



**NGEC**

National Gender and  
Equality Commission

| Annual Report  
| 2017 - 2018





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**National Gender and Equality Commission**

1<sup>st</sup> Floor, Solution Tech Place, 5 Longonot Rd, Upper Hill, Nairobi

P.O. Box 27512-00506

Nairobi, Kenya

Landline: +254(020)3213100

Mobile: +254 (709)375100

Toll Free: 0800720187

SMS: 20459

[www.ngeckenya.org](http://www.ngeckenya.org)

Twitter: @NGECKENYA

[www.facebook.com/NGECKKenya](http://www.facebook.com/NGECKKenya)

**Kisumu Office**

Reinsurance Plaza, 3rd Floor, Wing B,

Oginga Odinga Street,

Kisumu Town.

**Nakuru Office**

Tamoh Plaza, 1st Floor, Kijabe Street,

Nakuru Town.

**Garissa Office**

KRA Route off Lamu Road, Province,

Garissa Town.

**Malindi Office**

Malindi Complex, off Lamu-Malindi Road,

Malindi Town.

**Kitui Office**

Nzambani Park, off Kitui Referral Hospital Road,

Kitui Town.

## **LIST OF ACRONYMS**

<b>CoG</b>	Council of Governors
<b>CAJ</b>	Commission on Administrative Justice
<b>CIOC</b>	Constitutional Implementation Oversight Committee
<b>CREAW</b>	Center for Rights Education and Awareness
<b>CRPD</b>	Convention on the Rights of Persons with Disability
<b>CSW</b>	Commission on the Status of Women
<b>GBV</b>	Gender Based Violence
<b>GDP</b>	Gross Domestic Product
<b>GRB</b>	Gender Responsive Budgeting
<b>IEBC</b>	Independent Electoral and Boundaries Commission
<b>JSC</b>	Judicial Service Commission
<b>KIPPRA</b>	Kenya Institute of Public Policy Research and Analysis
<b>KNCHR</b>	Kenya National Commission on Human Rights
<b>KNEC</b>	Kenya National Examinations Council
<b>MCDA</b>	Ministries, Counties, Departments and Agencies
<b>NCPWD</b>	National Council for Persons with Disability
<b>NGEC</b>	National Gender and Equality Commission
<b>ODM</b>	Orange Democratic Party of Kenya
<b>PWDs</b>	Persons with Disability
<b>SCAC</b>	State Corporations Advisory Committee
<b>SDGs</b>	Sustainable Development Goals
<b>SGBV</b>	Sexual and Gender Based Violence
<b>UN</b>	United Nations
<b>UNFCC</b>	United Nations Framework Convention on Climate Change
<b>VAGW</b>	Violence Against Girls and Women

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# STATEMENT FROM THE ACTING CHAIRPERSON

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I am pleased to present the National Gender and Equality Commission's (NGEC) 2017-18 Annual Report. This is the sixth report since the establishment of the Commission. We have continued to execute our mandate faithfully and diligently as stipulated in the Constitution of Kenya 2010 and the National Gender and Equality Commission Act No. 15 of 2011.

The Chairperson, Commissioner Winfred Lichuma and the Vice Chairman, Commissioner Joni Ndubai left the Commission on expiry of their contracts in November 2017. That left only two Commissioners; Dr. Florence Wachira and Dr. Gumato Ukur Yatani on board. The Commission had not recruited a Commission secretary by then and even the acting Commission Secretary Mr. Paul Kuria's contract ended in February 2018. Despite these and other challenges, The Commission made significant achievements during the financial year 2017-18.

The key programmatic interventions included monitoring the August 2017 General Elections, conducting audits and assessments of the status of various special interest groups among them youth and older members of society especially in regard to their participation in the various aspects of national development.

The Commission continued to enhance its engagement with county governments to advise, monitor and facilitate development of policies, laws, rules and administrative procedures that advance substantive equality for all Kenyans. During the reporting period, the Commission developed its second Strategic Plan now guided by a clearer understanding of its mandate. This strategic plan has an ambitious focus on key result areas aligned to the Government's Big Four agenda, Kenya Vision 2030 and Sustainable Development Goals. In the coming financial year 2018/2019 the Commission will begin implementing the new Strategic Plan.

I wish to acknowledge and appreciate the unwavering support of the Government of Kenya and the Commission's Development Partners for steadfastly offering both technical and financial support. I also wish to sincerely thank Commissioner Dr. Gumato Ukur and all the staff of the Commission for their support and contribution during the year and urge them to continue in their efforts in the forthcoming year.

It is my sincere hope that His Excellency, Hon. the President of the Republic of Kenya will appoint new Commissioners to replace those whose contracts ended to ensure continuity of the work of National Gender and Equality Commission.



**Dr. Florence Nyokabi Wachira, MBS.**  
**Ag. Chairperson**

## STATEMENT FROM THE AG. COMMISSION SECRETARY

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The 2017/18 financial year presented a rare opportunity that tested the Commission's resilience to deliver on its mandate under daunting challenges. At the outset, I wish to thank the lean team of Commissioners and members of staff who worked tirelessly to achieve the Commission's mandate during the transition period. Despite suffering deficits occasioned by budget cuts, the Commission undertook major interventions while leveraging on support by partners.

The Commission has been implementing a transitional Strategic Plan following the lapse of the First Strategic Plan 2013-2015. In the next financial year, the Commission will finalize a substantive blue print that will facilitate identification and implementation of strategies that will enhance integration of principles of gender equality and freedom from discrimination across all institutions in Kenya.

During the reporting period the Commission expanded its regional presence by commissioning two more regional offices in Kitui and Kilifi counties. The staff in these offices have helped enhance the coordination role bestowed on the Commission by establishing and convening gender technical working groups. During the year under review, the Commission allocated 35.6% of its overall procurement spending to youth, PWDs and women.

The achievements recorded by the Commission are attributable to a dedicated, competent and qualified staff at the Commission. We appreciate the involvement and participation of our key stakeholders who provided a useful springboard for our achievement.

  
for **Sora B. Katelo**  
**Ag. Commission Secretary**



## EXECUTIVE SUMMARY

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

This is achieved through a five-point strategic direction with the following key objectives:

1. Creating an enabling legal framework to achieve equality in compliance with the Constitution and other written laws, regional and international treaties and conventions.
2. Monitoring response to sexual and gender based violence
3. Mainstreaming issues of SIGs in the development agenda
4. Public education, communications and advocacy

This report is a summary of the key achievements of the past financial year 2017/18 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. The year 2017 witnessed huge challenges precipitated by the extended electioneering period that saw the repeat of the Presidential elections followed by political uncertainty and sporadic eruptions of violence that affected lives of children, youth and other vulnerable populations.

The Commission monitored the August 8, 2017 General Elections, with the main aim of observing the extent to which the election processes adhered to the principles of equality and inclusion with respect to special interest groups. Additionally, the Commission conducted a specific rapid assessment of the nine women gubernatorial candidate's campaigns. In a historic fete and a departure from the 2013 elections, 3 women were elected Governors in Kirinyaga, Kitui and Bomet counties, demonstrating a gain in women empowerment and a shift by the electorate in recognizing the capacity of women to offer political leadership.

The financial year 2017/2018 presented a watershed moment for the Commission due to transitions that came with the lapse of the tenures of the first chairperson and vice chairperson Commissioner Winfred Lichuma and Simon Ndubai respectively. The 3<sup>rd</sup> and 4<sup>th</sup> quarter

saw the Commission operate under the stewardship of two Commissioners, Dr. Florence Wachira in acting capacity as Chairperson and Dr. Gumato Ukur through the transition period. During this time, the Commission did not have quorum and therefore could not make or pass policy resolutions. In the secretariat, there were also some transitions in management that affected the smooth running of the Commission. Sora Katelo became the acting Commission Secretary in February following the exit of former acting CEO Paul Kuria after his contract expired in the same month.

Despite these transitions, the Commission managed to make monumental strides by establishing two more regional offices in Kitui and Kilifi counties. The Commission reviewed 35 Bills and Policies to assess compliance with Article 27 of the Constitution on equality and inclusion, issued 152 advisories to public institutions and agencies on violations of and/or adherence to the principles of equality and inclusion. The Commission also received and processed a total of 77 complaints on various forms of discrimination. The Commission also expanded its human resource pool with additional hiring of and replacement of both program and administration staff to serve in various capacities. By the end of the period under review, the Commission had 77 staff and 2 Commissioners.

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 strengthening its risk management functions. The audited accounts of the financial year 2017/2018 are presented in Chapter five while Chapter six describes the key challenges, recommendations and priority areas of the Commission for the financial year 2018/19.

# CHAPTER ONE

## 1.0 INTRODUCTION

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

The Commission headquarters is in Nairobi and five regional offices in Garissa, Kisumu, Nakuru Kitui and Kilifi. 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 had only two serving Commissioners i.e. Dr. Florence Wachira as the acting Chairperson and Commissioner Dr. Gumato Ukur following the expiry of Commissioner Winfred Osimbo Lichuma and Commissioner Mr. Simon Ndubai (Chairperson and Vice Chairperson respectively) tenures in November 2017. Additionally, Mr. Sora Katelo became the acting Commission Secretary in February 2018 after the tenure of then acting Commission Secretary Paul Kuria expired.

### 1.1 Functions of the Commission

The mandate of NGEC is spelt out under section 8 of the National Gender Equality C Act 2011 No. 15 of 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**

The powers of the Commission are provided under Article 252 of the Constitution and the NGEAC Act 2011, as follows:

- a) To conduct investigations on its own initiative or on a complaint made by a member of the public;

- b) Powers necessary for conciliation, mediation and negotiation;
- c) Powers to recruit its own staff, and
- d) Any other functions and powers prescribed by legislation, in addition to those conferred by this Constitution.

Vide Section 27 of the NGEC Act 2011 the Commission has 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.

Other powers include:

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

# CHAPTER TWO

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## 2.0 ACHIEVEMENTS FOR THE YEAR 2017/2018

**D**uring the period under review, the Commission realized significant achievements on its mandate and functions.

This chapter presents theme-based policy and programmatic achievements for the period.

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

#### **2.1.1 Review of Policies, Laws and Administrative Regulations**

The Commission has the responsibility 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 procedures. Related to this function, in 2017/18, the Commission reviewed 23 Bills and 11 Policies to assess compliance with article 27 of the Constitution on equality and inclusion summarized in Table 1.

