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE**Conclusion**

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and governance were maintained in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Report of the Auditor-General on National Gender and Equality Commission for the year ended 30 June, 2020

Responsibilities of Management and those Charged with Governance

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

In preparing the financial statements, Management is responsible for assessing the Commission's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Commission or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective manner.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion 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. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the

Report of the Auditor-General on National Gender and Equality Commission for the year ended 30 June, 2020

activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective manner, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence

obtained up to the date of my audit report. However, future events or conditions may cause the Commission to cease sustaining its services.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Commission to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.



Nancy Gathungu
AUDITOR-GENERAL

Nairobi

09 April, 2021

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VI. STATEMENT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30TH JUNE, 2020

	Note	2019/2020 Kshs	2018/2019 Kshs
RECEIPTS			
Transfers from National Treasury	1	375,712,645	345,777,100
Other Receipts	2	10,640,300	169,699.00
TOTAL REVENUES		386,352,945	345,946,799
PAYMENTS			
Compensation of Employees	3	207,435,262	166,602,246
Use of goods and services	4	141,575,687	152,372,012
Social Security Benefits	5	24,746,161	22,988,178
Acquisition of Assets	6	2,361,704	3,235,107
TOTAL PAYMENTS		376,118,813	345,197,543
SURPLUS/DEFICIT		10,234,132	749,256

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 30 September, 2020 and signed by:



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

*National Gender and Equality Commission Reports and Financial Statements
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VII. STATEMENT OF ASSETS AND LIABILITIES AS AT 30TH JUNE, 2020

	Note	2019/2020 Kshs	2018/2019 Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	7	21,061,595	53,720,737
Total Cash And Cash Equivalents		21,061,595	53,720,737
Accounts Receivables - Outstanding Imprest and Clearance Accounts	8	-	-
TOTAL FINANCIAL ASSETS		21,061,595	53,720,737
LESS: FINANCIAL LIABILITIES			
Accounts Payables - Deposits	9	10,078,206	52,971,481
NET FINANCIAL ASSETS		10,983,389	749,256
REPRESENTED BY			
Fund balance b/fwd	10	749,257	168,600
Prior year Adjustment	11	-	(168,600)
Surplus/Deficit for the year		10,234,132	749,256
NET FINANCIAL POSSITION		10,983,389	749,256

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 30... September, 2020 and signed by:


Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO

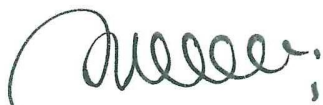

CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

*National Gender and Equality Commission Reports and Financial Statements
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VIII. STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30TH JUNE, 2020

	Note	2019/2020 Kshs	2018/2019 Kshs
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts for operating income			
Transfers from National Treasury	1	375,712,645	345,777,100
Other Receipts	2	10,640,300	169,699
		386,352,945	345,946,799
Payments for operating expenses			
Compensation of Employees	3	(207,435,262)	(166,602,246)
Use of goods and services	4	(141,575,687)	(152,372,012)
Social Security Benefits	5	(24,746,161)	(22,988,178)
		(373,757,109)	(341,962,436)
Adjusted for:			
Decrease/Increase in accounts receivable		-	168,600
Decrease/Increase in accounts in payables		(42,893,275)	10,023,246
Prior year adjustments		-	(168,600)
Net cashflow from operating activities		(30,297,440)	14,007,609
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	6	(2,361,704)	(3,235,107)
Net cash flows from Investing Activities		(2,361,704)	(3,235,107)
CASHFLOW FROM BORROWING ACTIVITIES			
Net cash flow from financing activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		(32,659,144)	10,772,502
Cash and cash equivalent at BEGINNING of the year		53,720,738	42,948,236
Cash and cash equivalent at END of the year		21,061,594	53,720,738

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 30 September, 2020 and signed by:



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Joseph M. Ndiku
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IX. SUMMARY APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED FOR THE YEAR ENDED 30TH JUNE, 2020.

