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We care for Justice

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KITUO CHA SHERIA
The Centre for Legal Empowerment

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OUR VISION

A society of Justice and Equity for All

OUR MISSION STATEMENT

To empower the poor and the marginalised people to effectively access justice and enjoy their human and peoples rights

OUR CORE VALUES

- Respect for human rights;
- Commitment to justice and equity for all;
- Solidarity with pro-poor individuals and agencies;
- Courage in promoting social transformation and empowerment of the poor and marginalized;
- Service through volunteerism;
- Transparency, reliability and accountability in its relations with its stakeholders;
- Obligation to upholding the rule of law; and
- Professionalism

OUR MOTTO

We care for Justice



List of Abbreviations/Acronyms

AGCP	Advocacy, Governance and Community Partnerships
ARM	Athi River Mining
ADSL	Asymmetric Digital Subscriber Line
CIPAC	Cities in Partnership with Communities
CEMIRIDE	Centre for Minority Rights Developement
CBOs	Community Based Organisations
CDC	Constituency Development Committee
CDF	Constituency Development Fund
CLE	Continuous Legal Education
CJPC	Catholic Justice and Peace Commission
DANIDA	Danish International Development Agency
DIG	Development Innovations Group
ESCR	Ecconomic, Social & Cultural Rights
ESCR-NET	Ecconomic, Social & Cultural Rights Network
EIA	Environmental Impact assessment
FMP	Forced Migration Programme
ICT	Information Communication and Technology
ISP	Internet Service Provider
IDP	Internally Displaced Person
KGGP	Kenya Good Governance Program
K-HURINET	Kenya Human Rights Network
KLA	Kenya Land Alliance
KNCHR	Kenya National Commission on Human Rights
KCBO - Net	Kamukunji Community Based Organisation Network
KFS	Kenya Ferry Services
KTN	Kenya Television Network
KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers
LATF	Local Authorities Transfer Fund
LBDA	Lake Basin Development Authority
LSCP	Legal Services & Community Partenerships
LSK	Law Society of Kenya
MoJCA	Ministry of Justice and Constitutional Affairs
MRC	Minority Reform Consotium
NDFW	Nairobi Devolved Funds Watchdog
NPSN	Nairobi Peoples Settlement Network
NYAHURIADEN	Nyando Human Rights & Deveolpment Network
NCSC	National Civil Society Cogress
NALEAP	National Legal Education & Aid Programme
PLWHA	People Living With HIV/AIDS
RCD	Research Communications & Documentation
SIDA	Swedish Cooperation Development Cooperation Agency
TAABCO	Transforming Analyzing, Accompanying and Building Change Organisations
UNHCR	United Nations High Commission for Refugees
UNDP	United Nations Development Programme
URIP	Urban Refugee Intervention Programme
UPDF	Uganda Peoples Defense Force Executive Summary



Executive Summary



The year 2008 was a very challenging one from its very onset. It started with an impasse following the disputed presidential elections. The impasse resulted in violence that saw over half a million people displaced, over 1,000 killed, a lot of destruction to property and so on. Although simplistically branded as mere tribal animosity, crisis finds its roots in long-standing historical injustices over the inequitable distribution of resources, an issue that the successive post-independence regimes in Kenya have failed to address. The crisis did not merely lead to a late and slow start to work, it also necessitated a review of some activities to adopt to the new circumstances in the nation. Some of the new areas included the momentum for reform that emanated from the Serena negotiations led by the Panel of African Eminent Personalities led by the former Secretary General of the United Nations His Excellency Kofi Annan.

During this period, KITUO successfully reviewed its strategy and came up with a new strategic plan (2009-2013). The development of the new strategic plan embraced a participatory and an organisational development facilitation approach to the process. With the support from DANIDA, UNDP and SIDA, the process was facilitated by TAABCO. The new strategic plan identifies seven key priority areas for the organization. These are: Legal education and empowerment for the poor and marginalized; Functional strategic leadership and governance; Organizational growth, sustainability and development i.e. a professional, sound and viable organization; Visibility of KITUO through research, media, partnership and networks; Design of innovative and responsive Programmes/products to its constituencies; Enhanced institutional memory especially with the Law students; and Space for KITUO in policy and decisions making platforms/levels. In order to realize the results envisaged for the next five years, KITUO reviewed existing programmes, revamped some that had been defunct for sometime and also formed new programmes. The research, documentation and communication function has been revamped to help in the design of innovative interventions, institutional growth and profiling. The forced migration programme and the strategic leadership and governance are the new ones.