**Table 1: Schedule of Bills and Policies Reviewed**

NO.	BILLS	CATEGORIES		
		COUNTY	NATIONAL	SENATE
1	Public Participation Bill of 2017			✓
2	Persons with Disability Bill of 2017		✓	
3	Office of the County Attorney Bill of 2018			✓
4	Children's Bill 2016		✓	
5	The Draft Land Value Index Law (Amendment) No. 3 of 2018		✓	
6	The Constitution of Kenya Amendment Bill of 2018. (No. 4 of 2018)			✓
7	The Division of Revenue Bill of 2018. (No. 7 Of 2018)		✓	
8	County Government Retirement Scheme Bill of 2018. (No. 10 of 2018)			✓
9	Tax Laws Amendment Bill of 2018 (No. 11 Of 2018)		✓	
10	The Health Laws Amendment Bill of 2018		✓	
11	The Equalization Fund Appropriation Bill of 2018		✓	
12	The Saccos Society Bill of 2018		✓	
13	The National Youth Service Draft Bill of 2018		✓	
14	Busia County Education Support Scheme Bill of 2017	✓		
15	Kakamega County Maternal Child Health and Family Planning Bill of 2017	✓		
16	Uasin Gishu County Enterprise Development Fund Amendment Act 2017	✓		
17	Turkana Persons With Disabilities Act 2017	✓		
18	Tana River County Water And Sanitation Services Act of 2017	✓		
19	County Government Amendment Bill 2018	✓		
20	The Data Protection Bill No. 16 of 2018			✓
21	The Care and Protection of Older Members in the Society Bill No. 17 of 2018			✓
22	The County Early Childhood Education Bill of 2018			✓
23	Mombasa County Education Development Act Amendment, 2017	✓		

SN.	POLICIES
1	Public Participation Policy
2	The Youth Policy 2017
3	The Community Protection Policy, 2017
4	The National Education Sector Policy
5	CRA second policy on the criteria for identifying marginalized areas
6	National school meal and institution strategy 2017 – 2022
7	Development of spaces policy for survivors of violence policy for survivors of violence and negligence
8	Review of the water policy 2018 in respect to the devolved function and Big Four Agenda
9	The National Policy framework for the implementation of the Sexual Offences Act 2006.
10	The review of the Kenya National Strategy for the prevention and control of non-communicable diseases
11	Review National housing policy in respect to Big 4 Agenda.

### 2.1.2 Public Interest Litigation

In 2017/18, the Commission was involved in 10 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. These are summarized in table 2.

**Table 2 No. of cases the Commission received, 2017-2018**

NO.	CASE NUMBER	OVERVIEW OF THE CASE	STATUS
1	Petition 313 of 2015	The issue in the matter is whether the term “gender” as contained in the constitution connotes the conventional binary male or female genders or includes a ‘3 <sup>rd</sup> gender’ and whether or not more than two-thirds gender discourse should include a 3 <sup>rd</sup> gender with a distinct quota in the National Assembly and the Senate.	Case pending hearing
2	Petition 12 of 2016	The matter concerns the National Assembly’s act vide the Statute Law (Miscellaneous Amendment) Act, 2015 to delete section 14 (b) of the National police Service Act (No. 11A of 2011) which was a key provision containing the Constitutional framework for mainstreaming gender equality in the National Police Service especially at top leadership as required by Article 27(6) and (8) of the Constitution which the Commission challenges	Interlocutory ruling issued denying the commission conservatory orders
3	Petition 605 of 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	Hearing of the matter ongoing; NGEC has prepared an amicus brief for filing at the close of the case.



4	Petition 606 of 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	Hearing of the matter ongoing. NGENC has prepared an amicus brief for filing at the close of the case.
5	Petition 266 of 2015, FIDA and others vs. Ministry of Health and others,	The matter concerns the 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 woman is in danger.	Hearing of the matter finalized.  Case pending highlighting of written submissions
6	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 of 2017. Case pending hearing and determination.
7	Judicial Review case No.11 of 2017 of 17 <sup>th</sup> January 2017.	The matter in contention concerns the appointment of members to the National Climate Change Council to represent the civil society by the parliament.  The proposed members of the council did not meet the two-thirds gender principle as required by section 7 of the Climate Change Act, No. 11 of 2016 informing our joining the case	Judgement delivered by Lady Justice E. Aburili. Case on appeal.  Notice of Appeal filed on 12 <sup>th</sup> October, 2018
8	Petition No. 371 of 2017	The matter concerns the 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 General elections 2017.  National Assembly and Senate filed Civil Appeal No. 148 of 2017
9	Civil Appeal No. 148 of 2017	The National Assembly and Senate appealed the judgement of Mativo in Petition 371 of 2016 which gave parliament 60 days to enact legislation from March, 29 <sup>th</sup> 2017.	Hearing of the matter finalized. Case pending judgement.
10	Civil Appeal No.28 of 2017 on Social Assistance Act, 2013	The matter concerns the Cabinet Secretary, the Ministry of Labour and East African Community Affairs & another acting ultra vires and its failure to implement the Social Assistance Act 2013 and it acting ultra vires in contravention with article 43 of the Constitution of Kenya 2010.	Case dismissed at the High Court. Appeal filed out of time and this did not proceed

### 2.1.3 Advisories

One of the key functions of the Commission is to monitor, facilitate and issue advisories on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and regulations.

In 2017/18, the Commission issued 152 advisories to public institutions and agencies on adherence to the principles of equality and inclusion. Such institutions included; Office of the President, the National Treasury, Public Service Commission, Governors in the all Counties, all the County Assemblies, all the County Public Service Boards, the National Assembly, the Senate, ministries, departments and agencies and the general public. During the year, the Commission did not issue any advisory to the private entities. This shall form part of our plan in the next financial year. Table 3 presents a summary of some of the advisories issued.

**Table 3 :Schedule of advisories issued, 2017-2018**

NO.	Purpose	Conflict	Recipient	Outcome
1.	Advisory on Treasury circular No. 13/2016 on commitment control and expenditure measures	The National Treasury issued a circular reviewing and rationalizing of expenditure on some of the items in the 2016/17 budget by all Ministries, Departments and Agencies (MDAs) including independent offices and constitutional Commissions affecting the operations of the Commission.	The National Treasury	The Commissions and independent offices got huge budget cuts. Advisory not respected.
2.	Advisory to the Garissa County Public Service Board on implementation of equality and inclusion principles in recruitment	There arose an issue in the recruitment process of Chief Officers which, on the face of it, breached equality and non-discrimination principles espoused in Article 10, 27 and 232(1) (g) (i), (2) (a) of the Constitution and specifically, the not-more than two-thirds gender principle as provided in Article 27(8) and section 10 (2) (b) of the Public Service (Values and Principles) Act No. 1A of 2015 which gives effect Article 232 of the Constitution.	Garissa County Public Service Board Garissa Governor	The Commission to follow up

3.	Advisory to National and County Governments on implementation of equality and inclusion principles in recruitment, appointments and nominations ( Formation of Governments and departments)	In line with our mandate, the Commission issued advisory enumerating the key principles for noting and implementation by the National and County Governments on inclusion and equality as they embark on constituting their new governments. At the national level, the advisory addressed H.E the President, Parliament and the Public Service Commission while at the county level, it addressed Governors, County Assemblies, County Public Service boards, County Assembly Service Boards and the general public.	<p>The President</p> <p>National Assembly</p> <p>Senate</p> <p>Public Service Commission</p> <p>Governors in the 47 counties</p> <p>The 47 County Assemblies</p> <p>The 47 County Assemblies Service Boards</p> <p>The 47 County Public Service Boards</p> <p>General Public</p>	Advisory largely implemented
4.	Advisory as to why NGEC should remain a distinct Article 59 Commission	Following expiry of 5 years since establishment of the three Article 59 Commissions namely National Gender and Equality Commission, Kenya National Commission on Human Rights and Commission on Administrative Justice, there was debate on merger of the Commissions. In its advisory, NGEC argued strongly against its merger in order to continue being the public's eyes on matters of Gender Equality and freedom from Discrimination. NGEC further stated that mergers have the risk of losing strategic clarity and focus in mainstreaming issues of SIGs in National Development. We therefore urged for the Commission to be strengthened to fully deliver on its very wide and challenging mandate to ensure a just Gender Equal Society where everyone counts and everyone is included.	<p>Constitutional Implementation Oversight</p> <p>Constitutional implementation Oversight Committee (CIOC), National Assembly</p> <p>Justice and Legal Affairs Committee National assembly</p> <p>Senate Committee on Justice, Legal Affairs and Human Rights</p>	The merger did not happen and consultations continued

## 2.1.4 Powers relating to investigations

NGEC's mandate includes but not limited to receiving, processing and offering redress to complaints that are in respect to violation of the principles of equality and freedom from discrimination. The complaints emanate from lodged claims. In 2017/18 financial year, the Commission received a total of 77 complaints on violation of the principles of equality and inclusion.

The complaints revolved around property ownership of SIGs, Gender based violence, social economic rights, and violations of rights by State and other actors and discrimination based on disability. Table 4 summarizes complaints received, processed and/ or referred.

**Table 4: Complaints received, processed and/or referred: 2017-18**

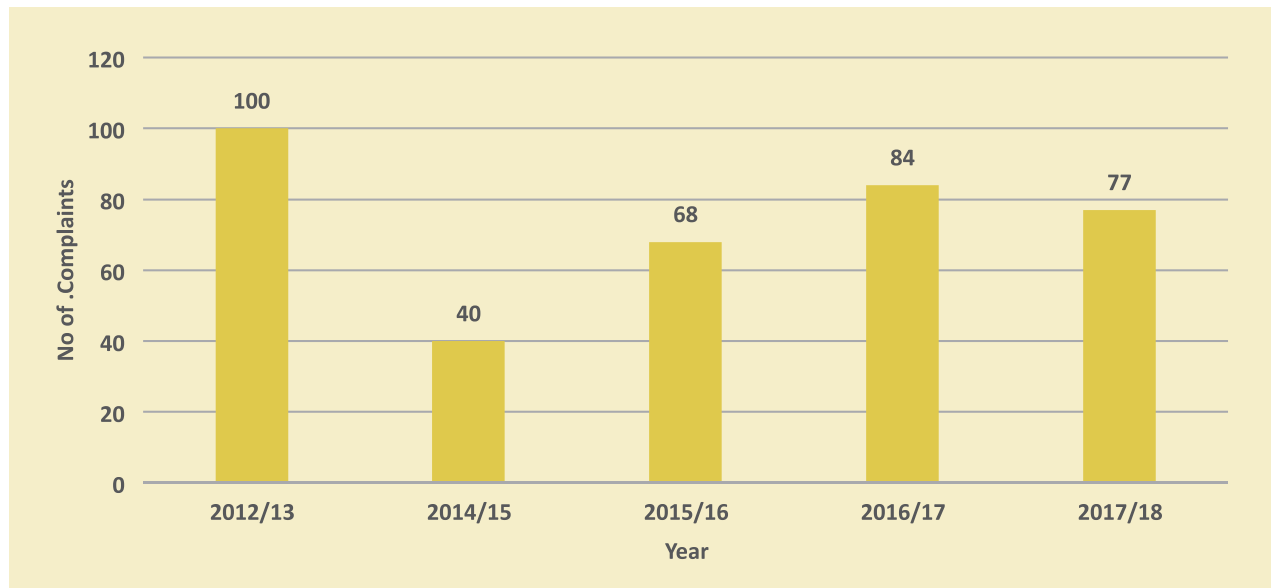
NO.	REF. NO.	GENDER/ SIG	SUMMARY OF COMPLAINT	STATUS AS OF JUNE, 2018
1	NGEC/106/2017	Female	Spousal maintenance	Recommended for closure
2	NGEC/58/2017	Female	Social assistance	Ongoing
3	NGEC/108/2017	Female	Alleged flouted election procedure	ongoing
4	NGEC/69/2017	Female	Social assistance and support	ongoing
5	NGEC/51/2017	TCPAK	Discrimination in employment by PSC	Ongoing
6	NGEC/82/2017	Female	Alleged flouted nomination procedure	Ongoing
7	NGEC/80/2017	Male	Alleged flouted nomination procedure	Ongoing
8	NGEC/53/2017	Female	Matrimonial property and Children's support	Ongoing
9	NGEC/78/2017	Female	Election petition	Resolved through the election petition
10	NGEC/97/2017	Female	Social assistance	Referred
11	NGEC/50/2017	Male	Alleged flouted party nominations	Investigation pending
12	NGEC/55/2017	Male	Alleged flouted nomination procedure	Inquiries ongoing
13	NGEC/46/2017	Male	Alleged flouted nomination procedure	Closed
14	NGEC/61/2017	Male	Alleged flouted nomination procedure	Inadmissible
15	NGEC/49/2017	Female	Seeking child custody	Ongoing
16	NGEC/57/2017	Female	Nomination application	Inadmissible
17	NGEC/111/2017	Female	Parental abduction of child	Unresponsive complainant
18	NGEC/56/2017	Male	Election offence	Inadmissible
19	NGEC/93/2017	Female	Social assistance	Inadmissible
20	NGEC/86/2017	Female	Child support	Inquiry ongoing
21	NGEC/60/2017	Female	Domestic violence -	Inquiry ongoing
22	NGEC/71/2017	Female	Election malpractice	Inadmissible
23	NGEC/90/20-17	Female	Social assistance	Inadmissible
24	NGEC/52/2017	Male	Party nominations	Inquiry ongoing
25	NGEC/64/2017	Female	Election compensation	Closed
26	NGEC/87/2017	Female	Abuse of office	Closed
27	NGEC/103/2017	Female	In need of social protection	Inadmissible