Account/Component	Original Budget	Adjusted Budget	Final Budget	Actuals to Date	Budget Difference	% Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	390,708,973	-	390,708,973	375,712,645	14,996,328	96%
Other Receipts	10,640,300	-	10,640,300	10,640,300	-	100%
Total Receipts	401,349,273	-	401,349,273	386,352,945	14,996,328	96%
Payments						
Compensation of Employee	208,220,000	-	208,220,000	207,435,262	784,738	100%
Use of goods and services	154,786,512	-	154,786,512	141,095,687	13,690,826	91%
Social Security Benefits	24,746,161	-	24,746,161	24,746,161	-	100%
Acquisition of Assets	2,956,300	-	2,956,300	2,361,704	594,596	80% (a)
Project Funds	10,640,300	-	10,640,300	480,000	10,160,300	
Grand Total	401,349,273	-	401,349,273	376,118,813	25,230,460	94%
Surplus/Deficit	-	-	-	10,234,132	- 10,234,132	

Acquisition of assets (a) achieved absorption of 80%. Procurement of goods/services were done but did not get Exchequer. The same formed part of the pending bills that have now been paid.

The entity Financial Statements were approved on ³⁰ September, 2020 and signed by:


Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

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X. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT FOR THE YEAR ENDED 30TH JUNE, 2020

Receipts/Expenditure	a Original Budget	b Amendments	c=a+b Final Budget	d Actuals	e=d-c Difference	f=d/c % Final Budget
RECEIPTS						
Exchequer releases	390,708,973	0	390,708,973	375,712,645	14,996,328	96%
Other Receipts	-	-	-	-	0	100%
Total Receipts	390,708,973	0	390,708,973	375,712,645	14,996,328	96%
PAYMENTS						
Compensation of Employees	208,220,000	0	208,220,000	207,435,262	784,738	100%
Use of goods and services	154,786,512	0	154,786,512	141,095,687	13,690,826	91%
Social Security Benefits	24,746,161	0	24,746,161	24,746,161	0	100%
Acquisition of Assets	2,956,300	0	2,956,300	2,361,704	594,596	80%
Grand Total	390,708,973	0	390,708,973	375,638,813	15,070,160	96%
Surplus/Deficit	-	-	-	73,832	(73,832)	

The entity Financial Statements were approved on 30 September, 2020 and signed by:


Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO


CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

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**XI. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT FOR THE YEAR ENDED
30TH JUNE, 2020**

Revenue/Expense Item	Budget Annual a	Actual Quarter 1 d	Actual Quarter 2 c	Actual Quarter 3	Actual Quarter 4	Actual Cumulative 30.06.2020 d	Budget Utilisation Difference e=d-a	% of Utilisation Difference to Actual Budget f=d/c %
RECEIPTS								
Exchequer releases	-	-	-	-	-	-	-	0%
Other Receipts	10,640,300	-	10,640,300	-	-	10,640,300	-	100%
Total Receipts	10,640,300	-	10,640,300	-	-	10,640,300	-	100%
PAYMENTS								
Compensation of Employees	-	-	-	-	-	-	-	0%
Use of goods and services	10,640,300	-	-	-	480,000	480,000	10,160,300	5% (a)
Social Security Benefits	-	-	-	-	-	-	-	0%
Acquisition of Assets	-	-	-	-	-	-	-	0%
Grand Total	10,640,300	-	-	-	480,000	480,000	-	0%
Surplus/Deficit						10,160,300	-	5%

The Use of Goods (a) achieved 5%. This was due to the fact that Kes 10,131,000 received from Ford Foundation on 10th December, 2019 was not in the approved budget in FY 2019/2020. The process to have the amount in the approved budget 2020/2021 is ongoing.