A total of 5,606 clients, both new and return, individuals and group clients, were assisted in the period under review in both KITUO's Nairobi and Mombasa offices. 30 court cases were concluded and another 42 settled out of court. The paralegals trained at Shimo la Tewa Main Prison in 2007 by KITUO assisted in securing releases of their counterparts through written arguments in support of the grounds of appeal submitted to the High Court as well as the Court of Appeal in appeal cases. Their tireless efforts saw a total of 39 death-row in-mates and 31 ordinary convicts serving long-term sentences acquitted and another 11 had their sentences reduced. It is also important to note that out of the 30 in mates trained in paralegal studies, only 6 are still in custody as all the others have been acquitted. Although all the Public Interest Litigation cases filed earlier are yet to be finalised, KITUO has successfully managed to aid in the democratization of the leadership of the National Council of NGOs where the former chairperson, who had been holding on to the position illegally was finally replaced after a rigorous court battle where KITUO secured a positive court ruling that has now given the NGOs sector a new lifeline. KITUO also moved to rejuvenate its volunteer advocates' scheme, renew their commitment and bring on board new players from different geographical areas. The court user associations also provided an important avenue to discuss access to justice issues with all stakeholders.

During the reporting period KITUO, in a bid to expand legal aid to people with special needs partnered with UNHCR to provide legal service to the urban refugees in Eastleigh, Nairobi. The main objective of the project is to assist refugees enjoy their rights under the Refugee Act, 2006. KITUO managed to bring awareness to some of the refugees on existing laws, both national and international. KITUO is doing this work under the Urban Refugees Intervention Project (URIP),



hereinafter referred to as the “URIP Centre” in one of the projects under Forced Migration Department (FMD).

In order to expand outreach and access to justice to new frontiers, fact finding missions were conducted in Turkana, Isiolo, Narok -Masai mara, Luanda, Mwatate and Taveta. Some issues for public interest litigation have already been teased out in Turkana, Isiolo and Narok. KITUO also moved to strengthen strategic partnerships with community groups/networks. This saw the launch of the Nyando Human Rights and Development Network (NYAHURIADEN), a pioneer community based human rights group in Nyando district, the Nairobi Devolved Funds Watchdog (NDFW), a network on governance bringing together individuals and community based organizations from Nairobi’s informal settlements, the Kamukunji Community Based Organizations Network (KCBO-Net), Nairobi Peoples’ Settlement Network (NPSN), the Kisumu Civil Society Consortium, and the Kenya Social Movement. KITUO assisted some of these groups to develop their action plans for the year 2009 and is also providing them with legal hosting. KITUO will assist in nurturing similar groups in the new areas of intervention to ensure sustainability of initiatives.

On governance, KITUO worked with community groups in Mombasa’s Kisauni constituency towards their effective participation in municipal governance and programming for decentralized funds. Community representatives from all the 11 wards in the constituency developed community action plans (CACs) which have been successfully used as a collective negotiating tool to lobby for development. In Nairobi, the NDFW launched a report of a snapshot study of status of projects funded from the Local Authority Transfer Fund (LATF). KITUO also brought together civil society organizations to discuss the proposed Nairobi Metro law and presented their memorandum to the task force that drafted the bill.

KITUO partnered with Shelter Forum to educate residents of informal settlements in Nairobi about their rights to adequate housing and also hosted the inaugural National Housing Rights Forum (NHRF) that brought together community representatives from across the country, civil society organizations and senior Ministry of Housing officials. The community representatives presented their memorandum on the draft housing bill. KITUO also participated in the preparations for the year 2008 World Habitat Day celebrations.

As a member of the International Economic, Social and Cultural Rights Network (ESCR-Net), the Kenya ESCR Net, and the local organizing committee of the International Strategy Meeting of the ESCR-Net, KITUO played a pivotal role in the successful organizing of the International Strategy Meeting of the ESCR-Net in Nairobi, Kenya. The strategy meeting was attended by representatives of a total of 53 countries. Kituo partnered with Hakijamii Trust and Shelter Forum to spearhead the formation of Kenya’s social movement, a movement of representatives of community based organizations from across the country, and also supported community representatives from all its networks to attend.