28	NGEC/109/2017	Female	Delay in investigation of previous complaints	Inadmissible
29	NGEC/98/2017	Female	Social assistance and protection	Inadmissible
30	NGEC88/2017	Female	PWD registration	Inadmissible
31	NGEC/79/2017	Female	Alleged removal of names from nominations list	Inadmissible
32	NGEC/89/2017	Female	Alleged denial of access to farmland	Inadmissible
33	NGEC/48/2017	Female	Alleged discrimination of PWDs in party nominations.	Admissible
34	NGEC/63/2017	Female	Seeking custody of children from deceased husband's relatives	Inadmissible
35	NGEC/74/2017	Female	Alleged election offence- name regarding jubilee party nomination	Inadmissible
36	NGEC/77/2017	Female	Alleged adoption of an infant without the mother's consent	Inadmissible
37	NGEC/1/2018	Female	Domestic violence and family abduction of a minor.	Matter Taken To Court
38	NGEC/3/2018	Female	Alleged police misconduct	Matter's in Court
39	NGEC/4/2018	Female	Alleged discrimination on the basis of gender.	Closed at the request of the Complainant
40	NGEC/O5/2018	Marginalized Community	Alleged discrimination of the marginalized community by the county government.	Non-Responsive Respondent
41	NGEC/06/2018	Male	Alleged electoral misconduct	Matter In Court
42	NGEC/07/2018	Female	Alleged gender based violence & intimidation	Non-Cooperative Complainant
43	NGEC/08/2018	Male	Unresponsiveness by public officers.	Complaint is Vexatious
44	NGEC/09/2018	Female	Alleged fraudulent acquisition of land	Matter In Court
45	NGEC/10/2018	Male	Alleged failure to abide by art. 27	Non-Responsive Respondent
46	NGEC/11/2018	Male	Alleged discrimination and misrepresentation of the Suba community	Awaiting response from the respondent
47	NGEC/12/2018	Female	Alleged police misconduct.	Matter closed after referral to IPOA
48	NGEC/13/2018	Female	Alleged discrimination of the respondent on the basis of her HIV status and mental health	Closed under instructions of the complainant
49	NGEC/14/2018	Male	Alleged exploitation of a person with intellectual disability	Closed
50	NGEC/15/2018	Marginalized Community	Alleged failure to apply principles of affirmative action when recruiting officers to the Kenya Defence forces	Advisory written to the Ministry of Defence
51	NGEC/16/2018	Female	Alleged assault and attempted rape	Closed
52	NGEC/17/2018	Female	Alleged abandonment of responsibilities towards former employee injured in the line of duty.	Unresponsive Complainant
53	NGEC/18/2018	Female	Matrimonial dispute.	Awaiting response from the respondent
54	NGEC/19/2018	Female	Alleged defamation of character & child neglect	Matter is in Court

55	NGEC/20/2018	Female	Kenyan disabled woman of Asian descent with an epileptic child with a dual citizenship by dint of marriage complained of denial of a visa to seek medical treatment of her daughter, see her ailing mother and collect her savings from a British Bank account	Closed
56	NGEC/21/2018	Female	Alleged sexual assault and confinement of PWD.	Complainant is unreachable.
57	NGEC/22/2018	Male	Alleged unlawful transfer of land	Awaiting Response from the Respondent
58	NGEC/23/2018	Female	Unlawful withholding of livestock.	Solved through negotiation
59	NGEC/24/2018	Female	Seeking reinstatement to her former position	Closed
60	NGEC/25/2018	Male	Alleged discrimination against pastoralist communities in Kitui constituency	Referred to National Cohesion and Integration Commission
61	NGEC/26/2018	Male	Unfair treatment and transfer to an inaccessible environment	Awaiting Response from the complainant
62	NGEC /27/2018	Male	Complainant failed to send back the complaint form and thus the nature of his complaint cannot be established	Awaiting Complaint Form
63	NGEC/28/2018	Female	Alleged failure to disburse death gratuity	Awaiting Response from the Respondents
64	NGEC/29/2018	Male	Discrimination during the Sacco's elections.	Awaiting Response From Respondent
65	NGEC/30/2018	Female	Alleged failure to abide by affirmative principles	Unresponsive complainant
66	NGEC/31/2018	Male	Alleged unfair and unlawful termination	Complaint put on hold upon Iinstructions from the Complainant
67	NGEC/33/2018	Female	Gender discrimination In succession	Matter in Court
68	NGEC/34/2018	Female	Alleged unlawful detention of her husband	Referred to IPOA
69	NGEC/35/2018	Female	Desertion	Closed
70	NGEC/36/2018	Female	Alleged abduction and sale of an infant	Preliminary Investigations Report
71	NGEC/37/2018	Female	Abduction and sale of new-born baby at Matata Hospital in Kisii	Closed
72	NGEC/38/2018	Male	Sought the release of his Son who is a PWD	Closed
73	NGEC/39/2018	Female	Complainant was seeking psychological support to testify in Court.	Closed
74	NGEC/40/2018	Male	Alleged issuance of threats & matrimonial issues.	Awaiting response from the respondents.
75	NGEC/41/2018	Male	Alleged administrative failure by Lugari Country Officials	Matter referred to IPOA
76	NGEC/42/2018	Female	Seeking child support	Awaiting response from respondent
77	NGEC/43/2018	Male	Seeking an apology from the restaurant	Ongoing

**Fig. 1: Summary of complaints processed 2012/13 - 2015/16, 2016/17, and 2017/18**

The total number of complaints in 2017/2018 reduced as compared to 2016/17 as shown in Figure 1. Unlike other year, complaints were filed by all special interest groups the Commission works for.



**Data Source: NGEN Database 2018**

#### **2.1.4 International and Regional Reporting Mechanism**

##### **Convention on all Forms of Discrimination Against Women (CEDAW) Kenya’s 8<sup>th</sup> Periodic Report**

One of the functions of the NGEN is to act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups, the marginalized persons, women, persons with disabilities and children. During the year under review, the Commission participated in the development of the Kenya’s 8th Country periodic report to the Convention on all Forms of Discrimination Against Women (CEDAW). This process was spearheaded by the Ministry of Public Service, Youth and Gender Affairs in consultation with various actors in the area. The Commission provided data and evidence towards the implementation of CEDAW.

As a follow up to the CEDAW, the Commission with support of development partners organized a workshop through which it disseminated the State observations to Kenya’s 8<sup>th</sup> Periodic report. Some of the observations that required State response include, report on realization of the two thirds gender principle, provision of shelters and marital property rights in the case of polygamy among others.

##### **The 62<sup>nd</sup> Commission on the Status of Women (CSW)**

The Commission participated in the preparation of the Kenya Country Position Paper for the 62nd Session of the Commission on the Status of Women. The theme for the year was “Challenges and opportunities in achieving gender equality and the empowerment of rural

women and girls”. The process was spearheaded by the Ministry of Public Service, Youth and Gender Affairs and brought together Constitutional Commissions, Government Agencies and Non - State Actors.

The Commission made a presentation on; “Ending Violence against Women – Opportunities and Challenges of ICT”. The side event provided opportunity to bring together delegates from around the world to emphasize the importance of ICT in empowering women, but also draw attention to the challenges and drawbacks women face.

### **Convention on the Rights of Persons with Disability (CRPD)**

The Commission participated in the 11th session of the Conference of States Parties to the CRPD, in United Nations Headquarters, New York, from 12<sup>th</sup> to 14<sup>th</sup> June 2018. The overarching theme was “**Leaving no one behind through the full implementation of the CRPD**”.

The Commission participated on the sub-themes of the conference namely; National fiscal space, public-private partnerships and international cooperation for strengthening the implementation of the CRPD, women and girls with disabilities and political participation and equal recognition before the law. The Commission participated in the development of the Kenya’s Country position report and provided data on level and trends of equality and inclusion of persons with disability. The Commission demonstrated how women and persons with disability suffer multiple discrimination.

### **The UN open-ended Working Group for Elderly Members of Society and Aging**

The Commission participated in the 8<sup>th</sup> Session of the open ended working group on ageing from 5<sup>th</sup>-7<sup>th</sup> July 2017 at United Nations Headquarters in New York. The session focused on two cluster issues namely equality and non-discrimination and neglect, violence and abuse. The Commission presented a paper to inform the Kenya’s Country position report on older persons and made recommendations to have a Convention on older persons and the ageing.

### **Climate Change in National and Regional level**

The Commission is the secretariat for the Africa Working Group on Gender and Climate change (AWGGCC). Since 2014, the Commission through the AWGGCC has undertaken various initiatives bringing to the fore issues of gender and climate change related issues at Africa and international level. In Kenya the Commission facilitates integration of principles of equality and inclusion in environment and climate change. As part of this, the Commission was nominated to a national task force to develop Kenya’s Climate Change Action Plan (NCCAP 2018 – 2022). The task force was formed through the Climate Change Act 2016 under section 13 which recognizes NCCAP as the key planning document for mainstreaming and implementing the climate change response actions in Kenya. The draft action plan was developed and validated by various stakeholders both at the National and County levels and has since been launched to guide actions in climate change.



## **2.2 Mainstreaming Issues of SIGs in the Development Agenda**

### **2.2.1 Assessment of Equality and Inclusion in Public Institutions**

#### **a) Equality and Inclusion in Primary Schools**

During the year under review, the Commission concluded the assessment of gender equality and inclusion in Kenyan Primary Schools. The activity examined gender parity indices in enrollment, transition, completion and performance and was conducted in five counties of Kilifi, Embu, Nyeri, Kericho and Kakamega. The assessment also covered gender representation in leadership and management, school infrastructure and environment for inclusiveness. It sought to assess head teachers and teachers understanding of gender. 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.