The entity Financial Statements were approved on 30 September, 2020 and signed by:



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



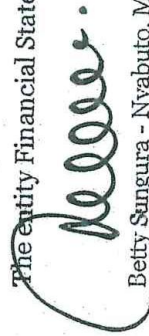
CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4220

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XII. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme	Original Budget	Adjustments	Total Budget	Actual on comparable basis	Percentage of Budget
Promotion of Gender Equality and freedom from Discrimination	391,218,273	-	391,218,273	376,118,813	15,099,460
Legal Compliance and redress	7,481,855	-	7,481,855	6,800,234	681,621
Mainstreaming and Coordination	10,467,073	-	10,467,073	9,327,161	1,139,912
Public Education, Advocacy and Research	31,132,385	-	31,132,385	24,186,487	6,945,898
General Administration Planning and Support Services	342,136,960	-	342,136,960	335,804,932	6,332,028
TOTAL	391,218,273	-	391,218,273	376,118,813	15,099,460

The equity Financial Statements were approved on 30 September, 2020 and signed by:



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

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SIGNIFICANT ACCOUNTING POLICIES

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

1. Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with Cash-basis IPSAS financial reporting under the cash basis of Accounting, as prescribed by the PSASB and set out in the accounting policy notes below.

This cash basis of accounting has been supplemented with accounting for; a) receivables that include imprests and salary advances and b) payables that include deposits and retentions. The receivables and payables are disclosed in the Statement of Assets and Liabilities. The Statement of Assets and Liabilities is not mandatory statement under the IPSAS Cash basis but is encouraged in order to disclose information on assets and liabilities.

2. Reporting Currency

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the entity and all values are rounded to the nearest Kenya Shilling.

3. Reporting entity

The Financial Statements are for National Gender and Equality Commission. The Financial Statements encompass the reporting entity as specified under section 81 of the PFM Act 2012. There are no development projects implemented by the entity.

4. Significant Accounting Policies

The accounting policies adopted have been consistently applied to all the years presented. The policies are as explained below:

a) Recognition of receipts

The Entity recognizes all receipts from the various sources when the event occurs and the related cash has actually been received by the entity

Transfers from the Exchequer

Transfer from Exchequer is recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the receiving entity.

External Assistance

External assistance is received through grants and loans from multilateral and bilateral development partners.

Donations and grants

Grants and donations shall be recognized in the books of accounts when cash is received. Cash is considered as received when a payment advice is received

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by the recipient entity or by the beneficiary. In case of grant/donation in kind, such grants are recorded upon receipt of the grant item and upon determination of the value. The date of the transaction is the value date indicated on the payment advice.

b) Recognition of payments

The entity recognises all expenses when the event occurs and the related cash has actually been paid out by the entity.

Compensation of employees

Salaries and Wages, Allowances, Statutory Contribution for employees are recognized in the period when the compensation is paid.

Use of goods and services

Goods and services are recognized as payments in the period when the goods/services are consumed and paid for. Such expenses, if not paid during the period where goods/services are consumed, shall be disclosed as pending bills

Acquisition of fixed assets

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment.

A fixed asset register is maintained by each public entity and a summary provided for purposes of disclosure. This summary is disclosed as an annexure to the entity's financial statements.

Cash and cash equivalents

Cash and cash equivalents comprise of cash at bank in the deposit and Recurrent Bank account at the Central Bank of Kenya. It also comprises cash received from development partners.

Accounts Receivable

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year are treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

Accounts Payable

For the purposes of these financial statements, deposits and retentions held on behalf of third parties have been recognized on an accrual basis (as accounts payables). This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash

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accounting policy adopted by National Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

Pending Bills

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

Budget

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament on June 2019 for the period 1st July 2019 to 30th June 2020 as required by Law and there were two supplementary adjustments to the original budget during the year.

A comparison of the actual performance against the comparable budget for the financial year under review has been included in the financial statements.

Government Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers.

• **Comparative Figures**

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

• **Subsequent Events**

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended 30th June 2020.

• **Errors**

Material prior period errors shall be corrected retrospectively in the first set of financial statements authorized for issue after their discovery by: i. restating the comparative amounts for prior period(s) presented in which the error occurred; or ii. If the error occurred before the earliest prior period presented, restating the opening balances of assets, liabilities and net assets/equity for the earliest prior period presented.

During the year, errors that have been corrected are disclosed under note 26 explaining the nature and amounts.