KITUO was not left out of the peace building and reconciliation efforts, especially in Nairobi. KITUO participated in a number of activities geared towards peace building and reconciliation, and also moved to assist internally displaced persons in various ways.



Message from the Chair of the Board of Directors



The year 2008 was a very important year for KITUO as it marked the end of the 5-year strategic plan (July 2003 – June 2008). The year however started on a very sour note with the violence that was experienced all over the country resulting from disputed General election presidential results. KITUO was affected by this sudden development and implementation of programmes was slowed down with a record of very low numbers of clients coming to the centre early in the year. Peace was however restored through the signing of the National Accord in the month of February and the rest of the year progressed well. Within the year, KITUO embarked into the development of a new strategic plan for the next 5 years (2009-2013). This was completed through an all inclusive and consultative process by KITUO and all the stakeholders. The final strategic plan document was launched in November 2008.

Both the strategic planning and the National Peace and Reconciliation processes presented a number of opportunities for Kituo. Kituo has in its new strategic thinking emphasized the need to take the frontline in the national reform agenda including the impending Constitutional review and the Truth Justice and Reconciliation processes. Through its newly conceived Forced Migration Program, Kituo is now in a position to respond to the needs of not only refugees but also the often ignored constituency of Internally Displaced Persons.

KITUO's governance structure has continued to operate in a synergized version for optimum delivery of the program goals. The strategic planning process best demonstrates this where a very participatory methodology was employed. The Board members, members of the Annual General Assembly, the secretariat and stakeholders including volunteer advocates and community groups all came together to think through the process. This will ensure enhanced ownership and support for the organization goals and objectives by all the stakeholders, which then translates into maximum benefits by the poor and marginalized clients that Kituo seeks to assist.

During the last Annual general meeting held in November 2008, Mr. Ken Nyaundi, Advocate was elected to take on the mantle as Chair of the Kituo Board of Directors. I therefore take this opportunity to thank the KITUO family that has been so supportive to my term as the Chairman of the Board by continuing to demonstrate the ever rising commitment to the course of access to justice for the poor. I also wish to take this opportunity to thank the development partners who have continued to offer invaluable support to the realization of the KITUO vision. These include, DANIDA, Misereor, UNHCR, IRC, SIDA/UNDP, COOPI and DIG for providing financial and technical support in the implementation of the various programmes.

Finally, KITUO would like to laud the efforts of all its partners and collaborators who include peer organizations, the government and our clients who have remained steadfastly committed to the realization of equity and justice for all.

Kamotho Waiganjo, Advocate
Chair, Board of Directors



Message from the Executive Director

This year has seen a renewed zeal and commitment by KITUO to its pursuit of ‘a society of equity and justice for all’. This is the year where KITUO took stock of its services to the poor that have been ongoing for the 35 years since its inception. This was done through an access to justice network workshop convened by KITUO to seek answers to the question “35 years down the line, does Kituo and legal aid service providers in Kenya need to re-strategize”? This came with the realization that despite the fact that KITUO’s legal aid services had been on for close to four decades, the needs of the poor with regard to access to Justice continue to escalate as reflected in the steady increase of clients visiting KITUO offices for assistance. One of the main outcomes of this workshop was a national access to justice network, hosted by KITUO, whose main object is to ensure a more concerted approach to legal aid series provision in the country by all stakeholders including the Government. These reflections came right at the point when KITUO was embarking on a new strategic thinking with its 2003-2008 strategic plan coming to an end.



During the Month of November and following rigorous and tireless efforts by the dedicated members of staff, KITUO successfully launched its new strategic plan for 2009-2013. The ceremony was officiated by the Permanent Secretary for the Ministry of Justice National Cohesion and Constitutional Affairs. The new strategic plan is a product of a very participatory process involving the Board of Directors, the Volunteer advocates, community based and development partners as well as peer organizations.

During the year, KITUO extended its access to justice services to respond to the needs of urban refugees where with the help of UNHCR the Urban Refugee Intervention Project (URIP), was established, with its base at Eastleigh in Nairobi. This was inspired by the large number of refugees visiting KITUO, over the years, in search of legal advice. The project has recorded a fast and steady growth and under the new KITUO strategic thinking, the Forced Migration Program was conceived, under which the URIP will be placed. The bigger program will then encompass not only refugee rights concerns but also access to Justice gaps around statelessness, human trafficking and IDPs.