From the findings, the study concludes that majority of primary schools make provision for inclusive learning for all children in terms of infrastructure and activities undertaken. The study recommends that teacher training should include gender equality and inclusion; that measures should be put in place to ensure that all children that are eligible for admission are in school and that Government policies on inclusion be fully implemented to allow children with disability to access education opportunities. There is also need to enhance the participation and representation of women and persons with disability in the leadership of primary schools to promote diversity in line with national policies requiring gender parity in the appointment of school managers.

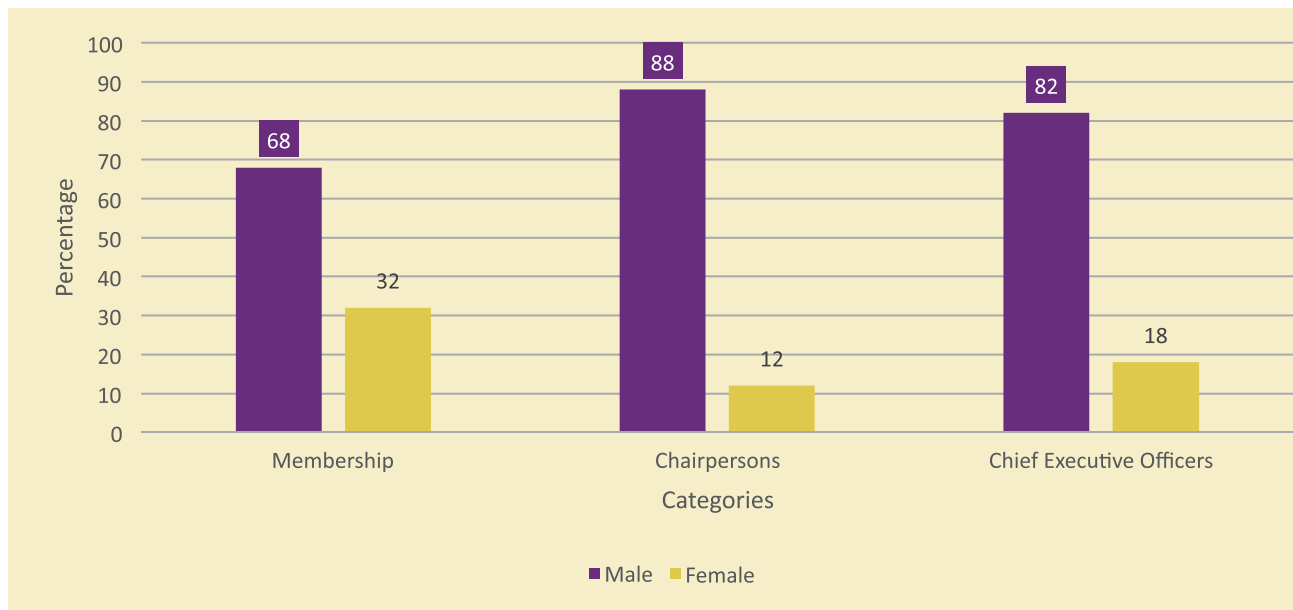
#### **b) Equality and Inclusion in Public Universities**

The Commission held sensitization meetings with University students on gender equality and inclusion. Sixty-nine students from Egerton University were sensitized on the mandate and functions of the Commission and the principles of gender equality and inclusion in the university education system. In the same year, the Commission held discussions with Chuka University on application of principles of equality and inclusion in the university curriculum, infrastructure, research, recruitment and in staff and student's welfare.

#### **c) Equality and Inclusion in State Corporations**

In the year under review, the Commission conducted a rapid assessment in 218 State Corporations to assess the extent of inclusion of special interest groups in their appointments and nominations. The assessment involved data mining from parastatal portals and follow up phone calls with human resource departments and in-depth interview discussions with State Corporation Advisory Committee and the National Capital Markets Authority. Out of the 218 assessed parastatals, there were 1,439 members, out of which 455 members were female (32%) and the rest 984 (68%) male as shown in Figure 2.

**Fig. 2: Distribution of appointments by gender in State Corporations**



Out of the 218, a total of 198 State Corporations were further assessed to find out the gender representation of Chairpersons to the board. 23 State Corporations were chaired by women, representing 12% women in leadership while the rest 175 (88%) were chaired by men.

Out of the 218 Parastatal bodies assessed, NGECA further established gender representation for the post of the Chief Executive Officer. 39 state Corporations were managed by women (18%) as compared to 179 Corporations managed by men (82%)

In view of the findings the Commission concludes that there is still gender inequality in appointments to State Corporations and recommends that;

- a) Parliament fast tracks the passing of the not more than two thirds gender bill to provide framework for realization of gender representation in all aspects of development in Kenya.
- b) The State Corporations Advisory Committee (SCAC) enforce State Corporations Regulations including providing fully disaggregated data of appointed members by gender, ability and age.

#### **d) Monitoring Equality and Inclusion among Ministries, Counties, Departments and Agencies (MCDAs)**

The Commission is responsible for monitoring mainstreaming of gender equality and inclusion in all government Ministries, Department, Agencies and in all county Governments. Since 2014, the Commission with support from the Ministry responsible for gender developed a gender mainstreaming tool that obligates MCDAs to submit to the Commission quarterly and annual reports. These reports trace the level and trends in gender mainstreaming at Government level and provide evidence on areas of improvement and scale up.

In the FY 2017/2018, the Commission received gender mainstreaming reports from 92 MCDAs. The Commission noted that reporting rates has declined over the period. This is mainly attributed to the fact that the 2017/18 County and National Performance Contracting (PC) Guidelines excluded gender indicators.

The Commission also undertook sensitization of various agencies which included Competition Authority of Kenya, Commission for University Education, Kenya Electricity Transmission Company, Kitui County Government and National Aids Control Council on compliance with performance contracting requirements.

### **2.2.2 Assessment and Audit of Equality and Inclusion among the Special Interest Groups**

#### **a) Older members of society**

In 2017-2018 the Commission conducted public education forums in fifteen selected Counties to establish issues affecting older members of society. The proceedings of the forum were shared out to inform the legal and policy provisions protecting older members of the society. The selected counties included: Mombasa, Kilifi, Kwale, Kiambu, Murang'a, Kirinyaga, Trans Nzoia, Uasin Gishu, West Pokot, Busia, Siaya, Bungoma, Nakuru, Nyandarua and Nyeri.

The education sessions brought together stakeholders to discuss rights and obligations for older members of society. Focus group discussions were held with police officers, faith based organizations, chiefs, youth leaders, older members of the society and care givers.

Desk review of relevant legal and policy documents was undertaken. The fora revealed that issues affecting older members of the society are diverse and interlinked. They range from health, abuse, neglect, economic deprivation and insecurity. Social protection targeting older members of the society initiated by the government has been beneficial to them. However, it is marred by various challenges among, them mismanagement and corruption during disbursement of funds

#### **b) Ethnic Minority and Marginalized Communities**

Kenya has for a long time lacked comprehensive data on ethnic minority and marginalized groups. This has resulted in double marginalization of the group. The Commission conducted a study to map out their settlements in all the 47 counties. The study dubbed "*Unmasking Ethnic Minorities and Marginalized Communities in Kenya*" documents the challenges minority and marginalised groups face in regards to participation and representation in the development agenda both at the National and County level. The study findings indicate that there is presence of ethnic minorities and marginalized groups in all the 47 counties. Notably, there are some smaller ethnic minorities who are undocumented including the *Yiaku* of Laikipia County, *Tswakans* of Kwale County, *Terik* of Vihiga County, *Pare* of Taita Taveta County, *Bungomek* of Bungoma County among others.

The report documents county specific issues relating to ethnic minority and marginalized groups which include limited political representation, unemployment, illiteracy, lack of

social amenities, retrogressive cultural practices and lack of basic infrastructure among others. The findings are expected to inform State and non-State actors in identifying areas of focus when addressing issues affecting ethnic minorities and marginalized groups in Kenya. The report will ensure meaningful and greater participation of these groups in elections, national and county development and projects. The Commission intends to disseminate the report to all stakeholders and public at large.

### 2.2.3 Coordination of Stakeholders on Matters of Equality and Inclusion

In order for NGEAC to fulfil its mandate on all matters of equality and inclusion, the Commission organizes thematic based coordination meetings bringing together critical actors (national, county private and where possible individuals) to discuss emerging and priority issues in equality and inclusion. Table 5 presents the coordination meetings by thematic area for the year under review.

**Table 5: Schedule of coordination meetings held, 2017-2018**

THEME	NO. OF MEETINGS HELD	CRITICAL ISSUES DISCUSSED
Gender and Women	12	<ul style="list-style-type: none"> <li>Review of Sexual offenses Act 2006</li> <li>Development of National Policy on sexual offenses</li> </ul>
Minority and marginalized	4	<ul style="list-style-type: none"> <li>Validation of composition of ethnic minority and marginalized communities</li> <li>Strategies for including minority and marginalized groups in elections</li> </ul>
Review of the National Climate Change Action Plan 2018-2022 (NCCAP 2018-2022) (Lake Region Counties, Rift, Northern Kenya and Coastal Region)	4	<ul style="list-style-type: none"> <li>Development of regulations that govern the Climate Change Plans in the country to enshrine the role of the County Governments in Climate Change.</li> <li>Address women's specific vulnerability to natural disasters as well as understanding their role of in agriculture and food production.</li> </ul>
Youth and Children	8	<ul style="list-style-type: none"> <li>Address the pace of enactment of the Children's Bill and review process in the development of National Youth Policy.</li> </ul>
Model County GBV Legal Frameworks and Policy	3	<ul style="list-style-type: none"> <li>Strengthening counties' efforts towards comprehensive prevention, response and coordination, monitoring and building evidence. (Bungoma, Wajir and Kwale)</li> </ul>
Gender Mainstreaming Strategic Plan- Kisumu County	3	<ul style="list-style-type: none"> <li>Reviewing Kisumu County Gender Mainstreaming Strategic Plan 2018-2022</li> </ul>
Gender Mainstreaming	1	<ul style="list-style-type: none"> <li>Consultation and developing Gender Mainstreaming Concept note to assist the County Assembly Gender Committee influence increased budget allocation from the County Government of Taita Taveta)</li> </ul>

Coordination Multi-sectoral working groups, Strategic Partnerships and Alliances meetings on SIG's at County level (Wajir, Kwale, Kilifi)	3	<ul style="list-style-type: none"> <li>Facilitation of the duty bearers training on ending GBV</li> </ul>
Dialogue on perceptions of Cultural acceptance of GBV and championing political participation of SIGs	1	<ul style="list-style-type: none"> <li>Increased awareness towards ending GBV and strengthening of multi-sectoral platform for tackling GBV in Taita Taveta County</li> </ul>
Theme based commemoration of National/ International Days for SIGs at county levels (IWD and IYD)	2	<ul style="list-style-type: none"> <li>Creation of critical mass promoting women and youths rights in participation, development, and governance including political leadership,</li> </ul>
Gender Based Violence Technical Working Group	12	<ul style="list-style-type: none"> <li>Produced Second Edition of the Duty Bearers Handbook with a focus on electoral gender based violence</li> <li>Monitoring of electoral gender based violence</li> </ul>
Older members of society	4	<ul style="list-style-type: none"> <li>The meetings focused on participation of older members of society in the 2017 general elections, their accessibility and how to overcome the challenges.</li> <li>The other area of focus was registration in 70+ <i>Inua Jamii</i> programme</li> </ul>
Persons with disability	4	<ul style="list-style-type: none"> <li>The subject of discussion was participation and nominations of persons with disability in the 2017 general elections, their accessibility and how to overcome the challenges</li> </ul>
Issues affecting the special interest groups	25	<ul style="list-style-type: none"> <li>Planning and commemoration of SIGs international and national days in Nakuru</li> <li>Sharing reports to inform on the progress of the TWG by members</li> <li>Mapping partners with aim to foster inter agency capacity in addressing issues of equality and inclusion.</li> <li>To strengthen response and capacity to handle GBV</li> </ul>
Garissa Regional office	3	Coordination of the different sectors with programmatic interventions on gender and other special interest groups

## 2.2.4 Monitoring the Participation of Special Interest Groups in August, 2017 Elections

### a) Preparedness for General Elections

Monitoring and observation of the electoral processes and outcomes are important exercises in determining the level of citizens' participation and preparedness by all actors involved in the electoral process i.e. the Independent Electoral and Boundaries Commission (IEBC), political parties and voters.