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NOTES TO THE FINANCIAL STATEMENTS

1. TRANSFERS FROM NATIONAL TREASURY

The following are the amounts transferred from the exchequer to the Commission on a quarterly basis:

Description	2019-2020 Kshs	2018-2019 Kshs
Total Exchequer Releases for quarter 1	59,531,568	63,970,500
Total Exchequer Releases for quarter 2	128,084,650	108,100,000
Total Exchequer Releases for quarter 3	87,996,470	75,000,000
Total Exchequer Releases for quarter 4	100,099,957	98,706,600
TOTAL	375,712,645	345,777,100

The received was Kshs.375, 712,645 against an approved budget of Kshs 391,218,273.

2. OTHER RECEIPTS: PROCEEDS FROM DOMESTIC AND FOREIGN GRANTS

Name of Donor	Date received	2019-2020 Kshs	2018-2019 Kshs
Ford Foundation	10-Dec-19	10,131,000	0
UNHabitat	25-Nov-19	509,300	0
Total		10,640,300	0

The Kes 10,131,000 received from Ford Foundation on 10th December, 2019 was not in the approved budget in FY 2019/2020. The process to have the amount in the approved budget 2020/2021 is ongoing.

3. COMPENSATION OF EMPLOYEES

Compensation of employees comprise of remuneration paid to employees in return for the work done.

It includes social contributions i.e. NSSF and staff pension made by the National Gender and Equality Commission on behalf of its employees.

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	2019-2020 Kshs	2018-2019 Kshs
Basic salaries of permanent employees	119,348,591	98,629,027
Basic Wages-Temporary Employees	-	2,491,206
Personal allowances paid as part of salary	81,246,689	65,276,013
Employer contributions to compulsory national social	6,839,982	206,000
TOTAL	207,435,262	166,602,246

4. USE OF GOODS AND SERVICES

These comprise the total value of goods and services consumed.

	2019-2020 Kshs	2018-2019 Kshs
Utilities, supplies and services	2,186,347	2,484,232
Communication, supplies and services	4,351,866	2,970,917
Domestic travel and subsistence	25,871,737	18,373,648
Foreign travel and subsistence	8,452,389	16,067,166
Printing, advertising and information supplies & services	6,146,480	4,098,343
Rentals of produced assets	40,039,201	44,499,753
Training expenses	8,116,822	10,795,998
Hospitality supplies and services	4,104,018	5,006,906
Insurance costs	29,202,386	30,185,676
Specialised materials and services	415,500	1,239,068
Office and general supplies and services	2,307,020	2,041,648
Other operating expenses	3,109,294	6,509,461
Routine maintenance – vehicles and other transport equipment	2,188,248	3,186,826
Routine maintenance – other assets	1,081,881	1,088,180
Fuel Oil and Lubricants	4,002,500	3,824,190
TOTAL	141,575,687	152,372,012

5. SOCIAL SECURITY BENEFITS

	2019-2020 Kshs	2018-2019 Kshs
Government pension and retirement benefits	24,746,161	22,988,178
TOTAL	24,746,161	22,988,178

Social Security benefits relate to staff gratuity payable upon exit.

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6. ACQUISITION OF ASSETS

	2019-2020 Kshs	2018-2019 Kshs
Refurbishment of Buildings	78,000	793,900
Purchase of Vehicles and Other Transport Equipment	-	-
Purchase of Office Furniture and General Equipment	2,283,704	2,441,207
Research, Studies, Project Preparation, Design & Supervision	-	-
Sub Total	2,361,704	3,235,107
TOTAL	2,361,704	3,235,107

7. Bank Accounts

	2019-2020 Kshs	2018-2019 Kshs
Central Bank of Kenya, 1000181532, KShs	123,558	142,656
Central Bank of Kenya, 1000414855, KShs	10,131,000	-
Central Bank of Kenya, 1000182385, KShs	10,171,137	52,971,481
Central Bank of Kenya, 1000414863, KShs	635,900	606,600
Total	21,061,595	53,720,737

The Kes 10,131,000 was received from Ford Foundation. This transaction was not in the approved budget in FY 2019/2020. The process to have the amount in the approved budget 2020/2021 is ongoing.