KITUO’s overall strategy remains that of improved access to Justice for the poor. In the new strategic plan however, KITUO will seek to ensure that the sustainability of its services to the poor Kenyans through Public Interest litigation and education, Capacity building of community groups to engage in democratic governance initiatives even beyond KITUO’s intervention and through informed advocacy, through the efforts of its fast growing Research Communication and Documentation program. A renewed effort to build partnerships at not only the national level but also at the regional and international levels has emerged with KITUO standing out as a strategic focal point for access to Justice networking in the region.

Our valued network of volunteer advocates (VA) who make KITUO’s national outlook a reality is one other point of focus in the coming year with efforts to continually nurture the spirit of giving back to society that has been ably demonstrated by the old VAs as well as the very responsive newly admitted advocates.

I wish at this point to clearly state that without the support of our Volunteer advocates, our development partners, the various Government ministries that KITUO has worked with, our community based partners and our CSO counterparts, KITUO’s good work would not have found a strong base upon which to stand. We therefore invite continued cooperation and sound partnership as we all work towards access to justice for the poor.

Dr. Ekuru Aukot, Advocate
Executive Director



Key Developments in the National Environment



Resulting from the Annan led mediation process, a number of reform initiatives are on-going. The reform of electoral processes, recommended by the Krieglar Commission has already seen the amendment of the Constitution of Kenya by Kenya's National Assembly to allow for the disbandment of the Electoral Commission of Kenya. The process of setting up an independent electoral body is in high gear. Secondly, there is a new momentum for the review of Kenya's Constitution with Parliament set to discuss and pass the Constitution of Kenya Review Act. Third, the release of the report by the Justice Waki-led commission on post election violence has also seen Parliament move to set up a local Independent Criminal Tribunal to deal with the perpetrators of the post election violence. Another important milestone is the enactment of a law on the Truth, Justice and Reconciliation Commission (TJRC) which offers a window for the ventilation of historical injustices among other things.

Kenya's report on the implementation of the International Covenant on Economic, Social and Cultural Rights (ESCR) was presented on the 6th and 7th November 2008 and adopted on the 17th November the same year. Although presented late, Kenya was lauded for a number of things. First, and in accordance with the Paris Principles, is the establishment of an independent human rights commission, the Kenya National Commission on Human Rights (KNCHR). Secondly, Kenya had adopted legislations to eliminate discrimination against disadvantaged and marginalized individuals and groups such as the Refugees Act and the Persons with Disability Act, legislations designed to strengthen labor standards and trade union freedom and the much acclaimed free compulsory primary education. However, on a negative note Kenya was also castigated for a number of things including failure to incorporate covenant rights into domestic law, the effect of massive corruption and patronage on the realization of the ESC rights, the disparities in the enjoyment of ESC rights, including land rights, that manifested in inter-ethnic conflicts, and increased forceful evictions.

The fight against corruption took a new dimension with Parliament becoming more vigilant on corruption issues in the year under review. The debate on the sale of the five star Grand Regency Hotel, the Safaricom Initial Public Offer (IPO) and the contracting of De La Rue to mint new currencies led to the successful passage of a vote of No-Confidence in the Minister for Finance.

The Ministry of Justice, National Cohesion and Constitutional Affairs officially launched the National Legal Education and Aid Programme (NALEAP).



Summary of Progress compared to Objectives

According to the 2003-2008 Strategic plan, KITUO was to work in partnership with the poor and marginalized communities, the government, civil society organizations and other opinion leaders in seeking to influence and achieve principled and systematic participation of the poor and marginalized in public policy interventions; Pro-poor policies and institutions; Democratic governance at the local (grassroot) level; Lower levels of poverty; Equitable distribution of resources; and Increased number of poor and marginalized people accessing justice through courts, tribunals and other organs of government.