The Commission monitored the level of preparedness for General elections to assess the extent of integration of the principles of equality and inclusion of SIGs in the electoral process. The Commission monitored the election process for women gubernatorial candidates including their campaigns and documented their challenges and opportunities. Following the conclusion of 2017 political party primaries, nine women gubernatorial candidates were cleared to vie for the Governor positions and included; Wavinya Ndeti ( Machakos ), Charity Ngilu (Kitui), Jacinta Mwatela (Taita Taveta), Ann Waiguru ( Kirinyaga), Martha Karua (Kirinyaga), Winfred Mungania ( Meru) and Joyce Laboso ( Bomet). The outcome document would be useful in developing strategies for greater participation of special interest groups in electoral processes.

In July 2017, the Commission convened a joint forum for student leaders from Kenyatta University to discuss role of youth in peacebuilding and eliminating GBV during elections. The youth committed themselves to use music, dance and other edutainment approaches to promote peace during the election period.

#### **b) Participation of SIGs in Electoral Processes**

The Commission monitored the 2017 General Elections with the main aim of observing the extent to which the election processes adhered to the principles of equality and inclusion for special interest groups. The monitoring exercise was guided by four key objectives: -

- To observe participation of special interest groups in the 2017 electoral process
- To assess the extent to which the election process adhered to constitutional and other legal provisions (as they relate to Kenyans generally and special interest groups in particular) and;
- To monitor the political party campaigns and document the extent of integration of the principles of equality and inclusion of special interest groups in the electoral processes.

The monitoring exercise covered 575 polling stations including 5 mobile stations. The activity occurred in two phases with the first phase covering the party primaries, political meetings and rallies while the second covered the campaigns, simulation as well as polling and post-polling activities. The monitoring exercise focused on four (4) thematic areas: campaign monitoring and voter registration, poll monitoring, post-polling monitoring, and campaign financing.

Through the report on the exercise, dubbed “*The Milestone: Equality and inclusion in the 2017 Kenya General elections*”, the Commission provided raft of recommendations to actors in the electoral cycle to enhance opportunities for participation of special interest groups in future elections. Some of the recommendations include; design of elections behavior change campaign to influence people’s attitude to support women and other SIGs in elections; funding women and other SIGs candidates in elections; adequate training of SIGs to prepare them for elections and enforcement of administrative and policy frameworks on elections to eliminate electoral malpractices.

### c) Monitoring Performance of SIGs in the 2017 Elections

The Commission noted that 2017 elections signified a step forward for women's and other SiGs representation. Compared to the elections in 2013, more women won seats at all levels, except for the presidential race which remained exclusively male. For the first time, women became Governors and Senators while more women were elected to the national and county assemblies. For the first time, a youth was elected as Governor in 2017 elections while two persons with disabilities were elected in the National Assembly.

The result of election monitoring illuminated multiple challenges that women and other SIGs candidates face including: patriarchy, lack of adequate resources for the campaigns, discrimination on the basis of gender, age, identity and lack of clear campaign strategy. Table 6 summarizes elected and nominated members in the Parliament and County Assembly by Gender, 2017.

**Table 6: Elected and nominated members in the Parliament and County Assembly by Gender, 2017**

Position	Elected		Elected Women Rep	Nominated special Interest group		Total			% representation	
	Men	Women	Women	Men	Women	Overall Total	Women	Men	Women	Men
President	1	0				1	0	1	0	100
National Assembly	266	23	47	6	6	349	76	273	21.7	78.2
Senators	44	3		2	18	67	21	46	31.3	68.7
Governors	44	3				47	3	44	6.4	93.6
Deputy governors	40	7				47	7	40	14.9	85.1
Speaker of the Parliament	2	0				2		2		100
MCA's*	1,353	96		98	649	2196	745	1451	33.9	66.1

**Data Source:** Kenya Gazette, IEBC Website. NGEN August, 2018 and KNBS March 2018

## 2.3 Monitoring Response to Sexual and Gender Based Violence

### 2.3.1 Coordination Framework/Mechanism

During the year under review, NGEN coordinated the County Gender Technical Working Group in Nakuru and supported strengthening of the Baringo County Gender Technical Working Group. The Commission further supported establishment of sub-county GBV working groups in five sub-counties of Nakuru. These are multi-stakeholder groups that consist of over forty State and non-State actors in the field of gender and/ or GBV. Coordination ensures services offered are not duplicated and partners work in a coordinated approach. Sub-county GBV clusters ensures that services are brought closer to the people.

During the period, the Commission's Kisumu regional office also coordinated the formation of Equality and Inclusion coordination groups for Youth and Persons with disabilities in Kisumu County. This activity was done in conjunction with the County Gender Officer under the Ministry of Public Service and the County Government. The regional office actively participated in regular quarterly Gender Technical working group meetings in Kisumu, Siaya and Bungoma counties and contributed to building strong alliances, networks and critical mass and voices working to reduce and eventually eliminate gender based violence.. The office also disseminated Laws and Policy Frameworks on Comprehensive Prevention of and Response to Gender Based Violence in Kenya such as the Model County GBV Bill and Policy, Protection Against Domestic Violence Act (PADV 2015, The Sexual Offences Act (SOA 2006), the Marriage Act and The Matrimonial Property Act. Four sub county Gender technical working groups were established in Siaya County i.e. Alego Usonga, Gem, Rarieda and Ugunja sub counties.

Further the Commission supported Bungoma County discussions on establishment of county GBV recovery centre.

### **2.3.2 Accountability Campaign: Keeping the Promise to end GBV in Kenya**

The keeping the promise campaign is a nationwide campaign organized by NGENC and stakeholders to disseminate and sensitize duty bearers on their roles in ending Gender Based Violence and in turn strengthening their action and accountability in prevention and response to GBV. The campaign reached both duty bearers and rights holders. The Nakuru regional office spearheaded the launch of Keeping the Promise Campaign to end GBV in Embu and Murang'a counties from 16<sup>th</sup> October to 19<sup>th</sup> October 2017.

Garissa regional office in partnership with Coffey International participated in a public campaign to end GBV in Mombasa, Kwale, Kilifi and Isiolo Counties where 35 duty bearers (Police, Judiciary, MoE/TSC, MoH, Provincial administrations) were reached in each County. In addition, the regional office in partnership with Centre for Rights Education and Awareness (CREAW), held two days County Duty Bearer and Right Holders Forum to End GBV in Isiolo county reaching 50 men and 50 women. The office also coordinated the formation of Garissa County Gender Technical Working Group that was later launched in collaboration with the department of gender and culture of Garissa County. The working group is composed of State and non-State actors with presence in Garissa County.

The Garissa regional office participated in quarterly meetings of the county area advisory council convened by the department of Children Service-Ministry of Labour and Social Protection and county child protection working groups convened by UNICEF and Court users committee. The Committee deliberate on issues affecting special interest groups including sexual and gender based violence. (SGBV).

### **2.3.3 Centralised SGBV System for Monitoring GBV Response**

In the year under review, the Commission with support from *Jamii Thabiti* and the Collaborative Centre for Gender & Development organized a 4-day workshop for technical persons to update the sexual and gender based information system. Through the workshop,



data entry module on the web based sexual and gender based information system was improved to provide more accurate data. The system contributes to strengthening programmes on prevention and response to sexual gender based violence by informing actors and policy makers with emerging evidence.

The workshop reached 24 participants (15 female and 9 male), drawn from statistics, monitoring and evaluation, informatics division from ministry of health and the Kenya Police. Key stakeholders included; National Police Service, Judiciary, Office of the Director of Public Prosecution (ODPP), Ministry of Health, Ministry of Education and Science and Technology and Teachers Service Commission. The participants also shared challenges encountered during data entry, especially in relation to compatibility of the system. One of the key recommendations was for the Commission to facilitate an assessment of the system and advise on how to improve on its functionality.

#### **2.3.4 Monitor Facilitate and advice on the Implementation of Affirmative Action Policies and Programmes**

##### **a) The Equalization Fund**

Article 204 of the Constitution of Kenya establishes the Equalization Fund to address service level gaps in marginalized areas. The Constitution dictates that the national government shall use the Equalization Fund only to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation so far as possible. The first marginalisation policy developed by the Commission on Revenue Allocation in line with Article 216 (4) of the Constitution identified fourteen (14) counties to benefit from the Equalization Fund namely Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita Taveta, Isiolo and Lamu.

It is against this background that NGENC conducted an audit to provide a baseline on potential of the equalization fund in promoting access to social economic rights in eight (8) marginalized counties: Kwale, Tana River, Isiolo, Kilifi, Marsabit, Garissa, Wajir and Samburu. The audit focused on water, health and road sectors. The study established the level of integrating principles of equality in county resource allocation, the number of development projects and the level of funding in the three sectors. An increase in the County budgets for the sectors in the FY 2014/15 compared with FY 2013/14 was noted. The audit recommends for operationalization of the Equalization Fund to enable marginalized groups reap the intended benefits enshrined in the Constitution. Furthermore, there is need for a stronger monitoring and evaluation mechanism and improved data management system at the county level to enhance accountability to citizens.

##### **b) Affirmative Action Programmes for Persons with Disabilities in Kenya**

In the 2017-18 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 in respect to PWDS. The audit covered eight counties, Laikipia, Murang'a, Kitui, Makueni, Lamu, Kilifi, Kakamega and Kisumu. Findings show that majority of persons with disability are not seeking or benefitting from procurement opportunities at county

levels despite the presence of enabling 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. The Commission also found out 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. The findings also indicate that persons with disabilities, especially those with hearing impairment hardly access information.