8. OUTSTANDING IMPREST

<i>Description</i>	2019-2020 Kshs	2018-2019 Kshs
Government Imprests	-	168,600
Other debtors & prepayments	-	-
District suspense	-	-
Clearance accounts	-	-
TOTAL	-	168,600

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9. ACCOUNTS PAYABLES

	2019-2020 Kshs	2018-2019 Kshs
Deposits	10,171,137	52,971,481
Supplier/Staff payables	(92,931)	
TOTAL	10,078,206	52,971,481

10. FUND BALANCE BROUGHT FORWARD

BALANCES BROUGHT FORWARD	2019-2020 Kshs	2018-2019 Kshs
Bank accounts	53,720,738	
Government Imprests	-	168,600
Payables - Deposits	(52,971,481)	-
TOTAL	749,257	168,600

11. PRIOR YEAR ADJUSTMENTS

Description of the error	2019-2020 Kshs	2018-2019 Kshs
Adjustments on bank account balances	-	(168,600)
TOTAL	-	(168,600)

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12. CHANGES IN RECEIVABLE

Description	2019 - 2020 KShs	2018 - 2019 KShs
Outstanding Imprest as at 1 st July 2019 (A)	-	-
Imprest issued during the year (B)	22,003,425	-
Imprest surrendered during the Year (C)	22,003,425	-
Net changes in account receivables D= A+B-C	-	-

13. CHANGES IN ACCOUNTS PAYABLE – DEPOSITS AND RETENTIONS

Description	2019 - 2020 KShs	2018 - 2019 KShs
Deposit and Retentions as at 1 st July 2019 (A)	52,971,481	42,948,235
Deposit and Retentions held during the year (B)	24,746,161	22,988,178
Deposit and Retentions paid during the Year (C)	69,935,182	12,964,932
Net changes in account receivables D= A+B-C	7,782,461	52,971,481

14. RELATED PARTY DISCLOSURE

The Commission did not have related part transactions for the year.

15. PENDING ACCOUNTS PAYABLE

The Commission pending bills were Kes 5,887,415 as at end of year 2019/2020. These occurred due to late submission of invoices and also exchequer requested and not funded.

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	Balance b/f FY 2018/2019	Additions for the period	Paid during the year	Balance c/f FY 2019/2020
Description	Kshs	Kshs	Kshs	Kshs
Construction of buildings	-	-	-	-
Construction of civil works	-	-	-	-
Supply of goods/Services	-	5,887,415	-	5,887,415
Total	-	5,887,415	-	5,887,415

16. PROGRESS ON FOLLOW UP OF PRIOR YEARS AUDITOR'S RECOMMENDATIONS

The Commission did not have issues to follow up from the external audit in the financial years.



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Joseph M. Ndiku
ASSISTANT DIRECTOR (FP&A)
ICPAK: 4229