Of the results anticipated from the implementation of the 2003-2008 Strategic Plan, there were several milestones over the five year period. In the area of housing in 2003, the Government formulated and adopted a new National Housing Policy, cited as Sessional Paper No.3, the second since independence. The overall goal of the policy is to facilitate the provision of adequate shelter and a healthy living environment at an affordable cost to all socio-economic groups in Kenya in order to foster sustainable human settlements. In the Policy, the Government recognizes and advances its commitment to facilitate the realization of the right to adequate housing. The policy had envisaged the enactment of a comprehensive Housing Act to provide an appropriate legal framework as well as an instrument for the operationalization of the policy. KITUO, in recognition of its work in promoting and protecting the right adequate housing, was also nominated to the task force that came up with a draft Bill as a representative of the Civil Society Housing Coalition. The process of coming up with the Bill has taken too long, although there is already a working draft. In the land sector, the process of formulating the National Land Policy is on going. The Draft policy is awaiting cabinet and parliament approval.

In the labor sector, the Government moved to enact five new labor laws in 2007, a move that will immensely improve the status of labor rights in Kenya. These laws include the Employment Act of 2007, The Work Injury Benefits Act of 2007, The Labor Institutions Act of 2007, The Occupational Safety and Health Act of 2007, and the Labor Relations Act of 2007. KITUO's Executive Director was also appointed Chairman of the National labor Board. KITUO will be working to monitor the implementation of the laws.

Another milestone emanated from the extensive profiling of the need for a national legal aid scheme which saw the Ministry of Justice, National Cohesion and Constitutional Affairs officially launch the National Legal Aid (and Awareness) Programme (NLEAP). KITUO will be working closely with the Ministry and like-minded civil society organizations to ensure that there is an adequate policy and institutional framework for the implementation of the scheme.

Through this program, it is hoped that majority of Kenyans will access justice through the provision of state supported legal aid.



Legal Aid and Education Programme

KITUO's legal aid programme made some tremendous strides in the year under review. Other than the continuation of its in-house and mobile legal aid activities, a special project was launched to focus on the legal aid needs of urban refugees. This was informed by the persistent influx of hordes of urban refugees to its centre seeking legal aid (see Urban Refugees Intervention Program section).

a) In-house Legal aid services

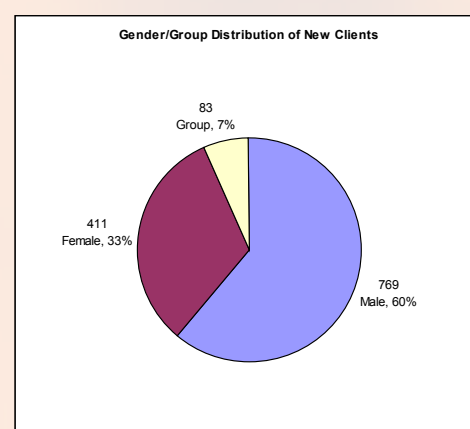
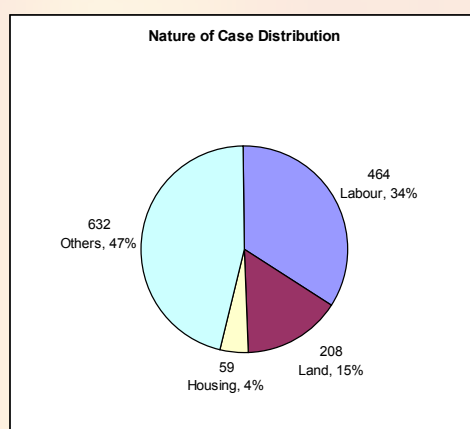
A total of 3,970 and 1,736 clients were attended to in Nairobi and Mombasa offices respectively, comprising both new and return clients, and both individual and groups. Male clients continued to outnumber the female clients as they constitute three quarters of the total number of the new clients. The number of return clients remained quite high during the period despite efforts to dispense with matters expeditiously both through litigation as well as out of court settlements.

