

2016/2017

ANNUAL REPORT



NGECC

National Gender and
Equality Commission



Published by

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KENYA
VISION **2030**

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LIST OF ABBREVIATIONS

AP	Administration Police
CAJ	Commission on Administrative Justice
CoE	Council of Elders
COG	Council of Governors
COP	Conference of Parties
CREAW	Center for Rights Education and Awareness
CRPD	Convention on the Rights of Persons with Disability
CSW	Commission on the Status of Women
GBV	Gender Based Violence
GDP	Gross Domestic Product
GRB	Gender Responsive Budgeting
IEBC	Independent Electoral and Boundaries Commission
JSC	Judicial Service Commission
KCSE	Kenya Certificate of Secondary Education
KETRACO	Kenya Electricity Transmission Company
KIPPRA	Kenya Institute of Public Policy Research and Analysis
KNCHR	Kenya National Commission on Human Rights
KNEC	Kenya National Examinations Council
MCDAs	Ministries, Counties, Departments and Agencies
NCPWD	National Council for Persons with Disability
NGEC	National Gender and Equality Commission
NONDO	Northern Nomadic Disabled Persons Organization
NTSA	National Transportation and Safety Authority
NSE	Nairobi Securities Exchange
NSSF	National Social Security Fund
ODM	Orange Democratic Party of Kenya
PWDs	Persons with Disability
SBI	Subsidiary Body for Implementation
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SOA	Sexual Offences Act
UN	United Nations
UNFCC	United Nations Framework Convention on Climate Change
VAGW	Violence Against Girls and Women

STATEMENT FROM THE AG. CHAIRPERSON

I am pleased to present the National Gender and Equality Commission's (NGEC) 2016–17 Annual Report. This is the fifth report since the establishment of the Commission. We have continued to execute our mandate diligently as stipulated in the Constitution of Kenya 2010 and the NGEC Act 2011. During the financial year 2016–17, the Commission delivered its mandate according to plan in terms of policy and legislative advisories, conducting investigations, coordination, monitoring and auditing the application of the principles of equality and inclusion at the national and county governments and in the private sector.

The programmatic interventions for the financial year 2016/17 were driven by emerging trends in the mainstreaming of gender issues across the national, county, regional and international spheres. The Commission actively contributed to the preparation of regional and international reports on all matters of equality and inclusion. These included; the UN Framework Convention on Climate Change (UNFCCC); consideration of the existing international frameworks on human rights of older persons, and identification of possible gaps and reporting on women's economic empowerment in the changing world of work at the annual CSW 61 Summit in New York.

The Commission was able to enlist the support of county governments in developing a model legislative framework on sexual and gender based violence. The Commission also secured support from stakeholders to domesticate Gender Responsive Budgeting Guidelines at the county level through development of simple easy- to-use guidelines on budgeting and planning. It finalised and launched key publications including; Drivers of Child Pregnancy in Kenya, status of free maternity health program in Kenya, two GBV costing studies, one from the perspective of providing services, and the other on the economic burden of survivors. The Commission also launched the 1st country report on the Status of Equality and Inclusion in Kenya.

A lot of work still has to be done especially at the legislative level towards providing adequate legal mechanisms for complying with constitutional imperatives especially the inclusion of special interests groups in appointive and elective bodies. This however has to be informed by bipartisan political goodwill. I wish to specially acknowledge and appreciate the unwavering support of the Government of Kenya and the Commission's development partners who offered their technical and financial support during the financial year under review. I also wish to sincerely thank the

Commissioners and staff for their contribution during the year and urge them to continue in their efforts in the forthcoming year. Finally, I appreciate the trust that the people of Kenya have bestowed on the Commission to promote gender equality and freedom from discrimination.

A handwritten signature in black ink, appearing to read 'F. Wachira', is written over a horizontal line.

COMMISSIONER DR. FLORENCE WACHIRA, MBS

Ag. CHAIRPERSON

STATEMENT FROM THE AG. COMMISSION SECRETARY

The 2016/17 Financial Year presented yet another opportunity for the Commission to continue with its mandate of implementing strategic initiatives in the furtherance of promoting the principles of equality and inclusion in all spheres of life in Kenya. During this period, the secretariat focused on concluding ongoing projects with a special emphasis on preparations towards observing and monitoring the August 2017 general election.

The Commission conducted, published and disseminated over 10 ground breaking studies, surveys and inquiries. Among these is the First Country Status Report on Equality and Inclusion and the Drivers of Child Pregnancies in Kenya.

The focus on documenting issues affecting special interest groups is anchored on the Commission's mandate of establishing databases on issues relating to equality and freedom from discrimination for different affected interest groups and production of periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for such groups.

In the same period, the Commission commenced gathering of data through a web-based information system to provide a coordinated mechanism on the progress of SGBV prevention and response in Kenya. The information system is modelled on a national multi-sectoral monitoring and evaluation framework for the prevention and response to sexual and gender based violence. It contains 30 indicators for monitoring prevention and response to gender based violence in Kenya.

In terms of Access to Government Procurement Opportunities (AGPO) programme, the Commission in its 2016–2017 financial year, allocated a total of Ksh. 41,326,513.5 to special interest groups, out of which the actual expenditure stood at Ksh. 32,798,148.00, an equivalent of 35.3%.

The achievements recorded by the Commission are attributable to a dedicated, competent and qualified staff at the Commission. The Commissioners provided valuable strategic, policy and programmatic guidance throughout the whole process. We sincerely appreciate the involvement and participation of our key stakeholders who provided a useful springboard for our achievement.

In the coming year, the Commission shall build its programming upon the new Strategic Plan for the 2017-2022 period and the Medium Term Plan III priorities.

A handwritten signature in black ink, appearing to read 'SORA KATELO'. The signature is stylized with a large loop at the end and some scribbled-out text on the left side.

MR. SORA KATELO

Ag. COMMISSION SECRETARY/ CEO

EXECUTIVE SUMMARY

The National Gender and Equality Commission is a constitutional Commission established pursuant to Article 59 (4) and (5) of the Constitution of Kenya 2010 and the National Gender and Equality Commission Act, 2011. The overall mandate of the Commission is to promote gender equality and freedom from discrimination among all Kenyans, but with special consideration of special interest groups including; women, youth, children, persons with disabilities, the elderly, minority group and marginalized groups and communities. The Commission is responsible for the comprehensive integration of the principles of equality, inclusion and mainstreaming issues of Special Interest Groups (SIGs) in both national and county levels and in the private sector. This is achieved through a five-point strategic direction with the following key objectives:

- a) To create an enabling legal environment to achieve equality in compliance with the Constitution and other written laws, treaties and regulations
- b) To provide comprehensive and adequate response to Sexual and Gender-Based Violence (SGBV)
- c) To mainstream issues of SIGs in development at National and County governance systems and in the private sector
- d) To advocate for substantive equality at all levels.

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

Pursuant to the prescribed mandate and functions, the Commission:

- a) Reviewed 17 bills (9 for national government and 8 for county governments to ensure compliance with Article 27 of the Constitution of Kenya 2010. It was noted that most of the equality and inclusion provisions in these bills merely restated the constitutional provisions instead of providing a normative framework on implementation of those principles.
- b) Submitted memoranda to 14 specific laws within calls for public participation.
- c) Issued 13 advisories on integration of the principles of equality and inclusion to public and private institutions.

- d) Received and processed 84 complaints related to discrimination of special interest groups. Majority of the cases received at the headquarters (73.7%) were from women and revolved around property dispute, child maintenance, maladministration, child access, employment and recruitment processes.
- e) Completed and established a directory Mapping of Ethnic Minority and Marginalized Communities in all the 47 counties in Kenya.
- f) Established an inventory of Sexual and Gender Based Violence policies and laws in Kenya
- g) Assessed 62 companies registered with the Nairobi Securities Exchange on the integration of the principles of equality and inclusion.
- h) Commenced population of data in a web –based information system that provides a coordinated mechanism on the progress of SGBV prevention and response in Kenya.
- i) Audited the affirmative actions in Kenya in relation to access to critical services in health, education, and procurement sectors and employment in marginal counties.
- j) Involved in 7 public interest litigation cases meant to enhance human rights and access to justice, equality and inclusion and,
- k) Undertook several public education initiatives to promote the integration of the principles of equality and inclusion in both public and private spheres reaching indirectly over 6,000 people.

The report is divided into six chapters. Chapter one describes the mandate, composition and structure of the Commission. Chapter two chronicles critical programmatic achievements in key strategic objectives while Chapter three details public education and advocacy interventions. Chapter four presents the institutional growth achieved in the past year in regards to personnel, Information and Technology, procurement and in expanding business to youth, women and persons with disabilities. The audited accounts of the financial year 2015/2016 are presented in Chapter five while Chapter six describes the key challenges, recommendations and priority areas of the Commission for the financial year 2017/18.

CHAPTER ONE

1.0 INTRODUCTION

The National Gender Equality Commission is a constitutional Commission established by an act of Parliament in August 2011, as a successor commission to the Kenya National Human Rights and Equality Commission that had been established under Article 59 of the Constitution. NGEC derives its mandate from Articles 27, 43, and Chapter Fifteen of the Constitution. Section 8 of NGEC Act (Cap. 15) of 2011, provides the functions of the Commission.

As per the provisions of the NGEC Act of 2011, the Commission consists of a Chairperson and four other members appointed in accordance with 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 Commission's Chairperson was Commissioner Ms. Winfred Osimbo Lichuma. Three other Commissioners were Mr. Simon Ndubai (Vice Chairperson), Dr. Gumato Ukur Yattani and Dr. Florence Nyokabi Wachira. The Commission headquarters is in Nairobi and it has opened three regional offices in Garissa, Kisumu and Nakuru.

1.1 Mandate of the Commission

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

- a) Promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution;
- b) Monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;
- c) Act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disability, 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 programs for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- i) Conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- j) Receive and evaluate annual reports on progress made by public institutions and other sectors;
- k) Work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
- l) Prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;
- m) Conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disability, women, youth and children;
- n) Establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups;
- o) Perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and
- p) Perform such other functions as may be prescribed by the Constitution and any other written law.