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ANNEXURE

ANNEX 1 ANALYSIS OF PENDING ACCOUNTS PAYABLES

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance	Outstanding Balance	Comments
				2020	2019	
	A	B	c	d=a-c		
Supply of goods/Services						
Attic Tours And Travel Lim	20,030		-	20,030		
Bida Investment	26,640		-	26,640		
Blefadin Company Limited	274,300		-	274,300		
Blend Empire Venture Ltd	31,500		-	31,500		
Clique Solution Limited	228,550		-	228,550		
Delman Logistic Solution	39,975		-	39,975		
Emmola Trading	225,000		-	225,000		
Fly High Agency	75,500		-	75,500		
Furniture Dynamics E.A Li	253,800		-	253,800		
Green Bay Travel Ltd	725,000		-	725,000		
Isinya Multipurpose Develo	31,000		-	31,000		
Kenya Broadcasting Corpor	174,000		-	174,000		
Kenya Institute For The Bli	12,500		-	12,500		
Kilovin Ventures	270,000		-	270,000		
Koba Waters Limited	17,520		-	17,520		
Led Power Technologies Lir	23,750		-	23,750		
Longrock Tours &Travel	628,135		-	628,135		
Maridhiano Community Ba	30,500		-	30,500		
Nakuru County Emergency	134,095		-	134,095		
National Youth Service	33,400		-	33,400		
Nitec Designs and Contract	82,340		-	82,340		
Nitec Designs and Contract	143,695		-	143,695		
Oracom Web Solution Limi	611,040		-	611,040		
Patula Enterprise	136,550		-	136,550		
Pepam Holding Limited	186,600		-	186,600		
Procoolers Engineering Solu	18,750		-	18,750		
Rochan Services	4,050		-	4,050		
Rochan Services	53,340		-	53,340		
Roskar Travel	327,850		-	327,850		
Spacewide Africa-Stationery	144,060		-	144,060		
Sportex Investment	242,500		-	242,500		
Tea Tot Hotel Limited	35,000		-	35,000		
Tendington Enterprises	19,435		-	19,435		
Tendington Enterprises	12,750		-	12,750		
Tin Tin Restraurant Limited	294,840		-	294,840		
Angy Agencies	44,680		-	44,680		
Naakimar Investment	39,000		-	39,000		
Brauna Enterprises	6,240		-	6,240		
Rody Eco Cover	68,000		-	68,000		
Cloata Ventures	31,500		-	31,500		
Intellspark Ltd	130,000		-	130,000		
Grand Total	5,887,415	-	-	5,887,415	-	-

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ANNEX 2 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost b/f	Additions during the year	Disposals during the year	Historical Cost c/f
	(Kshs) 2018/19	(Kshs)	(Kshs)	(Kshs) 2019/2020
Buildings and structures	3,813,355	78,000	-	3,891,355
Transport equipment	53,650,000	-	-	53,650,000
Office equipment, furniture and fittings	47,358,177	2,283,704	-	49,641,881
Other Assets	1,187,366	-	-	1,187,366
Total	106,008,898	2,361,704	0	108,370,602

CHAPTER FIVE

5.0 Challenges, Recommendations and Priority Areas

5.1 Key challenges:

- a) Limited regional coverage of the issues affecting special interest groups. The Commission has five regional offices spread across the country. With limited vehicles and staffing, the five offices cannot reach out to and address all issues affecting special interest groups.
- b) Inadequate funding reduces the Commission's visibility, reaches the most vulnerable populations and affects frequency in the national reporting of conventions and treaties relating to SIGs.
- c) There is exponentially increasing demand for assessments of equality and inclusion in emerging issues such as the effects and impacts of COVID-19, natural resource management, child pregnancies, social risk management, and business development.

5.2 Recommendations

- d) In many jurisdictions, government agencies access their budgets and grants upon submission of a certificate of clearance from equal opportunities oversight bodies (the equivalent of the NGECC) stating that the agency has put adequate measures in their planning and budgeting tools to address inequalities and exclusions. If such a measure were introduced in Kenya, many government agencies would certainly comply with the requirements of inclusiveness.
- e) The Government should consider increased financial support for the Commission directed at the full operationalization of the five regional offices and opening at least two more offices per year. The investment will increase the capacity of the Commission to handle matters of equality and inclusion, particularly among vulnerable populations living in hard-to-reach areas.

5.3 Priority areas

- a) Facilitate the development of a framework for greater and meaningful involvement of PWDs and youth in anti-corruption programs. PWDs and youth are the most affected by corruption, and we recognize that they, too, can make a significant contribution to the development of an ethos and beliefs based on integrity, equality, and non-discrimination. Expanding the scope of interventions to include universal access to public infrastructure. The Commission launched a pilot project on access to public transport in Nairobi and wished to expand the coverage and reach to provide national and county governments with concrete recommendations for consideration in ensuring universal access to, among others, Bus Rapid Transit.
- b) Monitor and audit participation in SIGs on the opportunities available in the Big 4 Agenda and in the constitutional and legal reform agenda that commenced in 2020, leading to the 2022 general elections.
- c) The Audit of County Governments on equality and inclusion in representation and employment in the executive and legislative organs, including the service boards.