APPENDIX ONE: disaggregated data of the KITUO clientele for the period under review

Nature of Case	New	Male	Female	Group	Return	Male	Female	Group
Labour	300	182	92	23	2, 962	1, 982	676	304
Land	177	112	59	9				
Housing	47	22	22	3				
Succession	43	14	29	-				
Others	441	316	95	30				
Total	1,008	646	297	65	2, 962	1, 982	676	304

MOMBASA

Nature of Case	New	Male	Female	Group	Return	
Land	31	22	9	18	1363	
Employment	164	137	27			
Housing	12	4	8			
Criminal	25	14	11			
Others	123	56	67			
Total	355	233	122	18	1363	



b) Mobile Legal Aid and Education Clinics

Through legal aid and education outreach clinics, KITUO managed to intervene and assist people in marginal areas who would not ordinarily access the in-house legal aid services at KITUO. The outreach activities undertaken under the programme include the following:

- KITUO helped secure the interests of the Mwina and Salama communities in the Tana River-Delta District who had sought its legal guidance in an agreement the communities entered into with MAT International, a private investor, involving the leasing of their communal land. MAT wants to set up a sugar production plant on the land.
- KITUO intervened and represented former employees of the Bombolulu Workshop for the Physically Handicapped in a labor and workshop ownership dispute. The clients complained of poor pay, inhumane conditions of work, arbitrary terminations without notice, non-payment of terminal dues among others. There was also the issue of ownership of the workshop where a group of physically handicapped people claimed to be the founders and hence the real owners of the workshop which is currently run and managed by APDK - Kenya.

Most of the employment cases were adequately resolved but a long term solution was proposed by the workshop management to have KCS train both the employees and management on the employment laws to prevent future disputes. The same has been planned for February 2009.

- In Kilifi, the Government had allocated land to squatters at the Mweza-Ngombe Squatter Settlement Scheme. However, some rich individuals permeated the settlement and even got double allocations. KITUO brought in the Provincial Surveyor to carry out a squatter verification exercise to confirm genuine squatters.
- KITUO intervened in the dispute between Likoni Mainland Hawkers and Kenya Ferry Services (KFS). Kenya Ferry Services had agreed with the hawkers to vacate the ferry area to pave way for construction of stalls which would be let to them at an affordable rate upon completion. When construction was done however the KFS turned around and leased the said stalls to well-connected individuals at an exorbitant monthly rent, way beyond the reach of any of the original hawkers. KITUO intervened to negotiate a reduced monthly rent.
- Fact-finding missions were successfully undertaken in Garissa, Kitui, Luanda, Isiolo, Maasai Mara (Narok), Turkana, and in Witu, Lamu, Taita-Taveta, Mwakitau and Kaloleni in the Coast. Legal aid clinics were also conducted as part of the intervention. KITUO is in the process of instituting public interest cases in Isiolo, Turkana and the Masai Mara.

In response to a number of human rights needs identified in fact findings, community trainings were conducted in Luanda, Kitui, Nyando, Mwabungo, Kilifi and Mwakitau. The next immediate action is to conduct paralegal training in all the regions already covered to form a strong base for continuation of the capacity building efforts by KITUO within these community groups.





c) Litigation

A total of 30 court cases were successfully concluded by the advocates. Another 42 were successfully negotiated and settled out of court.

The recently decided and widely celebrated succession case of Ole Ntutu is one major success of the year where KITUO's efforts to safeguard the rights of marginalised groups. The case comes to break the ground for recognition and protection of the rights of pastoralist women against customary laws and cultures that often subjugate their land and property rights. Through the efforts of KITUO, a positive ruling was issued on the 19th of November, 2008 in a case which has been pending in court since 2002. KITUO joined in the matter in April 2008 and took leadership in the research and submissions of the case which led to the landmark High Court ruling, which attracted great attention from the media.

Under the Public Interest Litigation docket, all the cases filed earlier are yet to be finalised. However, KITUO has successfully managed to aid in the democratization of the leadership of the NGOs Council where the former chairperson, who had been holding on to the position illegally was finally replaced after a rigorous court battle where KITUO secured a positive court ruling that gave the NGOs sector a new lifeline. The matter is still on going in court.