#### **c) Participation of SIGS in Planning and Budgeting**

In strengthening County Government processes for citizens' participation and budget planning processes as envisioned in Constitution of Kenya 2010, County Government Act 2012 and the Public Finance Management Act 2012, the Kisumu and Garissa regional offices offered technical assistance in the development of Generation II County Integrated Development Plans (CIDP II) for Kisumu, Garissa and Tana River Counties. The activity ensured the plans respond to the needs of the Special Interest Groups.

#### **d) Women Empowerment Forums**

Working with other partners, the Commission is obligated to facilitate participation of special interest groups including women in leadership and governance. The Commission in partnership with the gender officers at the county level conducted a 2-day capacity building on equality and inclusion to grassroots women leaders from Isiolo, Busia, Narok and Kirinyaga Counties reaching 214 women leaders out of whom 25% were young women and 4% were women with disabilities. The women leaders were drawn from various women organizations in the Counties. The training was designed to equip and empower women on their role in development.

#### **e) Youth Empowerment Forum**

In the year under review, the Commission through the Nakuru regional office coordinated youth stakeholders' fora with organizations implementing youth programs in the Counties. The fora aimed at discussing hindrances to youth participation in governance and in the labour force and providing possible solutions to address the challenges. The fora proposed the following recommendations.

- For employability, youth should acquire relevant skills and competencies
- The youth must position themselves along the Big four agenda especially agriculture
- Government should implement laws that protect youth against exploitation and extremism.
- The government and the non-State sector should expand volunteerism and internship programs to youth
- Take into urgency and implementation of a county youth policies
- The county and the national governments should reduce business fees and charges required to initiate creative industries to increase participation of youth in entrepreneurial skills
- The National Assembly should come up with laws that protect artistes and other talents, including patenting innovation.

# CHAPTER THREE

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## 3.0 PUBLIC EDUCATION, COMMUNICATIONS AND ADVOCACY

### 3.1 Sixth Annual Constitutional Commissions and Independent Offices Conference

The Constitutional Commissions and Independent Offices (CCs & IOs) are established under Chapter 15 of the Kenya Constitution. In addition to their individual mandates, the CCs & IOs have a common object of protecting the sovereignty of the people of Kenya, securing observance by all State organs of democratic values and principles and promote Constitutionalism by all State Organs as spelt out in Article 249(1). In pursuit of their common objective, the Forum of Chairpersons of Constitutional Commissions and Independent Offices was created in 2012. The Commission participated in the 6<sup>th</sup> annual CC&IOs conference in Nyeri county where a 10-point resolution matrix was agreed. NGECC is mandated to follow-up implementation of the resolutions.

### 3.2 Fifth Annual Devolution Conference

The Commission has earmarked the Annual Devolution Conference as a major forum where it promotes the integration of the principles of equality and inclusion in devolved governments. The Commission has consistently participated in all the previous Devolution conferences in 2014, 2015, 2016, 2017 and taken up action points on resolutions which it provides status updates in subsequent conferences. In 2018 the Commission participated in the 5<sup>th</sup> Devolution Conference in Kakamega County. The conference brought together Governors, Deputy Governors, Senators, Women Representatives, Members of Parliament, and Members of the County Assembly, development partners, and private sector, external and internal technocrats and the general public.

The 2018 conference deliberated the Big Four agenda along the following subthemes: Health; Infrastructure, Energy, Urban Development, Land and Housing; Agriculture; Trade and manufacturing. The Commission made presentations on mainstreaming gender equality and inclusion and pushed for concrete resolutions designed to mainstream gender quality and inclusion in all the County Integrated Development Plans. During the conference, the Commission shared some of its publications through the exhibition.

### 3.3 Celebration of Cultural, National and International Days

The Commission participated in cultural festivals and thematic national and international celebrations in Samburu Nairobi, Isiolo and Kajiado Counties. The Commission used these forums to sensitize the public and participants on its functions as summarized in Table 7.

**Table 7: Schedule of National, Regional and International Days Commemorated**

SN	DAY	THEME	VENUE OF CELEBRATIONS
	International day of older persons 2 <sup>nd</sup> October 2017	<i>“Stepping into the future, tapping the talents contributions and participations of older persons in the society”.</i>	Isiolo and Kajiado Counties.
	The World Elderly Abuse Awareness Day 15 <sup>th</sup> June 2018	<i>“Komesha Dhuluma kwa wazee”</i>	Nairobi County
	The International Day of the Girl Child 11 <sup>th</sup> October 2017	<i>“The Power of the Adolescent Girl: For Vision 2030”</i>	Samburu County
	The Day of the African Child 16 <sup>th</sup> June, 2018	<i>“Leave no child behind for Africa’s Development”</i>	Nairobi
	International Women’s Day	<i>“Press for Progress”</i>	Nairobi
	Kenya Pastoralist Week 10 <sup>th</sup> April – 12 <sup>th</sup> April, 2018	<i>“Climate smart pastoralism”</i>	Kajiado

# **CHAPTER FOUR**

## **4.0 INSTITUTIONAL CAPACITY BUILDING AND DEVELOPMENT**

### **4.1. Human Resource**

During the year 2017/2018 the Commission had a 77 staff against a set establishment of 197. The staff are evenly spread across departments and consists of 14 in management, 54 women (70%) and 4 (5%) persons with disability. During the reporting period the Commission invested in training of at least 29 staff on various fields including resource mobilization, human resource management, management, legal arbitration among others.

### **4.2 Procurement**

In the 2017-2018 financial year, the Commission's total expenditure on goods and services was Ksh. 53,844,736.64 out of which Ksh. 19,206,552.00 (equivalent to 35.6 %) was awarded to Youth, Women and PWDs

### **4.3 Information and Communication Technology.**

During the financial year, the Information and Communication Technology (ICT) department redesigned the Commission's website to reflect the aspirations of the new Strategic Plan and the 2017 communications strategy. The website employed a mobile first approach to ensure increased reach and better search engine optimization. The new regional offices in Kitui were equipped with ICT equipment. The engineer survey site visits to implement broadband internet were completed in readiness for rollout. During the financial year, the Commission's headquarter internet capacity was increased by 10MB to cater for the increasing demand of ICT services. The Commission hosts the national sexual gender based information system as well as a complaints and referral management system.

### **4.4 Internal audit**

Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. The Commission established an audit committee as per the provisions of the PFM Act 2012, PFM Regulations of 2015 and Treasury audit committee guidelines of 2016. The audit Committee met three times and provided the Commission with necessary statutory reports.

# CHAPTER FIVE

## 5.0 FINANCIAL STATEMENTS

In the financial year 2017/2018, the Commission's approved budget was Kshs. 345.5 million, representing a 22.4% reduction from Kshs. 445.8 million in the budget estimates.

The Commission was constrained to accomplish its set targets because of challenges of inadequate funding and budget cuts experienced in the year. However, through complementary resources from development partners especially UN Women, Coffey International, IDLO and UNDP, the Commission to a large extent managed to achieve most of its targets. This chapter provides detailed financial statements and an unqualified report from the Auditor General's office.

REPUBLIC OF KENYA



OFFICE OF THE AUDITOR-GENERAL

REPORT

OF

THE AUDITOR-GENERAL

ON

THE FINANCIAL STATEMENTS OF  
NATIONAL GENDER AND EQUALITY  
COMMISSION

FOR THE YEAR  
ENDED 30 JUNE 2018

# REPUBLIC OF KENYA

Telephone: +254-20-342330  
Fax: +254-20-311482  
E-mail: oag@oagkenya.go.ke  
Website: www.kenao.go.ke



P.O. Box 30084-00100  
NAIROBI

## OFFICE OF THE AUDITOR-GENERAL

### REPORT OF THE AUDITOR-GENERAL ON THE NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE 2018

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#### 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 18, which comprise the statement of financial assets and liabilities as at 30 June 2018, 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 2018, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the National Gender and Equality Commission Act, 2011 and Public Finance Management Act, 2012.

##### Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of National Gender and Equality Commission in accordance with ISSAI 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.

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*Report of the Auditor-General on the Financial Statements of National Gender and Equality Commission for the Year Ended 30 June 2018*

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*Promoting Accountability in the Public Sector*



## REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC MONEY

### **Conclusion**

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

### **Basis for Conclusion**

My responsibility is to express a conclusion based on the review. The review was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the review so as to obtain limited assurance as to whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them.

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

## REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, GOVERNANCE AND RISK MANAGEMENT SYSTEMS

### **Conclusion**

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

### **Basis for Conclusion**

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

My responsibility is to express a conclusion based on the review. The review was conducted in accordance with ISSAI 1315. The standard requires that I plan and perform the review so as to obtain limited assurance as to whether effective processes and systems of internal control, risk management and governance were maintained in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

## **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 maintaining effective internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control.

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.

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

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

### **Auditor-General's Responsibilities for the Audit**

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance review is planned and performed to express a conclusion with limited assurance as to whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution. The nature, timing and extent of the compliance work is limited compared to that designed to express an opinion with reasonable assurance on the financial statements.

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

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

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

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the 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**

**18 December 2018**

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*Report of the Auditor-General on the Financial Statements of National Gender and Equality Commission for the Year Ended 30 June 2018*

National Gender and Equality Commission  
 Reports and Financial Statements  
 For the year ended June 30, 2018

**STATEMENT OF RECEIPTS AND PAYMENTS**

	Note	2017/2018 Kshs	2016/2017 Kshs
<b>RECEIPTS</b>			
Proceeds from Domestic and Foreign Grants	1	-	8,990,390
Transfers from National Treasury	2	325,512,017	381,200,000
<b>TOTAL REVENUES</b>		<b>325,512,017</b>	<b>390,190,390</b>
<b>PAYMENTS</b>			
Compensation of Employees	3	141,972,381	144,062,250
Use of goods and services	4	152,447,984	185,334,766
Social Security Benefits	5	26,550,000	18,500,000
Acquisition of Assets	6	3,664,725	42,260,386
<b>TOTAL PAYMENTS</b>		<b>324,635,090</b>	<b>390,157,402</b>
<b>SURPLUS/DEFICIT</b>		<b>876,927</b>	<b>32,988</b>

**STATEMENT OF RECEIPTS AND PAYMENTS**

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 13<sup>th</sup> December 2018 and signed by:

  
 \_\_\_\_\_  
 Ag. Finance Manager  
 Edson Mwasi

  
 \_\_\_\_\_  
 Ag. Commission Secretary/CEO  
 Sora Badu Katelo

National Gender and Equality Commission  
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**VI. STATEMENT OF FINANCIAL ASSETS AND LIABILITIES**

	Note	2017/2018 Kshs	2016/2017 (Restated) Kshs
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	7	43,656,562	66,350,971
Cash Balances		-	-
<b>Total Cash And Cash Equivalents</b>		<b>43,656,562</b>	<b>66,350,971</b>
Accounts Receivables - Outstanding Imprest and Clearances Accounts	8	168,600	-
<b>TOTAL FINANCIAL ASSETS</b>		<b>43,825,162</b>	<b>66,350,971</b>
<b>LESS: FINANCIAL LIABILITIES</b>			
Accounts Payables - Deposits	9	42,948,235	66,317,983
<b>NET FINANCIAL ASSETS</b>		<b>876,927</b>	<b>32,988</b>
<b>REPRESENTED BY</b>			
Fund balance b/fwd	10	32,988	20,847,902
Prior year Adjustment	11	(32,988)	(20,847,902)
Surplus/Defict for the year		876,927	32,988
<b>NET FINANCIAL POSSITION</b>		<b>876,927</b>	<b>32,988</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 13<sup>th</sup> December 2018 2018 and signed by:

  
 Ag. Finance Manager  
 Edson Mwasi

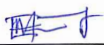
  
 Ag. Commission Secretary/CEO  
 Sora Badu Katelo

National Gender and Equality Commission  
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VII. STATEMENT OF CASH FLOWS

	Note	2017/2018 Kshs	2016/2017 Kshs
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>			
<b>Receipts for operating income</b>			
Proceeds from Domestic and Foreign Grants	1	-	8,990,390
Transfers from National Treasury	2	325,512,017	381,200,000
		<b>325,512,017</b>	<b>390,190,390</b>
<b>Payments for operating expenses</b>			
Compensation of Employees	3	(141,972,381)	(144,062,250)
Use of goods and services	4	(152,447,984)	(185,334,766)
Social Security Benefits	5	(26,550,000)	(18,500,000)
		<b>(320,970,365)</b>	<b>(347,897,016)</b>
<b>Adjusted for:</b>			
Changes in receivables		(168,600)	-
Changes in payables		(23,369,748)	795,274
Prior year adjustment		(32,988)	
<b>Net cashflow from operating activities</b>		<b>(19,029,684)</b>	<b>43,088,648</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	6	(3,664,725)	(42,260,386)
<b>Net cash flows from Investing Activities</b>		<b>(3,664,725)</b>	<b>(42,260,386)</b>
<b>CASHFLOW FROM BORROWING ACTIVITIES</b>			
<b>Net cash flow from financing activities</b>		-	-
<b>NET INCREASE IN CASH AND CASH EQUIVALENT</b>			
		<b>(22,694,409)</b>	<b>828,262</b>
<b>Cash and cash equivalent at BEGINNING of the year</b>		<b>66,350,971</b>	<b>65,522,709</b>
<b>Cash and cash equivalent at END of the year</b>		<b>43,656,562</b>	<b>66,350,971</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 13<sup>th</sup> December 2018 and signed by:

  
 Ag. Finance Manager  
 Edson Mwasi

  
 Ag. Commission Secretary/CEO  
 Sora Badu Katelo


National Gender and Equality Commission  
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VIII. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

Revenue/Expense Item	Original Budget a	Adjustments b	Final Budget c=a+b	Actual on Comparable Basis d	Budget Utilisation Difference e=d-c	% of Utilisation Difference to Final Budget f=d/c %
<b>RECEIPTS</b>						
Exchequer releases	242,298,730	103,225,477	345,524,207	325,512,017	20,012,190	94%
<b>Total Receipts</b>	<b>242,298,730</b>	<b>103,225,477</b>	<b>345,524,207</b>	<b>325,512,017</b>	<b>20,012,190</b>	<b>94%</b>
<b>PAYMENTS</b>						
Compensation of Employees	79,365,000	72,065,000	151,430,000	141,972,381	9,457,619	94%
Use of goods and services	132,886,640	21,543,612	154,430,252	152,447,984	1,982,268	99%
Social Security Benefits	17,700,000	17,700,000	35,400,000	26,550,000	8,850,000	75%
Acquisition of Assets	12,347,090	(8,083,135)	4,263,955	3,664,725	599,230	86%
<b>Grand Total</b>	<b>242,298,730</b>	<b>103,225,477</b>	<b>345,524,207</b>	<b>324,635,090</b>	<b>20,889,117</b>	<b>94%</b>
Surplus/Deficit	0	0	0	876,927	(876,927)	

Notes: Underutilization of 75% on social benefits was as a result low turnover of staff due for gratuity payments.  
Underutilization of 86% is as a result of late submission of invoices.

The entity financial statements were approved on 13<sup>th</sup> December 2018 and signed by:

  
Ag. Finance Manager  
Edson Mwasi

  
Ag. Commission Secretary/CEO  
Sora Badu Katelo



National Gender and Equality Commission  
Reports and Financial Statements  
For the year ended June 30, 2018

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

Revenue/Expense Item	Original Budget a	Adjustments b	Final Budget c=a+b	Actual on Comparable Basis d	Budget Utilisation Difference e=d-c	% of Utilisation Difference to Final Budget f=d/c %
<b>RECEIPTS</b>						
Exchequer releases	242,298,730	103,225,477	345,524,207	325,512,017	20,012,190	94%
<b>Total Receipts</b>	<b>242,298,730</b>	<b>103,225,477</b>	<b>345,524,207</b>	<b>325,512,017</b>	<b>20,012,190</b>	<b>94%</b>
<b>PAYMENTS</b>						
Compensation of Employees	79,365,000	72,065,000	151,430,000	141,972,381	9,457,619	94%
Use of goods and services	132,886,640	21,543,612	154,430,252	152,447,984	1,982,268	99%
Social Security Benefits	17,700,000	17,700,000	35,400,000	26,550,000	8,850,000	75%
Acquisition of Assets	12,347,090	(8,083,135)	4,263,955	3,664,725	599,230	86%
<b>Grand Total</b>	<b>242,298,730</b>	<b>103,225,477</b>	<b>345,524,207</b>	<b>324,635,090</b>	<b>20,889,117</b>	<b>94%</b>
<b>Surplus/Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>876,927</b>	<b>(876,927)</b>	

Notes: Underutilization of 75% on social benefits was as a result low turnover of staff due for gratuity payments

Underutilization of 86% is as a result of late submission of invoices.

The entity financial statements were approved on 13<sup>th</sup> December 2018 and signed by:

  
Ag. Finance Manager  
Edson Mwasi

  
Ag. Commission Secretary/CEO  
Sora Badu Katelo

**National Gender and Equality Commission  
Reports and Financial Statements  
For the year ended June 30, 2018**

**XI. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT  
(No Development Budget for the Financial Year 2017-2018)**

The entity financial statements were approved on 13<sup>th</sup> December 2018 and signed by:



**Ag. Finance Manager  
Edson Mwasi**



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

#### XIV. SIGNIFICANT ACCOUNTING POLICIES

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

**1. Statement of compliance and basis of preparation**

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

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

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the entity all values are rounded to the nearest Kenya Shilling. The accounting policies adopted have been consistently applied to all the years presented.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB.

**2. Reporting entity**

The financial statements are for National Gender and Equality commission. The financial statements encompass the reporting entity as specified under section 81 of the PFM Act 2012 and also comprise of the following development project implemented by the entity:

- Strengthening the foundation for equality and inclusion in Kenya: a programme for public and private sector

**3. Recognition of receipts and payments**

**a) Recognition of receipts**

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

**Transfers from the Exchequer**

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

**External Assistance**

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

**Donations and grants**

Grants and donations shall be recognized in the books of accounts when cash is received. Cash is considered as received when a payment advice is received by the recipient entity or by the beneficiary. In case of grant/donation in kind, such grants are recorded upon receipt of the grant item and upon determination of the value. The date of the transaction is the value date indicated on the payment advice.

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XII. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget 30th June, 2018 Kshs	Adjustments Kshs	Final Budget 30th June, 2018 Kshs	Actual on comparable basis 30th June, 2018 Kshs	Budget utilization difference Kshs
<b>Promotion of Gender Equality and freedom from Discrimination</b>	<b>345,524,207</b>	-	<b>345,524,207</b>	<b>324,635,091</b>	<b>20,889,116</b>
Legal Compliance and redress	38,299,433	-	38,299,433	36,570,178	1,729,255
Mainstreaming and Cordination	45,080,520	-	45,080,520	43,289,991	1,790,529
Public Education,Advocacy and Reasearch	48,853,673	-	48,853,673	48,023,862	829,811
General Administration Planning and Support Services	213,290,581	-	213,290,581	210,860,638	2,429,943
<b>TOTAL</b>	<b>345,524,207</b>	-	<b>345,524,207</b>	<b>324,635,091</b>	<b>20,889,116</b>

The entity financial statements were approved on 13<sup>th</sup> December 2018 and signed by:

  
Ag. Finance Manager  
Edson Mwasi

  
Ag. Commission Secretary/CEO  
Sora Badu Katelo

## XII SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

### Undrawn external assistance

These are grants at reporting date as specified in a binding agreement and relate to funding for projects currently under development where conditions have been satisfied or their ongoing satisfaction is highly likely and the project is anticipated to continue to completion. During the year ended 30th June 2017, there were no instances of non-compliance with terms and conditions of the grant.

#### b) **Recognition of payments**

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

### **Compensation of employees**

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

### **Use of goods and services**

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

### **Acquisition of fixed assets**

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

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

#### **4. Cash and cash equivalents**

Cash and cash equivalents comprise of cash at bank in the deposit and Recurrent Bank account at the Central Bank of Kenya.

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XIII NOTES TO THE FINANCIAL STATEMENTS

1. PROCEEDS FROM DOMESTIC AND FOREIGN GRANTS

The following grant was received from development partners.

PROCEEDS FROM DOMESTIC AND FOREIGN GRANTS		2017-2018	2016-2017
Name of Donor		Kshs	Kshs
Grants Received from Multilateral Donors (International Organizations)			
UN WOMEN		-	8,990,390
<b>TOTAL</b>		<b>-</b>	<b>8,990,390</b>

The above grants were used in training and capacity building among stakeholders in public and private sector last FY 2016/2017 which the grant has since lapsed.

2. TRANSFERS FROM NATIONAL TREASURY

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

Description	2017-2018	2016-2017
	Kshs	Kshs
Total Exchequer Releases for quarter 1	88,586,957	84,100,000
Total Exchequer Releases for quarter 2	107,473,260	71,600,000
Total Exchequer Releases for quarter 3	34,400,000	94,000,000
Total Exchequer Releases for quarter 4	95,051,800	131,500,000
<b>TOTAL</b>	<b>325,512,017</b>	<b>381,200,000</b>

The received was kshs.325,512,017 against an approved budget of kshs345,524,207.

XIII NOTES TO THE FINANCIAL STATEMENTS (Continued)

3. COMPENSATION OF EMPLOYEES

- Compensation of employees comprise of remuneration paid to employees in return for the work done. It includes social contributions made by the National Gender and equality commission on behalf of its employees.

COMPENSATION OF EMPLOYEES	2017-2018 Kshs	2016-2017 Kshs
Basic salaries of permanent employees	85,632,920	82,298,896
Basic Wages-Temporary Employees	1,962,200	-
Personal allowances paid as part of salary	54,175,261	61,573,554
Personal allowances paid as part of salary	202,000	189,800
<b>TOTAL</b>	<b>141,972,381</b>	<b>144,062,250</b>

There was a decrease in compensation of employees as a result of resignation of some employees.

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4. USE OF GOODS AND SERVICES

These comprise the total value of goods and services consumed.