- d) Complete the audit of the uptake and effect of green energy among special interest groups, including the uptake of solar lanterns, improved cooking Jikos, among others. Operationalization of the Commission's rules and regulations to strengthen procedures for the conduct of investigations, management of complaints. The program will include the Commission's inaugural sittings in five counties to hear and process complaints about equality and inclusion. The program will also entail the development of communications to promote the rules and regulations among the special interest groups and the presentation of the rules in a simple, easy-to-understand language, with a version in Swahili and braille formats.
- e) Increasing the capacity of the commissioners and management team in terms of corporate governance and knowledge management.

Appendix 1: NGECC Leadership Profile



Dr. Joyce Babbie Mwikali Mutinda Phd.

Dr Joyce Babbie Mwikali Mutinda is the Chairperson of the National Gender and Equality Commission. She is an accomplished educationist, gender analyst, certified professional mediator, quality auditor, training consultant and monitoring and evaluation expert. She holds a Doctor of Philosophy degree in Educational Management from Makerere University in Uganda, a Master of Arts degree in Gender Analysis in Development from the University of East Anglia in the United Kingdom and a Bachelor of Education degree from the University of Nairobi, Kenya.

Before her appointment, Dr. Mutinda was the Chairperson of the Rongo University Council. Throughout her career, she has served in over fifteen public institutions in the education sector and civil service and undertaken numerous local, regional and international consultancies.

Dr. Mutinda has published several books, research papers and reports and is a respected training consultant and facilitator. She has attended many national, regional and international high-level conferences, seminars and workshops where she represented the country in various capacities. At the community level, she has served in various capacities in the Boards of Management of various educational institutions. She has also held leadership positions in various associations. Dr Mutinda is an avid reader and writer, cherishes mentoring the youth, motivating the girl-child and women, conserving the environment and advocating for the uptake of renewable energy and loves singing.



Dr. Murithi J. Chomba Munyi PhD.

Dr. Chomba is the Vice-Chairperson of the Commission. He was appointed on August 17, 2018, and sworn in on August 27, 2018. He holds a Doctor of Philosophy degree from Kenyatta University, a Doctor of Philosophy in Education (Special Needs Education) from the University of Marylebone, UK, PGDE in Curriculum Development and Evaluation from Kenyatta University, a Masters Degree in Special Needs Education from Michigan State University, U.S.A, and a Bachelor of Education degree from the University of Nairobi.

He has served in the disability sector as Chairman of the Disabled Voters of Kenya Alliance (DVA) and Kenya Union for the Blind (KUB). Other memberships include the Nairobi County Public Service Board, the National Council for Persons with Disabilities (NCPD), the Kenya Institute of Special Education (KISE) Council, the Kenya Institute for the Blind (KIB) Board of Management and the Nguviu Boys' High School Board of Management.

Before his appointment, Dr. Chomba worked as a Senior Lecturer at Kenyatta University in the Special Needs Education Department, as Managing Director at Disability Awareness and Development (FAMDAD) Management Consultancy and as an Executive Director at the African Union of the Blind (AFUB).



Dr. Florence Nyokabi Wachira, MBS

Dr. Florence Nyokabi Wachira MBS is a human resource management practitioner and career public servant. Before joining the Commission, she held various positions in the civil service of Kenya where her last appointment was as Director of Recruitment and Selection in the Public Service Commission.

She holds a Doctorate in Human Resource Management, a Master's degree in Human Resource Development and a Master's 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 especially in talent development and diversity management. She is a firm believer in truth, justice and fairness in all matters affecting people.