From the reporting trends, it emerged that:-

- There was a marked decrease in the number of employment cases proceeding to court as most employers were more willing to have the same settled out of court. This followed the enactment of the new employment laws towards the close of the year 2007 and even though their commencement date was not clear, their effect was notable among most employers.
- The shift of focus from over emphasis on welfare-oriented legal aid to the training of community paralegals also saw a general reduction in number of clients visiting to KITUO offices from the specific areas where paralegals were trained as most of the simple cases were satisfactorily handled by the community paralegals. At Shimo la Tewa Main Prison, for example, the paralegals who underwent training in October 2007 assisted in securing releases of 39 death-row inmates and 31 ordinary convicts serving long term sentences through written arguments in support of the grounds of appeal submitted to the High Court as well as the Court of Appeal in appeal cases. 11 others had their sentences reduced through the intervention of the paralegals.
- On the 'downside', out of the 30 inmates trained in paralegal studies, only 6 are still in custody as the other 24 have all been acquitted through the efforts of the Shimo la Tewa paralegal committee, Kituo cha Sheria, volunteer advocates and staff. Therefore there is an urgent need to have a new group of paralegals trained in the new year to carry on the work of facilitating access to justice already began.
- Although there are many organizations working to promote the welfare of children, there was a drastic increase in child maintenance cases brought to KITUO even though that is not one of KCS's program areas.

To cater for both capital and ordinary remandees, the paralegals committee, jointly with KITUO volunteer advocates organized and conducted 2 legal aid clinics where the remandees were taken through the criminal procedure and self representation skills. They also got a chance to consult on individual matters.

Another notable achievement of the paralegal committee is that through their good work they have earned the respect of both fellow inmates and the prison authorities and have been allocated an



office where they attend to clients on a daily basis. The attendants sit on a rotational basis with KITUO playing a support and supervisory role on a monthly basis.

d) The Volunteer Advocates Scheme (VAS)

KITUO embarked on the rejuvenation of its Volunteer Advocates Scheme (VAS) in a move geared towards renewing the commitment of all the volunteer advocates as well as bringing on board new players from different geographical areas. It was thought that this would facilitate renewed and active partnership between KITUO and its VAs. The process also involved identification of new motivation strategies for the VAs.

During the period under review, the VAs were actively involved in a number of KITUO training activities, which earned them Continuous Legal Education (CLE) points. There are volunteer advocates that were also engaged as facilitators in a number of KITUO's activities and their efforts rewarded.

A petition to the Minister for Finance has since been drafted to push for tax rebates for all advocates who are actively involved in pro bono service provision.

Outreach activities for VAs were successfully conducted in Nyeri, Kitui and Nairobi, Tana River, Mwakitau, Taita-Taveta, Majaoni-Shanzu and Mombasa. The corresponding response from the VAs has been enormous. This rejuvenation exercise has resulted in a more active as opposed to passive engagements between KITUO and the VAs. The department has been receiving regular updates from the VAs on the progress of the cases being handled by the VAs.

e) Court User Associations

KITUO has managed to place itself in a position of influencing court user associations in attempts to raise for redress, the various constraints experienced in the representation of clients in court. One of these being the inability of KITUO's clients to access their statutory rights to sue as paupers. KITUO's active participation in the Milimani Commercial Courts Working Group meetings has brought this concern to the attention of the Deputy Court Registrar, who has since expressed the willingness to address it accordingly in collaboration with KITUO.

In Mombasa, KITUO has continued to provide leadership at the Court Users Committee and ensured that regular meetings were still taking place at a time when the judiciary had run out of funding provided by GTZ for the process. Through KITUO's participation, the interests of its clients have been prioritized by the courts as any complaints are presented to the committee for intervention either verbally, in writing or through the judiciary dialogue cards.

KITUO has also taken an initiative to ensure easy access of clients to the Industrial Court under the new labour laws. A very fruitful meeting was held between the department officers and the Registrar of the Court to present a number of hurdles faced by KITUO clients in their efforts to access the court.



f) Access to Justice talk shows

KITUO was represented in various talk shows on access to justice by the poor in collaboration with the Mohamed Amin Foundation and other media houses. On several occasions, KCS has been invited to speak on Baraka and Pwani FM on topical human rights issues. Kituo was also actively involved in mobilizing for and participating in Louis Otieno On the Road Television show. These forums provide avenues through which KITUO is able to pass access to justice messages to various actors, including the poor clients it serves.



The Urban Refugees Intervention Programme (URIP)



During the reporting period, KITUO ventured into the provision of specialized legal aid services. In partnership with UNHCR, KITUO launched its Urban Refugees Intervention programme (URIP) that focuses on the provision of legal aid services to the urban refugees. KITUO established an office in Nairobi's Eastleigh area in an effort to reach out to refugees who reside in that area and the larger Nairobi to enhance their protection. The main objective of the project is to enable refugees to enjoy their rights as provided for in the Refugees Act of 2006. Under the project, KITUO has been working to bring awareness to the refugees on existing laws both national and international.