1.2 Powers of the Commission

These are provided under Section 5 of the NGEC Act 2011, as follows:

The Commission shall have power to-

- a) acquire, hold, charge and dispose of movable and immovable property; and;
- b) do or perform all such other things or acts for the proper discharge of its functions under the Constitution and this Act as may lawfully be done or performed by a body corporate.

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

- a) Issue summonses or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- b) Question any person in respect of any subject matter under investigation before the Commission; and
- c) Require any person to disclose any information within such person's knowledge relevant to any investigation by the Commission.

CHAPTER TWO

2.0 ACHIEVEMENTS FOR THE YEAR 2016/2017

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

The National Gender and Equality Commission realized significant achievement on its mandate and functions in the year 2016-17. This chapter presents policy and programmatic achievements for the period under review.

2.1.1. Review of Policies, Laws and Bills

One of the Commission's key functions is to monitor, facilitate and advise public and private institutions on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations. Relating to this function, in the year 2016-17, the Commission reviewed seventeen (17) Bills to assess compliance with Article 27 of the Constitution on equality and inclusion. Out of the seventeen (17) bills, nine (9) bills were for the national government and eight (8) for county governments. The observational comments and suggestions were shared with the institutions involved for consideration.

The review of the county bills was undertaken upon request from the respective county governments and were intended to ensure integration of the principles of equality and inclusion in the operations of the governments. Plans are underway for a systematic review of the remaining county governments' policies, laws, bills and administrative regulations.

However, most of the proposals by the Commission did not find their way into laws being passed by the various county assemblies and parliament. If the Commission is to make impact on incorporation of equality and inclusion principles, then it is necessary that its views and advisories are complied with. There's need for establishment of a feedback mechanism which is currently lacking at both levels.

Tables 1 and 2 below show the list of bills reviewed at national and county government levels respectively.

Table 1. National Bills reviewed

No	National Bills
1	Refugees Bill 2016
2	The Film Bill 2016
3	National Cohesion and Integration (Amendment Bill)2016
4	The Draft Children’s Bill 2016
5	The East African Community Gender Equality and Development Bill 2016
6	The National Policy and Action Plan on Human Rights Sessional Paper No.3 of 2014
7	Draft Elections (Party primaries and Party lists regulations) Bill 2017
8	The Duale Bill (Constitution of Kenya Amendment Bill) 2015
9	The Chepkonga Bill (Constitution of Kenya Amendment Bill) 2015

Table 2. List of Bills reviewed at County level

No	County	Nature of the Bill
1	Homa Bay	Homa Bay County Persons with Disabilities Bill
2	Kisumu	Kisumu County Persons with Disabilities Bill
3	Meru	Meru County Persons with Disabilities Bill
4	Murang’a	Murang’a County Persons with Disabilities Bill
5	Uasin Gishu	Uasin Gishu County Persons with Disabilities Bill
6	Samburu County	Samburu County Persons with Disabilities Bill
7	Machakos County	Machakos County Persons with Disabilities Bill 2016
8	Isiolo County	Isiolo County Climate Change Fund Bill 2016 (County Assembly Bill)

2.1.2. Public Interest Litigation

In 2016–17, the Commission was involved in seven public interest litigation cases meant to enhance respect for human rights, access to justice, equality and inclusion for special interest groups in social economic development agenda.

12 Table 3. List of Public Litigation Cases

No.	CASE NUMBER	OVERVIEW OF THE CASE	OUTCOME
1.	Petition 266 of 2015, FIDA and others vs. Ministry of Health and others of 24th June 2015.	The matter concerns actions of the Ministry of Health through the Director of Medical Services to withdraw the Standards and Guidelines for reducing morbidity and mortality from unsafe abortion in Kenya largely addressing the issue of unsafe abortions as a main cause despite the Constitution permitting abortion if in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the pregnant mother is in danger.	Matter before a 5-judge bench. Hearing scheduled for 22 nd , 23 rd and the 24 th of May 2018.
2.	Petition No.313 of 2015 of 28th July, 2015	The matter is whether the term ‘gender’ as contained in the Constitution connotes the conventional binary male or female genders or includes a ‘3rd gender’ and whether the not more than two-thirds gender discourse should include a 3rd gender with a distinct quota in the National Assembly and the Senate.	Matter pending before the High Court.
3.	Petition No. 397 of 2017	The matter concerns the 8th August, 2017 elections where the two-thirds gender principle was expected in representation in the National Assembly and the Senate.	Matter consolidated with petition 401. Hearing on 8th May 2018 before Justice E. C. Mwita.

No.	CASE NUMBER	OVERVIEW OF THE CASE	OUTCOME
4.	Petition No. 605 of 2014 and Petition No. 606 of 2014 consolidated on 9th December 2014.	This matter concerns the issue of forced and coerced sterilization of women living with HIV and AIDS and violation of constitutional rights especially sexual reproductive health rights.	Matter pending before the High Court.
5.	Judicial Review case No.11 of 17th January 2017.	The matter in contention concerns the appointment of members to the National Climate Change Council to represent the civil society by parliament.	Judgement on notice.
6.	Petition No. 371 of 6th October 2016	The matter concerns failure by parliament to develop a framework for the implementation of the two-thirds gender principle and consequently seeking dissolution of parliament.	Judgment delivered. Parliament was to enact a law before the 2017 general election.
7.	Civil Appeal No.28 of 2017	The matter concerns the Cabinet Secretary, Ministry of Labour and East African Community Affairs and another acting <i>ultra vires</i> and the failure to implement the Social Assistance Act 2013 and in acting <i>ultra vires</i> in contravention with Article 43 of the Constitution of Kenya 2010.	Matter pending before the High Court.

2.1.3. Advisories

In 2016/17, the Commission issued 13 advisories to public institutions and agencies on violations of or adherence to the principles of equality and inclusion. The institutions included; the National Assembly, Judicial Service Commission, the Office of President, National Council for Persons with Disabilities (NCPWD), the Attorney General's Office, Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs and the Managing Director of Kenya Electricity Transmission Company.

These advisories arise out of the Commission's work and interactions with stakeholders. Over time the advisories point out at opportunities for integration of principles of equality and inclusion among other areas such as employment, appointments, staff welfare, constituting of boards and in formulating laws. Table 4 below lists advisories to institutions prepared by NGEN in 2016-2017.

Table 4. List Of Advisories to Institutions in 2016–17

No	Purpose	Conflict	Recipient	Outcome
1	Advisory on the implementation of the not more than two-thirds gender principle at the Supreme Court of Kenya on 13 th October 2016.	Following the exit of former Chief Justice Willy Mutunga, Deputy Chief Justice Kalpana Rawal and Justice Philip Tunoi, the not more than two-third gender principle should be adhered to during new appointments to the Supreme Court.	Judicial Service Commission (JSC)	Recruitment process not finalized to influence the next step of action.
2	Advisory on the implementation of the not more than two-thirds gender principle on 11 th May 2016.	Failure to pass the Constitution of Kenya (Amendment) (No. 4) Bill, of 2015 during Its 1 st and 2 nd reading on 28th April and 5th May, 2015 respectively.	National Assembly	Petition 37 of 2016 filed by CREAW and Crawn Trust. NGEK enjoined as a friend of the court.
3	Advisory on the implementation of the not more than two-thirds gender principle following the decision of the High Court in Petition No.371 of 2016 on 4 th April 2017.	Failure by National Assembly to implement the legislation of not more than two-thirds gender principle.	National Assembly	The Commission advises that following the ruling by Justice Mativo on the matter, the National Assembly can exercise political good will by forming a mediation team that would resolve the stalemate. This advisory was not respected within the sixty days deadline given by the court.

No	Purpose	Conflict	Recipient	Outcome
4	Advisory to Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs, State Department of Gender on the cost implication of the two thirds gender principle in the National Assembly and the Senate on 4 th July 2017.	The advisory gives a detailed cost analysis for salaries of members of National Assembly and the Senate. If two-thirds gender rule was to be met, Ksh. 0.42 billion in salaries would be required for the National Assembly, while a further Ksh. 0.043 billion would go to the Senate for salaries.	Cabinet secretary Ministry of Public Service Youth and Gender Affairs.	Advisory dispensed.
5	Advisory on mainstreaming of gender equality on 18 th March 2016.	Statute Law (Miscellaneous Amendments) Bill, 2015-National Assembly Bills No. 57 regarding deleting section 14 (b) of the National Police Service Act (No. 11A of 2011) which was a key provision containing the framework for mainstreaming gender equality in the National Police Service especially at top leadership as required by Article 27(6) and (8) of the Constitution.	National Assembly	The Commission consequently filed petition No. 12 of 2016 to challenge the amendment.
6	Advisory on promotion of gender equality on 7th December 2016.	Removal of Grace Kaindi as Deputy Inspector General of Police and replacement with Joel Kitili, a male, in acting capacity.	The President	The advisory was not respected.

No	Purpose	Conflict	Recipient	Outcome
7	Advisory regarding Employment and Labour Relations Court Case No 348 of 2013 on 18 th march 2016.	The Employment and Labour Relations Court Case No 348 of 2013, KUDHEIHA vs Association of The Physically Disabled of Kenya (APDK).	National Council for Persons with Disabilities (NCPWD)	The Commission was in agreement with the observations by the Court which were in line with the provisions of Persons with Disabilities Act, 2003 and the Convention for the Rights of Persons with Disabilities and advised that the Council adheres to the same and release to the Association for the Physically Disabled of Kenya some money to enable them implement the court order by re-employing the dismissed employees with disabilities.
8	Advisory on mileage allowance and any other facilitation payable to nominated members of county assemblies. 13 th march 2017.	The Salaries and Remuneration Commission has restricted the mileage claim for nominated members of county assembly thus limiting their interaction with the electorate.	Salaries And Remunerations Commission	The Commission advised the SRC to review the mileage allowance and put it at par with that of elected members of county assembly.