USE OF GOODS AND SERVICES	2017-2018 Kshs	2016-2017 Kshs
Utilities, supplies and services	1,780,922	2,512,190
Communication, supplies and services	4,060,047	5,889,952
Domestic travel and subsistence	24,973,761	30,277,252
Foreign travel and subsistence	6,323,850	8,027,854
Printing, advertising and information supplies & services	4,451,260	5,289,859
Rentals of produced assets	38,944,290	41,511,984
Training expenses	11,795,090	28,708,301
Hospitality supplies and services	5,650,201	7,631,012
Insurance costs	26,499,337	25,792,523
Specialised materials and services	2,242,150	1,478,039
Office and general supplies and services	3,651,879	7,437,075
Other operating expenses	6,960,315	8,555,880
Routine maintenance – vehicles and other transport equipment	6,719,848	5,407,370
Routine maintenance – other assets	456,020	996,003
Fuel Oil and Lubricants	7,939,015	5,819,472
<b>TOTAL</b>	<b>152,447,984</b>	<b>185,334,766</b>

There was a decrease in use of goods and services as a result of decrease on domestic travels and foreign travel due to:

- Government directive on hostility measures in terms of procurement and travels.



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5. SOCIAL SECURITY BENEFITS

	2017-2018 Kshs	2016-2017 Kshs
Government pension and retirement benefits	26,550,000	18,500,000
<b>TOTAL</b>	<b>26,550,000</b>	<b>18,500,000</b>

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Social Security benefits relate to staff gratuity payable upon exit.

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

6. ACQUISITION OF ASSETS

	2017-2018 Kshs	2016-2017 Kshs
Refurbishment of Buildings	609,455	2,488,000
Purchase of Vehicles and Other Transport Equipment	-	22,881,000
Purchase of Office Furniture and General Equipment	3,055,270	7,900,996
Research, Studies, Project Preparation, Design & Supervision	-	8,990,390
<b>Sub Total</b>	<b>3,664,725</b>	<b>42,260,386</b>
<b>Sub Total</b>	<b>3,664,725</b>	<b>42,260,386</b>
<b>TOTAL</b>	<b>3,664,725</b>	<b>42,260,386</b>

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

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7. Bank Accounts

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8. OUTSTANDING IMPREST

Description	2017-2018 Kshs	2016-2017 Kshs
Government Imprests	168,600	-
<b>TOTAL</b>	<b>168,600</b>	<b>-</b>

9. ACCOUNTS PAYABLES

	2017-2018 Kshs	2016-2017 Kshs
Deposits	42,948,235	66,317,983
<b>TOTAL</b>	<b>42,948,235</b>	<b>66,317,983</b>

N/b Understated Deposit balance now restated.

10. FUND BALANCE BROUGHT FORWARD

BALANCES BROUGHT FORWARD	2017-2018 Kshs	2016-2017 Kshs
Fund Balance	32,988	20,847,902
<b>TOTAL</b>	<b>32,988</b>	<b>20,847,902</b>

11. PRIOR YEAR ADJUSTMENTS

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Description of the error	2017-2018 Kshs	2016-2017 Kshs
Fund balance	(32,988)	(20,847,902)
<b>TOTAL</b>	<b>(32,988)</b>	<b>(20,847,902)</b>

12. RESTATEMENT NOTE

	Note	2017/2018 Kshs	2016/2017 Kshs
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	7A	43,656,562	66,350,971
Cash Balances	7B	-	-
<b>Total Cash And Cash Equivalents</b>		<b>43,656,562</b>	<b>66,350,971</b>
Accounts Receivables - Outstanding Imprest and Clearance Accounts	8	168,600	-
<b>TOTAL FINANCIAL ASSETS</b>		<b>43,825,162</b>	<b>66,350,971</b>
<b>LESS: FINANCIAL LIABILITIES</b>			

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Accounts Payables - Deposits	9	42,948,235	45,470,081
<b>NET FINANCIAL ASSETS</b>		<b>876,927</b>	<b>20,880,890</b>
<b>REPRESENTED BY</b>			
Fund balance b/fwd	10	20,880,890	20,847,902
Prior year Adjustment	11	20,880,890	
Surplus/Deficit for the year		876,927	32,988
<b>NET FINANCIAL POSITION</b>		<b>876,927</b>	<b>20,880,890</b>

**12. RELATED PARTY DISCLOSURE**

The commission did not have related part transactions for the year

**13. PENDING BILL**

The commission did not have any pending bill for the year.

**14. PROGRESS ON AUDITORS RECOMMENDATIONS.**

Reference No. on the external audit	Issue / Observations	Management comments	Focal Point person to	Status:	Timeframe:
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Asset class	Historical Cost b/f (Kshs)	Additions during the year (Kshs)	Disposals during the year (Kshs)	Historical Cost c/f (Kshs)
Buildings and structures	2,488,000	609,455	-	3,097,455
Transport equipment	22,881,000	0	-	22,881,000
Office equipment, furniture and fittings		3,055,270	-	3,055,270
Heritage and cultural assets	8,990,390	0	-	8,990,390
<b>Total</b>	<b>34,359,390</b>	<b>3,664,725</b>	<b>-</b>	<b>38,024,115</b>

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Report	from Auditor	resolve the issue (Name and designation)	(Resolved / Not Resolved)	(Put a date when you expect the issue to be resolved)
REF:NGEC/01/2016	Irregular lease payment of Kshs.476,921 rent for Nakuru office could not be confirmed. The amount comprised of double payment of Kshs 374,723 and overpayment of Kshs. 102,198	The commission has taken steps to recovered the excess rent	Resolved	Already done



Ag. Finance Manager



Accounting Officer

ANNEX 1 – SUMMARY OF FIXED ASSET REGISTER

# CHAPTER SIX

## 6.0 CHALLENGES, RECOMMENDATIONS AND PRIORITY AREAS

### 6.1. Key challenges:

During the year under review, the Commission faced a few challenges including:

- a) Limited financial resources that could not allow the Commission to fully discharge its mandate and functions. The Commission target audience exceeds 75% of the Kenya population and the demand for services on equality and inclusion is high. Without adequate resources it is difficult for the Commission to meet its obligations and deliver services to those left behind and hard to reach populations. In the year 2017/2018 the Commission was allocated Ksh. 20 million to run programs.
- b) The Commission encountered major transitions at policy and secretariat level. At policy level the Commission operated with only two Commissioners which affected the ability to deal with policy issues. The Commission anticipates that new Commissioners shall be appointed during the next financial year. At the secretariat level, the Commission has operated for the last five years without a substantive management including Commission Secretary which affects the ability to execute Commission decisions. The Commission seeks to institutionalize the organizational structure in the approved strategic plan 2019-2024.
- c) Low Visibility. Due to limited resources, the Commission visibility has remained low and many Kenyans are not aware of its functions and services

### 6.2. Recommendations

From the aforementioned challenges, the Commission recommends that:

- a) It shall engage the Parliamentary budget and appropriation and other relevant committees and the Treasury to consider revision of the programme annual budgets for the Commission to support enhanced programme interventions on research, public investigations, public interest litigation and public education for gender equality and monitoring, implementation of affirmative actions and programs for targeting special interest groups.
- b) It will establish enhanced collaboration with Parliament to increase engagement on matters of gender equality and freedom from discrimination.
- c) It shall upscale resource mobilization strategies for enhanced service delivery.
- d) The Commission shall continue to request the appointing authority to provide the Commission with Commissioners to strengthen the policy arm of the Commission.

### 6.3. Priority areas

- a) Implementation of a new Strategic Plan.
- b) Work with other actors to promote fair representation of SIGs in decision making vide article 100 of the Constitution. The Commission will work with parliamentary committee including the Constitutional Implementation Oversight Committee (CIOC) to prepare bills for realization of article 100.
- c) Promote compliance with the principles of equality and inclusion in state and non-state sector with more focus on the private sector.
- d) Enhance compliance of the State with international and regional reporting on equality and inclusion for SIGs particularly youth, minority and marginalized.
- e) Enhance awareness on principles of equality and inclusion and mount a robust visibility campaign.
- f) Enhance participation and inclusion of Special Interest Groups (SIGs) in development agenda with a focus to empowerment funds, social protection and uptake of green clean energy
- g) Increase evidence-based knowledge on issues of gender equality and freedom from discrimination through rigorous operational research and audit
- h) Increase regional reach by the Commission to counties with interventions on equality and inclusion issues through establishment of 2 additional offices in 2 counties. The Commission intends to increase level of service delivery to the desired units.c



# CHAPTER SEVEN

## APPENDIX



### **Dr. Florence Wachira, MBS**

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

She holds a Doctorate degree in Human Resource Management, a Master's degree in Human Resource Development and a Master's Degree in Gender and Development studies. She is a full member of the Kenya Institute of Management (KIM) and a Chartered member of the UK based Chartered Institute of Personnel Development (CIPD). She has vast knowledge and experience in people management and especially in talent development and management of diversity. She is a firm believer in truth, justice and fairness in all matters affecting people.



### **Dr. Gumato Ukur Yatani**

Commissioner Gumato Ukur Yatani holds an MBA in Human Resource Management from the University of Nairobi. She also holds a Bachelor of Education degree from Moi University. She is currently pursuing her Doctoral studies on Gender and Diversity Management at the Vienna University of Economics and business. Commissioner Gumato formerly worked as an undersecretary in the Office of the President up to 2011. Between 2005 and 2008 Mrs. Yatani worked as the head of organization development and human resource manager with Kenya Red Cross Society respectively. She also worked with the Kenya Post office savings bank as a senior field service training coordinator for Western Union Money transfers. Mrs. Yatani has served in various organizations including being the vice chair of Ewaso Ngiro North Development Authority and Board membership of several local NGO's. She is the convener of the Minorities and Marginalized department and the Chairperson of the Programs Coordination Committee at the Commission.



### **Sora Badu Katelo**

Sora Badu Katelo was appointed as Ag. Commission Secretary/Chief Executive Officer of the National Gender and Equality Commission on 3rd February 2018. Prior to the appointment, he was serving as Director of Corporate Services. Before joining the Commission, he served as Deputy Secretary in several Ministries such as Ministry of East African Affairs, Interior, Mining and immigration rising to the level of Ag. Commissioner for Refugees.

Prior to joining the government Mr. Katelo also worked with US refugee program of International Organization for Migration (IOM) for eight years in many countries in Africa such as Ethiopia, Rwanda, Somalia, Sudan, Burundi, Tanzania, Ghana, Guinea, Gambia, Nigeria Ivory Coast. In addition, he also worked with International institute of Boston and Lutheran Social Services in the United States of America (USA).

Mr. Katelo, an old boy Alliance High School, holds Bachelor of Education/Economics from University of Nairobi and Masters of Arts from Fletchers School, Tufts University in the USA.

Mr. Katelo brings wealth of diverse knowledge and experience in humanitarian and development work; public service and governance to the Commission.







**National Gender and Equality Commission**

1<sup>st</sup> Floor, Solution Tech Place, 5 Longonot Rd, Upper Hill, Nairobi

P.O. Box 27512-00506

Nairobi, Kenya

**Landline:** +254(020)3213100

**Mobile:** +254 (709)375100

**Toll Free:** 0800720187

**SMS:** 20459

**Website:** [www.ngeckkenya.org](http://www.ngeckkenya.org)

**Twitter:** @NGECKENYA

**Facebook:** [www.facebook.com/NGECKKenya](http://www.facebook.com/NGECKKenya)