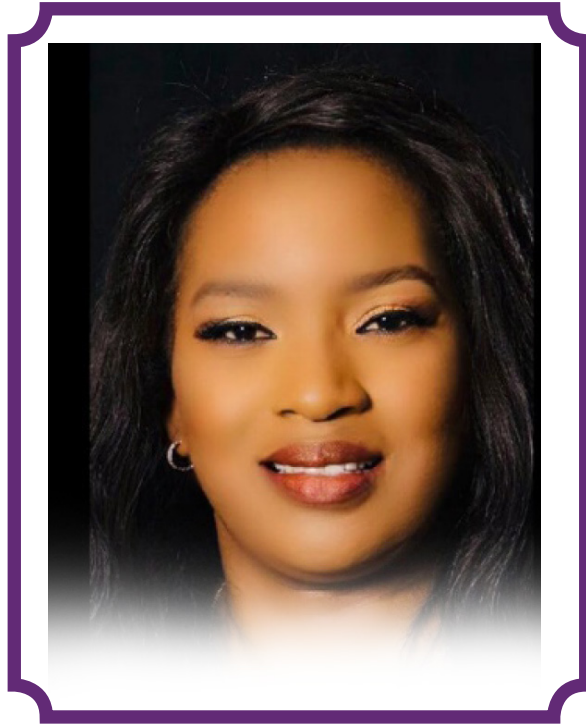


Hon. Priscilla Nyokabi Kanyua

Commissioner Hon. Nyokabi is an Advocate of the High Court of Kenya and holds a Bachelor of Law Degree from the University of Nairobi and a Diploma from the Kenya School of Law. Between 2013 and 2017, she was the first Nyeri County Woman Member of Parliament. She was appointed on August 17, 2018, and sworn in on August 27, 2018.

Before joining Parliament, Hon. Nyokabi was the Executive Director of Kituo Cha Sheria. She was the Deputy Presiding Officer for Eastern Africa in the African Union Permanent Assembly of Civil Society (AU ECOSOC) and a Complaints Commissioner for the Kenya Media Council. She was nominated Top 40 under 40 Women in Kenya in 2010 and 2011 by Nation Business Daily.

During her stint in Parliament, Hon. Nyokabi championed issues of women, human rights and development. She served in various Parliamentary committees, including the Justice and Legal Affairs Committee as the Vice-Chair, the Budget and Appropriations Committee, the House Business Committee, the Chairperson of Caucus 47 of all the County Women Representatives, the Kenya Women Parliamentary Association (KEWOPA) as an Executive Committee Member and the Catholic MPs Forum as a Member. Hon. Nyokabi is married and a mother of two.



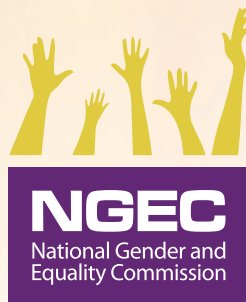
Betty Sungura-Nyabuto, MBS

Betty Sungura- Nyabuto MBS is the Commission Secretary and Chief Executive Officer of the National Gender and Equality Commission. She is an accomplished scholar, an Advocate of the High Court of Kenya and an active member of the Law Society of Kenya. She holds a Bachelor of Laws (LLB) and Master in Laws (LLM) in International Trade & Investment Law from the University of Nairobi. She is a Certified Secretary and an active member of the ICS Institute of Certified Secretaries (ICS), as well as a Commissioner of Oaths and a Notary Public, all of which are conferred by the Kenyan Judiciary. She has served as a Legal Counsel at Fida Kenya and interacted widely with the legal profession at the bar, bench, and in the public sector as well as at local, regional and international levels, including the East African Court of Justice (EACJ) and the EAC.

Betty has served as Chief Executive Officer of the Law Society of Kenya. She has also served as Deputy Commission Secretary /CEO at the Independent Electoral and Boundaries Commission (IEBC). At the IEBC, she was appointed Acting Chief Executive Officer by the Commission (IEBC) and Accounting Officer by the Cabinet Secretary, National Treasury in two Financial Years. She is a proficient author and child rights defender who has written books on good governance and authored separately with UN Women on how to promote the participation of women in elections. As part of her participation in good governance, she has undertaken major regional and international consultancies, including assisting the Burundi Bar Association with Strategic Planning in the preparation of their first-ever Strategic Plan with the support of Avocats sans frontières Belgium.

She has previously worked with Plan Nederlands International in Amsterdam defending child rights and is currently serving as a member of the Law Society of Kenya's Mentorship Board/Committee.

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