No	Purpose	Conflict	Recipient	Outcome
9	Advisory on strike by medical professionals on 7 th December 2016	Following the unresolved doctors strike, there was a stand-off between the government and the doctors. Patients who required urgent medical attention suffered most.	Office of the President	Commission advised the government to take greater responsibility on its citizen by ending the strike with immediate effect to avert further loss of life.
10	Advisory/inquiry on recent appointments by Kenya Electricity Transmission Company (KETRACO) on 20th January 2017.	The letter was written seeking clarification about the criteria used in the appointment of eight senior staff members who are all of male gender. The commission sought reasons why the not more than two-thirds principle was not considered in the appointments.	The Managing Director, Kenya Electricity Transmission Company.	Advisory issued.
11	Advisory on withdrawal of the standards and guidelines for reducing morbidity and mortality from unsafe abortion in Kenya and training curriculum for the management of unintended, risky and unplanned pregnancies. 4 th November. 2016.	The Commission advised that safe medical abortion is guaranteed in the Kenyan constitution and that the ministry should ensure that safe medical abortions are available to the lowest level. The advisory was issued to the Ministry of Health following a circular that withdrew the training of medical practitioners on safe medical abortions.	Cabinet Secretary, Ministry of Health.	Advisory issued.

No	Purpose	Conflict	Recipient	Outcome
12	<p>Advisory opinion on Treasury circular No.13/2016 on commitment control and expenditure measures.</p>	<p>The advisory warns that rationalizing of expenditure to all ministries and commissions goes against Articles 59 and 96 of the constitution. This is because parliament is the sole authority for allocation and appropriation of funds. Adopting the circular without consulting parliament would undermine its authority. The adoption would further affect operations of the Commission, which includes activities such as travel and printing of publications.</p>	National Treasury	Advisory issued.

2.1.4. Powers Relating to Investigations

In the 2016/17 financial year, the Commission received a total of 84 complaints on violations of the principles of equality and inclusion, out of which 46 met the NGEI threshold. Majority of the cases received at the headquarters (73.7%) were from women and revolved around property dispute, child maintenance, maladministration, child access, employment and recruitment processes.

The Commission further received and processed eight complaints through the Kisumu regional office. The cases related to property ownership, gender based violence, social and economic rights, and violations of rights by county government and discrimination based on disability.

Table 5. Complaints received and processed during the 2016–2017 period.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
1	Male	Ministry of Labour and East African Community Affairs	Complainant is a person with disability. He applied for a job with the ministry in 2015 but did not get shortlisted despite meeting all requirements.	Preliminary report done. Investigations commenced. Letter of enquiry submitted to the Ministry of Labour and East African Community Affairs.
2	Female	Spouse	Complainant accused her husband of physically assaulting her even while pregnant. This has caused her bodily harm and the assaults have been extended to their seven-year old daughter and seven-month-old baby.	Matter is pending further action.
3	Male	NTSA	Complainant is a person with disability. He applied for a Passenger Service Vehicle (PSV) license with the National Transportation and Safety Authority but was denied on grounds of disability. He feels discriminated against because he is a qualified driver who worked in the transport industry before his disability. The denial by NTSA to issue him with a license is an impediment to job opportunities.	Preliminary investigation report done.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
4	Male	IEBC	The complainant was duly nominated for an MCA slot for persons with disabilities in Narok County. However, upon gazettement of names, his was missing in the list. He has since presented his petition to various bodies and tribunal who have upheld his nomination. He wrote to former IEBC chair and received response on how slots were allocated.	Closure report done and file closed.
5	Male	Spouse	Complainant has separated from her husband with whom they had one child. The husband had previously accepted to provide for their child but has since ceased. She wants her husband compelled to provide for their child.	Case completed and file closed.
6	Female	Spouse	Complainant physically assaulted by husband when he is drunk. This happens severally when the wife reminds him of his parental responsibilities.	Preliminary Investigation done and case referred.
7	Female	Spouse	The complainant accuses her husband of taking away their children due to her inability to fend for them.	Case closed upon confirmation by complainant that she had regained custody of the children.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
8	Female	Spouse	Complainant physically assaulted by husband in their matrimonial home on 25th Dec 2016	Investigations ongoing.
9	Female	In laws	Complainant is accusing her parents in law of locking her out of her matrimonial home after the death of her husband. They took away all her household properties and don't support her in the upbringing of her child. The child is missing school due to lack of uniform.	Matter pending further action.
10	Female	Employment firm	Denial of job opportunity on basis of age.	Case closed.
11	Female	Spouse	Child custody. Complainant has separated from husband with whom they had a child. The in laws are the custodians of the child. They want the complainant to take in the child. She however claims being financially unstable and thus seeks for more time before taking her child.	Preliminary investigations commenced.
12	Female	NSSF	Unpaid N.S.S.F dues	Complaint was recorded and referred.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
13	Female	Individual	Gender Based Violence	Complaint recorded and preliminary investigation report done.
14	Various Nakuru Legal Aid cases	Various	These are a variety of cases whereby the complainants were seeking legal advice. Majority did not meet admissibility criteria and therefore they were not admitted.	Complaints were recorded and a report prepared. Cases closed.
15	Female	Individual	Property dispute	Complaint processing ongoing.
16	Female	Naivasha District Hospital	Unlawful tender allocation.	File recommended for closure.
17	Female	Nairobi County Assembly	Gender based violence and physical assault.	Preliminary investigations commenced.
18	Female	Individual	Gender based violence and physical assault	Preliminary investigation report done. Letter done to the Officer Commanding Lanet barracks and copied to complainant to handle the matter.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
19 NGEC/19/2017 28/03/2017	Female	Husband	Child maintenance	Complaint referred to FIDA and matter is closed.
20 NGEC/20/2017 28/03/2017	Female	Husband	Child maintenance	Matter referred to childrens' office.
21 NGEC/21/2017 06/04/2017	Female	Individual	Cybercrime and impersonation	Preliminary investigations underway.
22 NGEC/ 22/2017 12/04/2017	Male	Ministry of Lands and Housing in Machakos.	Forceful eviction and improper placement.	Preliminary investigation report done. Letter of clarification of the incident passed to the Ministry of Lands and Housing, Machakos County.
23 NGEC/23/17 12/05/2017	Female	Jubilee Party	Complainant vied for a woman representative position under Jubilee Party in ElgeyoMarakwet County. However the party duplicated her name and thus during nominations the names confused her voters who perceived them to be of two different aspirants. She attributes her loss to this malpractice.	Letter of enquiry on the matter submitted to Jubilee.

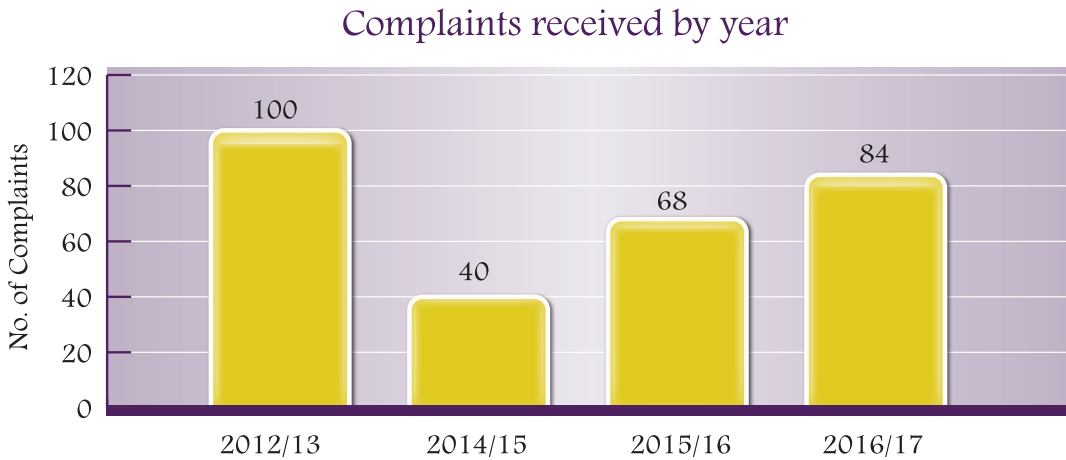
Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
24 NGEC/24/17 12/05/2017	Female	ODM Party	The complainant vied for an elective post in Migosi ward under an ODM party ticket. She was declared the winner but her opponent later posted a certificate on social media indicating that he was the winner. The ODM board informed her that they were not aware of the situation. She has since filed the matter in court. This is after the opponent was declared the winner.	Letter of enquiry on the matter submitted to ODM.
25 NGEC/27/2017 05/06/2017	Male	Jubilee Party County Elections Board	Complainant comes from the Ogiek community and had vied for an MCA position in Mariashoni ward. He emerged second with an impressive tally. He seeks assistance to get a nomination slot as a member of the Nakuru County Assembly.	Complaint pending further action.
26 NGEC/29/2017 05/06/2017	Female	County Police Commander	Maladministration and delay in processing of her complaint.	Letter done to the Officer Commanding Station, who has responded. The Commission is following up with the complainant.
27 NGEC/30/2017 05/06/2017	Female	Husband	Child custody	Advice given. Case closed.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
28	Female	Child	Complainant seeks ways to correct the deviant behavior of child.	Complainant advised to seek psychosocial support for her child.
29	Female	Husband	Complainant seeks child maintenance from her former husband.	Case closed as complainant was reluctant in furnishing further information.
30	Female	GBV survivor	Complainant requested to be contacted to give further information as regards to gender based violence.	Case closed as complainant could not be reached for further information.
31	Female	Nakuru District children's office	Complainant had contacted Nakuru children's office to seek for child maintenance. She was not pleased with the handling of her case by an officer.	Case closed as the complainant stated that she did not want to pursue the matter further.
32	Female	Husband	Complainant seeks child maintenance from her former husband.	Case closed as the complainant was reluctant in providing more details.
33	Female	Husband	Child maintenance	Case closed, advice given.
34	Male	Individual	Complainant seeks child access from former girlfriend.	Case closed as the complainant did not provide his contacts.
35	Female	South Cape Investment	Unlawful dismissal on unfounded grounds of theft.	Preliminary investigations underway.

	Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
36	NGEC/40/2017 15/6/2017	Male	Individual	Child access.	Contacted both parties for possible mediation talks.
37	NGEC/ 41/2017 20/06/2017	Female	Individual	Defamation through social media.	Preliminary investigations underway.
38	NGEC/42/2017 27/06/2017	Male	NGEC election monitors recruiting panel	Complainant seeks to know why he was not shortlisted for monitors' position despite meeting all requirements.	Preliminary investigations underway.
39	K23/6/2016	Female	Employee	Unlawful dismissal against Yasmin Hotel and was asking for April 2016 salary.	Matter before the County Labour Officer/Labour Court
40	K28/9/2016	Male	Employee	Unlawful dismissal from work against Mini Bakeries Nairobi	Matter referred to trade union.
41	K28/10/2016	Male	Spouse	Harassment from former spouse who stays abroad and uses police to harass him.	Matter received, referral to Independent Policing Oversight Authority.
42	K18/1/2016	Male	Individual	Alleged discrimination in marriage based on race.	Client referred to Jaramogi Odinga Hospital.
43	K6/3/2017	Female	Individuals	Assault and infringement over access to socio-economic rights.	Matter received from Kenya National Commission on Human Rights (KNCHR) and currently under processing.

Ref NO.	GENDER	RESPONDENT	SUMMARY	STATUS
44	Female	Individual	Assault, abuses and death threats. Matter had been reported to the police but no action taken.	The case was referred to the national office for advice.
45	Male	Individual	Person with disability seeking justice on matters related to his land.	The person advised to seek court redress.
46	Female	Spouse	Extreme assault by the husband. Client came to the office with loose teeth, swollen face, bloodied blouse and claimed to cough blood.	The complainant visited Kisumu District Hospital and did not receive treatment on account of not having money. The regional office referred and facilitated her to the Gender Based Violence recovery center for check-up and treatment and thereafter follow the referral pathway including the police.

Figure 1. Summary of complaints processed during 2012/13 - 2014/15, 2016/17 period



Data source: NGECC database 2016

2.1.5. International and Regional Reporting Mechanisms

One of the key functions of the Commission (8c) is to act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya on matters of equality and freedom from discrimination as well as those relating to special interest groups including minorities and marginalized persons, women, persons with disabilities and children. Through these mechanisms, the Commission;

- a) Influenced international status reports on issues of equality and inclusion;
- b) Monitored and ensured State compliance with international and regional reporting requirements;
- c) Informed international and regional agenda on Sustainable Development Goals, gender and climate change and disability issues;
- d) Contributed in development of the content presented in regional and international reports on all matters of equality and inclusion. These reports include; COP 22 to the UN Framework Convention on Climate Change (UNFCCC), Independent Accountability Panel (IAP) report, consideration of the existing international framework of the human rights of older persons and identification of possible gaps, and the Commission on Status of Women (CSW 61).

During the year in review, the Commission participated in nine international reporting mechanisms on equality and inclusion issues as shown in Table 6 below.

Table 6. Frequency of Reporting Mechanism.

No	DATE	ACTIVITY	VENUE	OUTCOME
1	3 rd -18 th Nov 2016	COP 22 to the UN Framework Convention on Climate Change (UNFCCC).	Morocco	Extension of LIMA work for 3 years.
2	30 th November, 2016	Participated in the Forum on Refugee Migration Policy.	London	Draft equitable policy to guide the cross-border movement at national and international levels.
3	10 th – 23 rd Dec 2016	Participation in the 7 th Session of the Open Ended Working Group on Ageing.	UN Head-quarters, New York.	Consideration of the existing international framework of the human rights of older persons and identification of possible gaps and the solutions including coming up with an internal instrument on older persons.
4	18th-21st Jan 2017	Africa Leadership Summit on Safe Legal Abortion.	Addis Ababa	Declaration of safe, legal abortion as a human right.
5	13 th - 24 th Mar 2017	Commission on Status of Women (CSW 61)	New York	The agreed outcomes adopted by the 61st session set out steps and measures necessary to overcome persistent inequalities, discrimination and barriers that women face in the current world of work and action needed to ensure that women can take full advantage of the opportunities arising as work environment changes.
6	8th - 18th May 2017	Gender and Climate Change (Subsidiary Body for Implementation- SBI), No ???	Bonn	Draft Gender Action Plan.

No	DATE	ACTIVITY	VENUE	OUTCOME
7	22 -30th May 2017	World Health Assembly	Geneva	Participated in draft Independent Accountability Panel (IAP) report.
8	26 th June-2 July 2017	Gender Equality Event: International Challenges and Strategies for Success	London	Interactions and partnership with Australian Government on gender equality.
9	30th November, 2016	Forum on Refugees and Migration Policy	London	Conclusion for consideration for best practices on refugees, cross border and the host communities.

2.2 Providing Comprehensive and Adequate Response to Sexual and Gender Based Violence

2.2.1. Partnership on GBV Prevention and Response

Pursuant to the mandate and functions of the Commission in the promotion of gender equality and freedom from discrimination, is that of coordination. Towards this end, the Commission convened 14 Gender Based Violence (GBV) working group forums that comprise of state and non-state actors. The meetings are convened monthly at the NGEK offices and/or when need arises and have been instrumental in addressing gaps and developing strategies towards prevention and response to GBV. Through this multi-sectoral mechanism, the various actors have been able to improve coordination in the sector and service delivery.

2.2.2. Studies on the Economic Burden of Gender Based Violence (GBV)

In 2016/17, the Commission enhanced prevention and response to GBV by completing and launching two costing studies on the economic burden of Gender Based Violence (GBV). One of the studies assesses the situation from the survivors' cost implications (access to the services) and the other from an institutional perspective, the cost of providing services to the survivors. The studies project the economic cost of Gender Based Violence in Kenya at 46 billion shillings annually, accounting for 1.1 per cent of Gross Domestic Product (GDP). NGEK also developed policy briefs emanating from the costing studies with recommendations for the media, duty bearers and policy makers, non-state actors, private sector and communities.

2.2.3. Phase III of ‘Keeping the Promise to end GBV Campaign’ in Kenya

Keeping the Promise to end GBV Campaign is a celebrated initiative of the Gender Working Group, which was launched in 2014. This is a three-year campaign that calls for accountability from duty bearers and rights holders in prevention and response to GBV. The third phase of the campaign commenced in 2016 and constitutes an election agenda, focusing on ensuring that there is adequate preparedness, prevention and response to GBV before, during, and after the 2017 general election. To facilitate this goal, NGENC and partners reviewed duty bearers’ handbook to incorporate latest aspects of elections legal framework. A second edition of the book was published and launched in 2017.

With support from the Government of Kenya and development partners, NGENC strengthened the capacity of duty bearers and rights holders from five regions. The 3rd phase of the campaign was launched in five counties, namely; Busia, Narok, Isiolo, Machakos and Kajiado, bringing the number of counties where the campaign is being implemented to 19. In each of these 19 counties, the Commission and its partners helped to;

- a. Facilitate GBV multi-sectoral technical working groups to coordinate GBV issues chaired by the county government.
- b. Set five key priorities on GBV for counties to build on in the next financial year.

2.2.4. Mapping of the flawed Sexual and Gender Based Violence (SGBV) policies and laws in Kenya

During 2016/17, the National Gender and Equality Commission completed a mapping of laws and policies on SGBV in Kenya, highlighting the key provisions on each of them and the potential each law and policy has in mitigating GBV if they are fully implemented. The inventory report shows the status of implementation of each GBV related laws. The report provides for actions in the GBV areas where laws have not been fully implemented and gaps that future laws and policies need to address.

2.2.5. Model Legislative Framework on Sexual Gender Based Violence (SGBV) for County Governments

In the financial year under review, NGENC facilitated county governments in the development of a model legislative framework on sexual and gender based violence in Kisumu, Busia and Kakamega amongst others.

The Commission acknowledges that in many cases, county governments have the initial contact with perpetrators and survivors of SGBV, since they manage some of the institutions that respond to incidents of SGBV. The Commission, therefore, designed a

model legislative and policy framework for adoption and domestication by counties based on their needs and circumstances. The model legislative framework was designed with input from Kenyan National Commission on Human Rights (KNCHR), Council of Governors (CoG), Administration Police (AP), and the State Department of Gender Affairs among other actors. The Kenya Law Reform Commission provided technical assistance in drafting the final model law.

2.2.6. Guidelines of Shelters for Survivors of GBV in Kenya

During the second phase of the campaign, NGEC and its partners advocated for the establishment of shelters that can be executed and funded by the county governments, with a view to establishing sustainable mechanisms in addressing gender based violence. The initial effort by the Commission and other partners was to include clauses and articles on shelters in the Prevention Against Domestic Violence Act 2015 which was passed without express provisions on shelter. The Commission stepped up efforts to guide the State on regulating shelters.

With support from Coffey International's Jamii Thabiti initiative, NGEC facilitated the development of guidelines for establishing shelters for survivors of GBV in Kenya. This project comprised of a scoping study to determine the number of shelters currently existing in the country and the different models, which will inform the standards and inform a policy paper on shelters. The paper will prescribe minimum requirements for establishing shelters, cost implication of services required and a regulating framework.

2.2.7. Review of Sexual Offences Act 2006

In collaboration with the Busia County women representative Hon. Florence Mutua, The Commission in the 2016/17 financial year facilitated a stakeholders' forum to review the 2006 Sexual Offences Act. This was meant to harmonize the Act with emerging SGBV issues in the country. The stakeholders included women Members of Parliament, GBV Working Group, and the Kenya National Commission on Human Rights among others.

2.2.8. The Sexual and Gender Based Violence Information System

During the review period, NGEC completed the setting up of a web-based information system that provides a coordinated mechanism on the progress of SGBV prevention and response in Kenya. With technical support from the International Training and Education Centre on Health (I-TECH), the Commission integrated priority indicators on SGBV provided by the Ministry of Health, the Teachers' Service Commission, Ministry of Education, National Police Service, the Office of the Director of Public Prosecution (ODPP) and the Judiciary into the platform. In conjunction with LVCT

Health and Coffey International, the Commission held five practical sessions with Monitoring and Evaluation officers from these agencies on how to key in, export, verify, clean data and conduct analysis.

The information system is modelled on a national multi-sectoral monitoring and evaluation framework towards prevention and response to sexual and gender based violence and contains 30 indicators for monitoring prevention and response to gender based violence in Kenya.

Technical personnel from National Police Service, Ministry of Health and the Teachers Service Commission have received on-the job training on use of the platform and have to-date populated the system with data on relevant indicators. A URL address has been developed for the public to access the information system at <http://sgbvis.ngeckeny.org>. Alternatively, the public can access the portal through the NGEC website. The portal will be linked to the DHIS 2 to allow greater access of data and its triangulation.

2.2.9. Strengthening Traditional Structures on Equality and Inclusion in Elections

The Commission facilitated two trainings among 92 members of various Councils of Elders in their role in promoting affirmative action in political representation during the 2017 general election. The programme rides on similar interventions undertaken in the 2015/2016 financial year amongst Councils of Elders from Nyanza, Coast and Meru regions and the Commission hopes to expand reach and coverage of the programme targeting other Councils in the country. The aim is to strengthen the role of the Councils of Elders in peace building, conflict resolution, denouncing SGBV and promoting equality and inclusion in their communities.

The training focused on electoral laws and the role of Councils of Elders in curbing electoral malpractices, especially sexual and gender based violence during elections. The meetings also encouraged the Councils (CoEs) to champion the inclusion of women, youth, PWDs and the elderly in the electoral process either as aspirants or voters.

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

2.3.1 The Status of Equality and Inclusion in Kenya: 2017

Another key function of the Commission is to conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disabilities, women, youth and children. Pursuant to this function, NGEC commissioned the

Kenya Institute for Policy and Research Analysis (KIPPRA) in April 2015 to undertake a research on the status of equality and inclusion in Kenya. The study focused on equality and inclusion in employment, political representation, social protection, and education for the special interest groups. The study covered national and county government agencies and the private sector.

2.3.2. Participation of Youth in Governance processes and Equality of Opportunities

In the year under review, the Commission in collaboration with the Ministry of Public Service, Youth and Gender Affairs conducted an assessment on the status of youth in governance in Kenya in five counties (Taita Taveta, Nyeri, Vihiga, Trans Nzoia and Tharaka Nithi). The main objective of the study was to assess youth perceptions on their role in governance and equality of opportunities in various areas of development.

The assessment revealed youth in general felt left out in the governance processes of their country despite numerous government programmes designed to empower them to participate. Such programmes included Youth Enterprise Development Fund, Access to Government Procurement Opportunities, National Government Affirmative Action Fund among other initiatives. This was due to weaknesses in the governance structures, for example in the National Youth Council. The assessment further revealed that youths do not have organized structures at local levels to support processes of identifying opportunities and presenting them effectively. The youth bulge (presence of a huge youth population) in the national population pyramid is also a challenge to the few opportunities reserved for youth, particularly those from rural hard-to-reach areas who miss opportunities to share the few available opportunities. The study recommends strengthening of national representation and governance structures for youth particularly the National Youth Council and establishing effective local organs to support the youth movement at grassroots level.

2.3.3. Gender Equality and Inclusion in Primary Schools in Kenya

The Commission in 2016–2017, conducted an assessment of gender equality and inclusion in Kenyan primary schools in Kilifi, Embu and Nyeri counties with support from the Ministry of Education. This was informed by a study on the status of the boy child in Kenya the Commission had conducted in 2015, in which a majority of respondents perceived the boy child to be lagging behind in the gender equality agenda. The assessment examines gender parity indices on enrolment, transition, completion rates and performance. It also assesses gender representation in leadership and management, infrastructure and the school environments for inclusiveness in the primary schools. Although the study is ongoing to cover more counties, preliminary results reveal that a vast majority of head teachers and teachers felt that gender was an important consideration in actual classroom teaching. The Commission plans to

conduct a countrywide baseline survey on the status of gender equality and inclusion in Kenya's primary schools.

2.3.4. Monthly Coordination Meetings for the Special Interest Groups

In efforts to fulfill its mandate in promoting equality and inclusion, the Commission has established theme based coordination meetings for advocacy and design of programmes in relevant varying thematic areas. During the period in review, the Commission held eight strategic coordination meetings with stakeholders involved with children issues. Through these coordination meetings, the Commission facilitated a review of the Children's Bill 2016. Six of the meetings were held in the regional offices. One of the key outcomes is a memorandum that was developed and submitted to the relevant departments in the Ministries of East African Cooperation and Gender.

During the same period, the Commission held eight meetings with stakeholders working on youth matters in Kenya. Further, the Commission held 13 meetings with partners and stakeholders working with older members of the society and six meetings with stakeholders on matters of persons with disabilities. The Commission also held nine meetings with stakeholders working with minorities and marginalized groups, and 18 meeting with stakeholders involved with issues of Sexual and Gender Based Violence.

In the year under review, the regional offices facilitated coordination meetings for Gender Technical Working Groups.(GTWG). The Kisumu regional office co-chaired the working group for Kisumu County under the Jamii Thabiti Project and successfully organized coordination meetings with stakeholders to discuss fighting Gender Based Violence In communities and schools.

The regional offices further planned and coordinated stakeholders, both state and non- state in the celebration of international days including the 16 days of activism against Gender Based Violence in Kisumu West Sub-county, Nakuru and Garissa; the International Women's Days and the Day of the African Child.

In each of these meetings, the Commission together with stakeholders identified priority intervention issues to deal with. They also shared roles in intervention programmes for the 2017/18 financial year budgets and County MTP III proposal.

2.3.5. Audit of Affirmative Action Programmes for Persons with Disabilities in Kenya

In the 2016-17 financial year, the Commission conducted an audit of affirmative actions in Kenya in relation to access to critical services in the sectors of health, education, procurement and employment. The audit covered eight counties, namely; Laikipia, Murang'a, Kitui, Makeni, Lamu, Kilifi, Kakamega and Kisumu. Preliminary

findings show that majority of persons with disability are not seeking or benefitting from procurement opportunities at county levels despite the presence of legislation. Even for those accessing the tenders, a reasonable proportion did not sustain their tendering businesses due to various reasons including inadequate funding and lack of necessary technical knowledge . It also came to light that many persons with disabilities awarded such tenders ended up seeking financing from shylocks who charged exorbitant interest rates and hence ended up with little or no profit.

Furthermore, the findings indicate that persons with disabilities, especially those with hearing impairment hardly access information. Children with disabilities face inadequate access to education including early childhood education, while school facilities are either located too far from homes and are not connected by motorable roads, or are not well adjusted to accommodate children with physical disabilities. Many schools also lacked qualified teachers to offer necessary skills to children with various disabilities.

2.3.6. Gender Responsive Budgeting

NGEC developed guidelines for gender responsive budgeting in Kenya in 2014 to assist with mainstreaming of gender considerations in the planning and formulation of the budget making process. The Commission most recently supported stakeholders to domesticate Gender Responsive Budgeting Guidelines at the county level through development of simple easy- to-use guidelines on budgeting and planning. The activity seeks to widen participation and inclusion of special interest groups in budget and planning processes.

The County Gender Responsive Budget program begun with analysis of 2014/15, 2015/2016 county budgets using gender analysis lens. Machakos, Nakuru, Kajiado and Baringo counties were selected to provide raw data in the program. The guidelines were validated by stakeholders drawn from counties, Controller of Budget, Commission on Revenue Allocation and final guidelines will be used in the design of the 2017/18 financial year budget and county MTP III proposals.

2.3.7. Preparing County Public Service Boards on Integration of Principles of Equality and Inclusion in County Governments

The Commission carried out a sensitization of the County Public Service Boards on Gender and Inclusion Principles at Lake Naivasha's Simba Lodge in October 2016. A total of 33 County Public Services Boards participated, represented by their chairpersons and secretaries. Other agencies that participated included the Parliamentary Budget Office, National Treasury, Controller of Budget and the National Cohesion and Integration Commission (NCIC).

Some of the topics covered include: Monitoring equality and inclusion in counties, building inclusive workplaces, and embracing diversity in county governments. The workshop discussed strategies of complying with relevant County Governments Acts and other subsidiary laws, seeking to ensure 70 per cent of the workforce at the counties is drawn from the dominant communities, compliance with the two-third gender principle, as well as employment and labour laws and providing affirmative action platform for extremely vulnerable groups including persons with disabilities.

2.3.8. Sensitization of County Executive Committee Members on Performance Contracting

As per its mandate, NGECC receives quarterly and annual reports from Ministries, Departments, Agencies and County Governments on their achievements every year and prepares audits on Performance Contracting (PC) targets and indicators on gender mainstreaming. The Commission develops a gender mainstreaming reporting tool which the MCDAs use to report on their progress. The reports are analyzed and the institutions are issued with compliance certificates and letters detailing areas that require improvement. The Commission prepares an annual report on gains and gaps on gender mainstreaming. In the 2014/15 period, the Commission noted low reporting rates as well as inaccurate reports and designed a program in 2015/16 and 2016/17 to prepare counties to provide accurate, reliable and valid progress reports on gender mainstreaming within the performance contracting framework. The program is also designed to help county governments that are embracing performance contracting to understand the process of generating progress data and reports.

NGECC held a workshop on 2nd November 2016 to build the capacity of County Executive Committee members and county officers in charge of performance contracting targets and indicators in the counties. Through the training, the Commission sought to enhance the capacity of the officers to promote gender equality and attain the set indicators in their performance contracting.

2.3.9. Performance Contracting

In the period under review, NGECC received gender mainstreaming reports, quarterly and annual reports from 222 government agencies. All 19 Ministries provided their Performance Contracting reports. Some 148 state corporations, 27 public universities and 32 tertiary institutions also reported. The performance contracting reports show that more effort is required to improve institutional reporting.

2.3.10. Directory of Minority and Marginalized Ethnic Communities in Kenya

In the 2016/17 financial year, the Commission conducted the final phase of the mapping of Ethnic Minority and Marginalized Communities in the counties of Wajir, Turkana and Mandera. The Commission subsequently organized a validation workshop to review the contents of the mapping report. Participants were drawn from county and national governments units at the county levels, minority and marginalized communities, stakeholders working on issues of minorities and the marginalized, Commission on Revenue Allocation, Kenya National Commission on Human Rights, and Commission on Administrative Justice among others.

The report shows the distribution and concentration of ethnic minorities and marginalized communities in the counties and documents drivers of marginalization including political under-representation, limited access to employment opportunities, ethnic profiling and discrimination in issuance of identification documents, isolated/excluded settlements, high rates of illiteracy, poverty, poor infrastructure and poor sanitation and water infrastructure. The report was shared with the Independent Electoral and Boundaries Commission (IEBC) for use in identification of ethnic minorities and marginalized groups for consideration when determining allocation of special seats reserved for minorities and the marginalized in the political nominations in the elections. The report may also be used by the political party dispute resolution committee to enhance justice to minorities and the marginalized.

2.3.11. Dialogue on Indigenous Forest Dwelling Communities in Kenya

The Commission participated in two conferences on indigenous forest dwelling communities (in Nanyuki and Eldoret). The objective of the forum was to provide a platform for taking action to ensure a proper rights based forest conservation model and discuss strategies of promoting conservation through forest dwelling communities. The dialogue identified the critical symbiosis between indigenous peoples and forest ecosystems.

2.3.12. Assessment of Equality and Inclusion in the Private Sector

In May 2017, the Commission, jointly with the Capital Markets Authority conducted a rapid assessment on integration of the principles of equality and inclusion in the boards of 62 companies registered with the Nairobi Securities Exchange. This is the second assessment, the first having been done in December 2015. The aim of the exercise is to establish the progress of integration of the principles of equality and inclusion in the publicly quoted companies.

A total of 505 board directors were assessed. The size of the boards differed and the number of directors varied from four to 12 members.

Of the 62 assessed companies 18.4 per cent board members were women (n=93) compared to 81.6 per cent of men (n=412). 12.9 per cent of the companies had a woman chairing their boards. Only 11.3 per cent of companies (n=7) met the 33.33 per cent gender threshold in representation in their boards.

2.3.13. Status of Equality and Inclusion in County Governments

The Commission leveraged on other programmes, particularly Keeping the Promise to end Gender Based Violence campaign to monitor the status of equality and inclusion in 15 county governments, namely; Baringo, Isiolo, Busia, Kajiado, Kakamega, Kericho, Kissi, Kisumu, Kwale, Nandi, Narok, Nyeri, Trans-nzoia, Vihiga and Wajir. The method involved discussions with the Speaker of the County Assembly, women members of the County Assembly and the County Public Service Board secretaries. The data shows few governments have made any significant progress in promoting equality and inclusion. However, there are opportunities to increase the number of women, minorities and persons with disabilities in the governments.

2.3.14. NGECC County Gender Monitoring Framework

In the current reporting year, the Commission partnered with the World Bank through the Kenya Accountable Development Program (KADP) to develop a county monitoring framework for gender equality. The framework will be applied by county governments to assess and report progress in advancing gender equality in employment, political representation, appointments, nominations and in planning. The framework has six critical indicators to be uploaded on an information management system suitable for national and county governments, development parties, COG, CRA, COS, NGECC and other agencies.

2.3.15. Coordination of Strategic Meetings with Stakeholders involved with Gender Issues

The Commission coordinates regular stakeholders' meetings on a continuing basis. During the reporting period, three meetings were conducted that involved a total of 38 (20 female and 18 male) participants.

2.3.16. Monitoring Coordination of Violence Against Women (VAWG)

NGECC with support from Coffey International through its Jamii Thabiti Programme monitored violence against women and girls in the seven counties of Kilifi, Kwale, Nakuru, Baringo, Bungoma, Wajir and Kisumu. These counties have adverse

records of violence against women and girls. Those interviewed included County Commissioners, county government representatives, the Judiciary, National Police Service, the Office of Director of Public Prosecution, and civil society organizations. Various recommendations were made in improving coordination among the actors, including a framework spelling out roles and frequencies of holding meetings.

2.4 Regional and County Interventions

The Commission devolved its programmes and research functions through establishment of three regional offices in Kisumu, Nakuru and Garissa. The role of the offices is to;

- Coordinate Commission's programmes and activities in these regions with a focus to special interest groups including children, youth, women, persons with disabilities, the elderly, minorities and marginalized groups.
- Promote gender equality and freedom from discrimination as stipulated in Article 27 of the Constitution of Kenya.
- Monitor and audit violations of the principles of equality and inclusion and provide advisories to county governments and other related institutions operating at the county level.
- Facilitate review of county policies, laws and administrative regulations aimed at improving full engagement of vulnerable populations in the development agenda.

2.4.1. Capacity Building for Regional Institutions and Government on Equality and Inclusion

Regional offices supported capacity building for various institutions at regional level as requested by the respective institutions.

2.4.2. Public Education and Awareness on GBV at regional level

During the financial year, the regional offices were equally involved in public education and awareness on Gender Based Violence. Legislation such as the Protection against Domestic Violence Act, The Sexual Offences Act, the Marriage Act and The Matrimonial Property Act were covered.

2.5 Preparations for Monitoring General Election

In 2013, NGEK developed a model for monitoring the participation of special interest groups in the general election. In 2017 the Commission refined the model framework

in readiness for monitoring the 2017 general election. The preparatory work was carried out between April and June and included seeking technical assistance in developing an election monitoring framework, consultation with various stakeholders and in drafting tools and instruments for monitoring different phases of the election. The Commission monitored voter registration, civic education and voter verification processes. The Commission also monitored amendments in electoral laws, regulations, and political parties' internal regulations to find out the extent to which special interest groups were involved and how the amendments promoted rights and inclusion for these groups.

CHAPTER THREE

3.0 PUBLIC EDUCATION, COMMUNICATIONS AND ADVOCACY

3.1. Production of Information, Education and Communication materials.

The Commission uses a range of IEC materials to disseminate important information about its work and interventions. During the reporting period, the Commission produced 15 reports. Brailled versions were also prepared for each of these products as listed below;

No.	Publications
1	Status of Equality And Inclusion In Kenya, 2017
2	Lost Childhood: Drivers Of Child Pregnancy In Kenya
3	Economic Burden of GBV
4	Duty Bearers' Handbook (Second Edition) on Ending GBV
5	Audit of Residential Homes for Older Persons In Kenya
6	Access to Basic Education by Children With Disability
7	Commission on the Status of Women: Conference Report 2012
8	Pre-Trial Detention for Persons With Disabilities in Correctional Institutions
9	Final Brief on Workshop on Kenya SB46 Submission
10	Impact of 2015/16, 2016/2017 budget on men, women, boys and girls in Kenya

The Commission reached out to 600,000 persons with these products through social media, website, and dissemination meetings among other forums. All products are available on our website and brailled copies in our offices.

3.2. Cultural Festivals in Thematic County celebrations.

The Commission participated in cultural festivals and thematic county celebrations in Marsabit, Nairobi, Isiolo and Lamu. The Commission used these forums to sensitize the public and participants on its functions. Over 1,800 participants were reached. In Isiolo, the Commission partnered with Northern Nomadic Disabled Persons Organization (NONDO) to mount a desert wheel race that was intended to dispel perceptions that associated disability with “curse and bad luck”

3.3. Celebration of International Days

3.3.1. The Day of the African Child

The Commission in collaboration with the Ministry of Labour and East African Affairs commemorated the Day of the African Child at Young Women Christian Association (YWCA), Likoni in Mombasa County. The day, marked on every 15th June attracted performances from children of all ages showcasing their unique talents and the rich diversity of the Kenyan coastal culture. The Commission urged parents to get more involved in raising their children.

3.3.2. The Day of Persons with Disability (PWD's) and Elderly

The Commission also participated in marking of the Day of the Elderly and that of Persons with Disabilities in the three counties of Kajiado, Kisii, and Uasin Gishu. The counties were targeted due to high incidences of violence against persons with disabilities and older persons recorded in the 2016/17 year.

NGEC through its regional offices supported Nakuru, Kisumu and Garissa counties to celebrate these international days. About 4,000 persons were reached with messages on equality and inclusion for special interest groups.

3.3.3 International Day for Rural Women 2016

The first International Day of Rural Women was observed on 15 October 2008. This new international day, established by the UN General Assembly in its resolution 62/136 of 18 December 2007, recognizes “the critical role and contribution of rural women, including indigenous women, in enhancing agricultural and rural development, improving food security and eradicating rural poverty.”

The 2016 theme for IDRW was “Ensuring the Empowerment of Rural Women through the Sustainable Development Goals” Earlier in July 2016 the Commission convened 47 women groups from all the 47 counties to showcase various innovations in Nairobi. The forum themed “celebrating innovativeness in the counties by women and their role in the domestication of the sustainable development goals” showcased a raft of unique projects run by dedicated women from the counties. Some of the projects displayed included beadwork, weaving and basketry, textile design, and social work among other. Cognizant of the fact that rural women hold the key to the realization of the Sustainable Development Goals (SDGs), the Commission did a follow-up of one of the rural women groups that exhibited in the July conference to assess the extent to which the projects are contributing to the realization of sustainable development goals and application of lessons during the July meeting.

The Commission visited Kiambu County where a rural women's group is involved

in weaving and basketry as an income generating activity. Following discussions, the Commission made the following recommendations to both national and county governments;

1. Implement empowerment programmes to improve the status of women in rural areas.
2. Promote rural womens' employment, decent work, and social protection;
3. Ensure rural womens' access to land and productive resources; and
4. Increase rural women food and nutrition security.

The Commission will follow-up on Cash Transfer issues raised by the women.

3.3.4 Other Celebrations

During the period under review, the Commission joined other stakeholders during the celebration of international human rights day, launch of 16 days of activism against Gender Based Violence and International Women's Day. Our regional offices supported Kisii, Migori, Bomet and Nairobi counties in holding these celebrations.

3.3.5 Exchange Visit by the Zimbabwe Gender Commission

The Commission hosted a delegation from the Zimbabwe Gender Commission while on an exchange visit to Kenya. The two Commissions identified areas of in which they can work together. The Zimbabwe Gender Commission was established under Section 245 of the new Zimbabwe Constitution and became operational in September 2015. The delegation sought to learn from NGEN what strategies they employ in supporting Parliament, non-state actors, the Judiciary and the Executive to advance the gender agenda.

CHAPTER FOUR

4.0. INSTITUTIONAL CAPACITY BUILDING

4.1. Human Resource

The Human Resource Management unit is tasked with the provision and coordination of all human resource management activities towards realization of the Commission strategic objectives. A human resource manual ensures that there is competent, qualified and motivated workforce to deliver on the Commission's constitutional mandate through optimal utilization of present and future human capacity with the right knowledge, skills, competencies and abilities. The department provides strategic and day-to-day support to various commission departments and programs.

During the reporting period, the Commission staff level grew from 60 to 71. The Commission also recruited 10 temporary employees to support various programmes and administrative units with non-technical skills. Legal staff, accountants, human resource officers, record keeping staff, management, administrative department, internal audit, and procurement officers received refresher trainings required for their technical and professional growth.

During the year under review, the Commission appointed eight officers as members of Occupational Health and Safety Committee, which will ensure a safe working environment, enhance safe work practices, reduce accident frequency and ultimately increase productivity while at the same time reducing losses which might be occasioned by work related accidents and subsequent compensation for injuries and losses due to disabilities caused by accidents at the workplace.

During the year, the Commission drafted eight internal policies to enhance internal efficiency within the Commission. The policies include; Transport Policy, HIV/AIDS Policy, Alcohol and Drugs Policy, Disability Policy and Information and Communication Technology (ICT) Policy.

4.2 Procurement

In the 2016-2017 financial year, the Commission allocated Ksh. 41,326,513.5 to Special interest Groups, out of which the actual expenditure stood at Ksh. 32,798,148.00, equivalent to 35.3 per cent..

4.3. Information and Communication Technology

During the financial year, the Commission enhanced internet connectivity for the headquarters and regional offices. The headquarters' internet capacity was upgraded to 15MB from the initial 10MB. Further, the Commission acquired six more QuickBooks licenses to support the finance unit with grant management and timely reporting of donor funds.

To ensure easier and effective communication with its stakeholders, NGEC launched additional telephone lines including new cell lines, a toll free number and bulk SMS services for the headquarters office. The numbers are;

- Safaricom number-----0709-375100
- Toll free number ----- 0800-720-187
- Telkom line- -----0203213100
- Bulk SMS short code- --20459

These communication services target the most vulnerable sections of the population seeking information and services from the Commission. The Commission can now be reached by clients at minimal costs.

Additionally, each of the regional offices was allocated a new communication line on Telkom platform as follows;

- Kisumu----- 0774755595
- Nakuru Office – 0774755593
- Garissa----- 0774755603

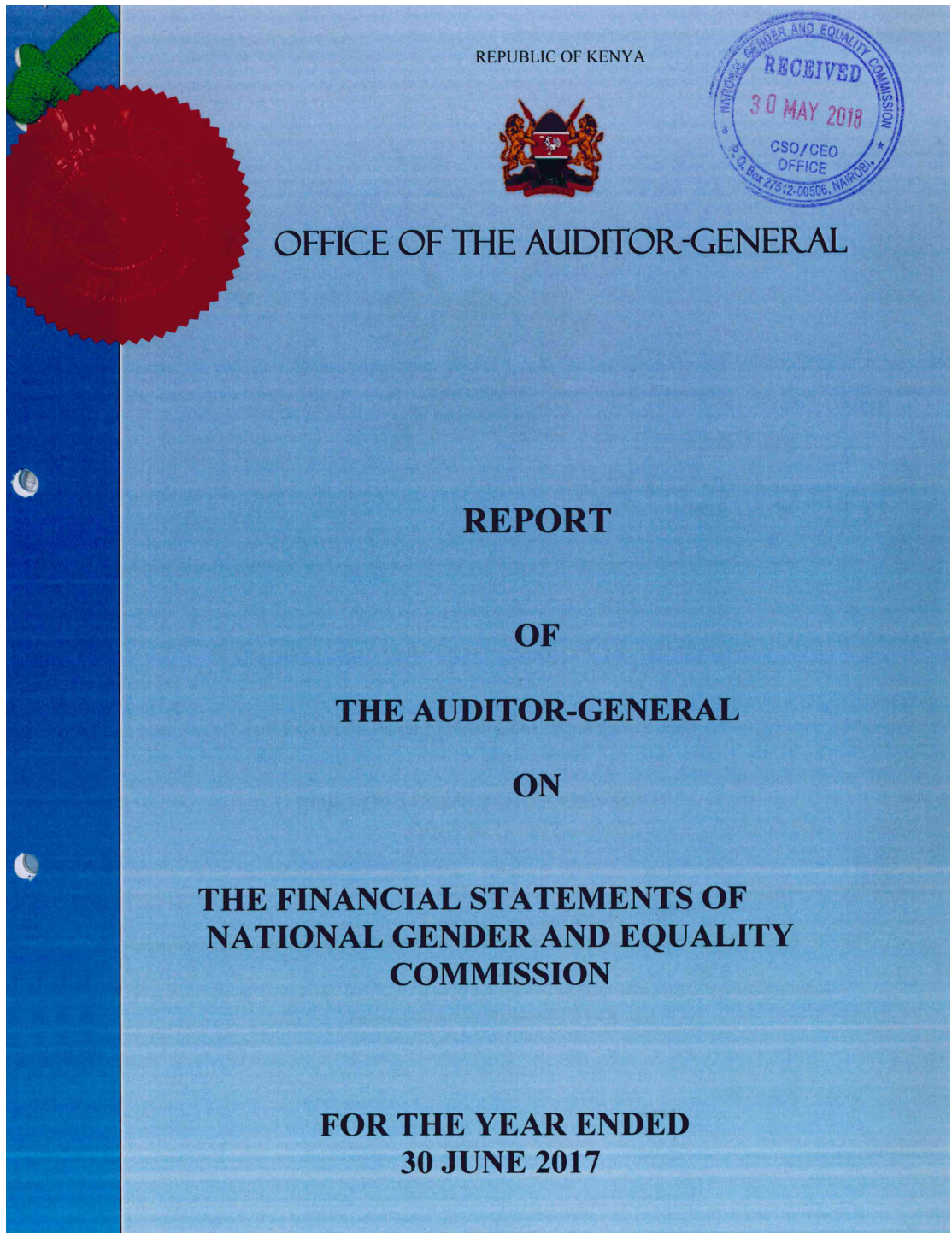
In a move towards enhancing communication during meetings, NGEC acquired an interactive board system with multiple features that include mail sending platform, short notes, and video capabilities amongst others.

4. 4 Monitoring NGEC Interventions in Counties

The Commission conducts annual review of county interventions using the county interventions monitoring framework. The framework shows frequency of interventions per county, thus providing opportunity for the Commission to assess and point out areas that may require interventions. During the year in review, the Commission had significant interventions in Nairobi, Kisumu and Nakuru, helped by the presence of NGEC regional offices and coordination meetings.

CHAPTER FIVE

5.0 AUDIT REPORT AND FINANCIAL STATEMENTS



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OFFICE OF THE AUDITOR-GENERAL

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE 2017

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of National Gender and Equality Commission set out on pages 1 to 17, which comprise the statement of financial assets and liabilities as at 30 June 2017, and the statement of receipts and payments, statement of cash flows and summary statements of appropriation - recurrent, development and 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 National Gender and Equality Commission as at 30 June, 2017, and 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 Act 2011.

In addition, as required by Article 229(6) of the Constitution, based on the procedures performed, I confirm that public money has been applied lawfully and in an effective way.

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 30 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 were no Key Audit Matters to report in the year under review.

Report of the Auditor-General on the Financial Statements of National Gender and Equality Commission for the year ended 30 June 2017

Responsibilities of Management and Those Charged with Governance for the Financial Statements

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

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 the management either intends to cease operations, or have no realistic alternative but to do so.

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.

Those charged with governance are responsible for overseeing the Commission's financial reporting process.

Auditor-General's Responsibilities for the Audit of the Financial Statements

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.

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.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances and for the purpose of giving an assurance on the effectiveness of the Commission's 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 going concern 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.



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

Nairobi

30 April 2018

**National Gender and Equality Commission
Reports and Financial Statements
For the year ended June 30,2017**

V. STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2016-2017 Kshs	2015-2016 Kshs
RECEIPTS			
Proceeds from Domestic and Foreign Grants	1	8,990,390	-
Transfers from National Treasury	2	381,200,000	309,000,000
TOTAL REVENUES		390,190,390	309,000,000
PAYMENTS			
Compensation of Employees	3	144,062,250	110,314,534
Use of goods and services	4	185,334,766	137,153,717
Social Security Benefits	5	18,500,000	43,700,000
Acquisition of Assets	6	42,260,386	11,596,178
Other Expenses		-	1,157,490
TOTAL PAYMENTS		390,157,402	303,921,919
SURPLUS/DEFICT		32,988	5,078,081

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 6th April 2018 and signed by:



**Finance Manager
Beatrice Cheruiyot**



**Ag. Commission Secretary/CEO
Sora Badu Katelo**

**National Gender and Equality Commission
Reports and Financial Statements
For the year ended June 30, 2017**

VI. STATEMENT OF ASSETS AND LIABILITIES

	Note	2016-2017 Kshs	2015-2016 Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	7	66,350,971	65,522,709
Cash Balances		-	-
Total Cash And Cash Equivalents		66,350,971	65,522,709
Accounts Receivables - Outstanding Imprest and Clearence Accounts		-	-
TOTAL FINANCIAL ASSETS		66,350,971	65,522,709
LESS: FINANCIAL LIABILITIES			
Accounts Payables - Deposits	8	45,470,081	44,674,807
NET FINANCIAL ASSETS		20,880,890	20,847,902
REPRESENTED BY			
Fund balance b/fwd	9	20,847,902	15,769,821
Prior year adjustments			
Surplus/Defict for the year		32,988	5,078,081
NET FINANCIAL POSSITION		20,880,890	20,847,902

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 6th April 2018 and signed by:



**Finance Manager
Beatrice Cheruiyot**



**Ag. Commission Secretary/CEO
Sora Badu Katelo**

National Gender and Equality Commission
Reports and Financial Statements
For the year ended June 30, 2017

VIII. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

Code	Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c=a+b	d	e=c-d	f=d/c %	
	RECEIPTS						
	Proceeds from Domestic and Foreign Grants	8,990,390		8,990,390	8,990,390	0	100%
	Exchequer releases	416,270,878	(29,300,443)	386,970,435	381,200,000	5,770,435	99%
	Total Receipts	425,261,268	(29,300,443)	395,960,825	390,190,390	5,770,435	99%
	Payments						
	Compensation of Employees	154,105,584	(7,000,000)	147,105,584	144,062,250	3,043,334	98%
21	Use of goods and services	204,437,886	(16,791,843)	187,646,043	185,334,767	2,311,277	99%
22	Social Security Benefits	18,500,000	0	18,500,000	18,500,000	0	100%
27	Acquisition of Assets	48,217,798	(5,508,600)	42,709,198	42,260,386	448,812	99%
31	Grand Total	425,261,268	(29,300,443)	395,960,825	390,157,402	5,803,423	99%
	Surplus/Deficit	0	0	0	32,988	(32,988)	

I. The development vote is a grant from UN Women running for one year from September 2016 to September 2017, the activity is on course and expected within the contract period

The entity financial statements were approved on 6th April 2018 and signed by:


Finance Manager
Beatrice Cheruiyot


Ag. Commission Secretary/CEO
Sora Badu Katelo

XI. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

Code	Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
		a	b	c=a+b	d	e=c-d	f=d/c %
	RECEIPTS			0			
	Proceeds from Domestic and Foreign Grants	8,990,390	0	8,990,390	8,990,390	0	100%
	Total Receipts	8990390	0	8,990,390	8,990,390	0	100%
	Payments			0			
	31 Acquisition of Assets	8,990,390	0	8,990,390	8,990,390	0	100%
	Grand Total	8,990,390	0	8,990,390	8,990,390	0	100%
	Surplus/Deficit			0	0	0	

The entity financial statements were approved on 6th April 2018 and signed by:


 Finance Manager
 Beatrice Cheruiyot


 Ag. Commission Secretary/CEO
 Sora Badu Katelo

National Gender and Equality Commission
 Reports and Financial Statements
 For the year ended June 30, 2017

2. TRANSFERS FROM NATIONAL TREASURY

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

Description	2016-2017		2015-2016
	Kshs		Kshs
Total Exchequer Releases for quarter 1	84,100,000		51,200,000
Total Exchequer Releases for quarter 2	71,600,000		92,800,000
Total Exchequer Releases for quarter 3	94,000,000		52,500,000
Total Exchequer Releases for quarter 4	131,500,000		112,500,000
TOTAL	381,200,000		309,000,000

**National Gender and Equality Commission
Reports and Financial Statements
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Insurance costs	25,792,523	18,538,282
Specialised materials and services	1,478,039	1,102,000
Office and general supplies and services	7,437,075	3,742,130
Other operating expenses	8,555,880	3,849,896
Routine maintenance – vehicles and other transport equipment	5,407,370	3,206,238
Routine maintenance – other assets	996,003	947,923
Fuel Oil and Lubricants	5,819,472	4,378,732
TOTAL	185,334,766	137,153,717

NOTES TO THE FINANCIAL STATEMENTS (Continued)

There was an increase in use of goods and services as a result of increase training and domestic travels due to:

- Increased number programmatic intervention carried out by the commission at grassroots level
- Increased work force following recruitment of new staff.

5. SOCIAL SECURITY BENEFITS

	2016-2017 Kshs	2015-2016 Kshs
Government pension and retirement benefits	18,500,000	43,700,000
TOTAL	18,500,000	43,700,000

Social Security benefits relate to staff gratuity payable upon exit.

National Gender and Equality Commission
Reports and Financial Statements
For the year ended June 30, 2017

6. ACQUISITION OF ASSETS

This represents refurbishment of offices, purchase of motor vehicles, office equipment and furniture

	2016-2017 Kshs	2015-2016 Kshs
Non Financial Assets		
Refurbishment of Buildings	2,488,000	1,307,459
Purchase of Vehicles and Other Transport Equipment	22,881,000	6,693,130
Purchase of Office Furniture and General Equipment	7,900,996	3,595,589
Research, Studies, Project Preparation, Design & Supervision	8,990,390	
Total	42,260,386	11,596,178

NOTES TO THE FINANCIAL STATEMENTS (Continued)

7. Bank Accounts

Name of Bank, Account No. & currency	2016-2017 Kshs	2015-2016 Kshs
<i>Central Bank of Kenya, 1000181532, Recurrent Kes- NATIONAL GENDER AND EQUALITY COMMISSION</i>	32,988	3,343,127
<i>Central Bank of Kenya, 1000182385, Deposits Kes - NATIONAL GENDER AND EQUALITY COMMISSION</i>	66,317,983	62,179,583
Total	68,505,974	65,522,709

National Gender and Equality Commission
 Reports and Financial Statements
 For the year ended June 30, 2017

8. ACCOUNTS PAYABLE

Description	2016-2017 Kshs	2015-2016 Kshs
Deposits	45,470,081	44,674,807
TOTAL	45,470,081	44,674,807

These comprises of 31% staff gratuity payable on expiry of the contract or exit whichever comes earlier

9. FUND BALANCE BROUGHT FORWARD

Description	2016-2017 Kshs	2015-2016 Kshs
Bank accounts	65,522,709	19,819,755
Payables – Deposits	(44,674,807)	(4,049,934)
TOTAL	20,847,902	15,769,821

10. RELATED PARTY DISCLOSURE

The commission did not have related part transactions for the year

11. PENDING BILL

The commission did not have any pending bill for the year

NOTES TO THE FINANCIAL STATEMENTS (Continued)

National Gender and Equality Commission
 Reports and Financial Statements
 For the year ended June 30, 2017

ANNEX 1 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost (Kshs.)	Additions during the year	Disposals During the year	Historical costs
	2015/16			((Kshs.) 2016/17
Buildings and structures	87,510,595	2,488,000	-	89,998,595
Transport equipment	70,386,260	22,881,000	-	93,267,260
Office equipment, furniture and fittings	48,764,686	7,900,996	-	56,665,682
ICT Equipment, Software and Other ICT Assets	12,508,956	-	-	12,508,956
Research and projects		8,990,390	-	8,990,390
Total	219,170,497	42,260,386	-	261,430,883

CHAPTER SIX

6.0 CHALLENGES, RECOMMENDATIONS AND PRIORITY AREAS

6.1. Key Challenges:

NGEC is dealing with a number of challenges and constraints which affect optimal operations and its effective and efficient execution of its mandate. These include:

i. Inadequate funding

On average, only about 30 per cent of the Commission's annual budget is available for programs. Furthermore, the Commission had little budget for public interest litigation cases despite its critical role on matters affecting special interest groups.

ii. Emergence of multi-dimensional issues of Special Interest Groups on economic and social aspects of life

During the year, more special interest groups suffered discrimination on access to health services (perhaps due to multiple industrial strikes by medical professionals), inadequate food (due to drought), lack of access to adequate water and sanitation due to drought, loss of livelihood and livestock due to diseases, economic hardships and lack of security sparked by emerging conflicts over pasture and water.

iii. Misconception of the term 'Gender'

The Commission faced challenges in hastening implementation of the not more than two-third gender principle, which have constitutional deadlines. The Commission sought audience with key stakeholders including parliament, professional bodies, and the Executive to influence their will to install a plausible formula on the implementation of the gender principle to avoid constitutional crisis. The key challenge is the misconception that the Bill is framed to give women 'free seats' in Parliament.

iv. August 2017 General Election

The Commission faced challenges in engaging Special Interest Groups for the 2017 general election due to amongst other factors the amendment of electoral laws just

months before elections. The time left was not adequate to create awareness among the SIGs aspirants, candidates and voters on the new legal requirements.

6.2. Recommendations

- i. Parliament to consider developing legislation to support implementation of Articles 100 and 81(b) of the Constitution of Kenya 2010.
- ii. The Executive through relevant institutions to develop a policy framework to guide the implementation of gender equality and inclusion agenda with modules guiding implementation of the affirmative actions and programs enshrined in the Constitution.
- iii. The Parliamentary Committee on Budget appropriation, and other relevant committees and the Treasury to consider revision of the annual programmes budget for the National Gender and Equality Commission to facilitate interventions for public litigation, public education and advocacy for gender equality in critical fields , and in monitoring implementation of affirmative actions and programs targeting Special Interest Groups.
- iv. Parliament gives feedback on the annual reports it receives each year as it follows up on the implementation of recommendations.

Priority areas

Programming around multi-dimensional issues and inequality among the SIGs:

- a) Contribute to equality and inclusion in national and county governments' programmes including curbing desertification.
- b) Generating more dis-aggregated data that unpacks information on SIGs
- c) Greater participation and presentation on the status of special interest groups at regional level including the East African Community (EAC) and African Union (AU).
- d) Preparing tools for monitoring the extent to which implementation of SDGs closes the gender gaps and inequalities faced by vulnerable groups.

APPENDIX

Members Of The Commission



Dr. Florence Wachira MBS
Ag. Chairperson: Nov 2017–Aug, 2018



Dr. Gumato Yatani
Commissioner



Mr. Sora Badu Katelo
Ag. Commission Secretary: Feb 2018



Winfred O. Lichuma; EBS
Chairperson: May 2011- Nov 2017



Comm. Simon Ndubai
Vice Chairperson: May, 2011-Nov, 2017



Mr. Paul K. Kuria
Ag. Commission Secretary:
2014-Feb, 2018



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