The project started against the backdrop of massive internal displacement of people as a result of violence that led to deaths and destruction of property after the 2007 general election failed to produce a clear presidential winner. The target group, which principally consists of urban refugees, was among those adversely affected by the political unrest that characterized Kenya in this first quota.

The centre offers a range services in legal protection and guidance to its clients. This includes:

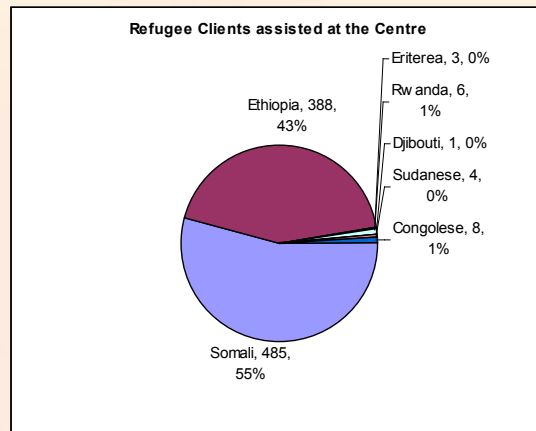
- Legal advice in all legal issues
- Legal representation
- Assisting Refugees in obtaining of work permits, birth and death certificates, Identity cards etc
- Referral service to our other partners
- Investigations of systematic Human Rights violations against refugees
- Identifying and litigating on Public Interest issues touching on refugees
- Monitoring cases of Insecurity and Gender Based Violence
- Research and Training on Human rights and refugee law

In the reporting period, several things were done:

- KITUO held two community trainings on the Refugee Act. The trainings were done in both Somalia and Oromo languages and the audience was especially drawn from the leadership of the two communities who were expected to further disseminate the knowledge to their brothers and sisters. Over 80 community leaders were trained.
- The project provided free Legal advice to over 898 walk-in clients. Of these, 315 were female clients and 518 were male clients. Over 30 clients were afforded professional legal representation. KITUO felt that these clients could only enjoy their rights by seeking legal redress. Among these were 20 intervention of short lifespan nature where legal representation is given to clients in custody and they are released for with without even having to open a file.

Nationality	Refugees	Asylum Seekers	Rejected	Total
Somali	13	472	-	485
Ethiopia	314	57	17	388
Eriterea	3	-	-	3
Rwanda	6	-	-	6
Djibouti	1			1
Sudanese	4			4
Congolese	8	-	-	8





- Two fact finding missions were conducted under the project. In Garissa, a gateway for many refugees, KITUO exposed a soaring business in Human Trafficking. In Mombasa, KITUO witnessed first hand the ground reality that Kenya's second largest city hosts in excess of 5,000 refugees who are in dire need of registration and documentation. After KITUO visited the city and reported the urgent need, the Government through its Department of Refugee Affairs went and registered the refugees.

KITUO also identified not only cases that need investigations such as human trafficking of refugees but also possible cases of Public Interest Litigation. Central to this public interest litigation is the right of recognized refugees to work and earn a descent living while in Kenya. KITUO has already engaged the relevant government authorities in various correspondences aimed at forming the basis for litigation, if need be, but more importantly, to let the Government understand its international obligation in relation to this subject. KITUO staff has also been conducting weekly police station visits which have been very helpful in getting to assist in bailing out those who are illegally held there.

- KITUO developed a self-representation manual that is yet to be published. These booklets have been translated into three languages (Somali, Oromo and Amharic). This will ensure that the refugees can represent and make the necessary applications in court without needing the services of an advocate.
- The centre acts as a resource centre for refugee rights matters, both domestic and international. It is currently stocked with a variety of information booklets on various services offered especially urban refugees by different organizations. KITUO distributed over 2,000 leaflets of an abridged copy of the Government gazette Notice number 1819 of 2008 which sought extension of the validity of Alien Certificate for the next five years. Consequently, there were reduced cases of police harassment on account of ostensible invalid documents. Whereas it may be difficult to measure the extent of impact in distribution of the leaflets, we believe that the levels of police harassment were remarkably reduced.
- KITUO also strengthened its close collaboration with organizations which are on the ground to foster strong community linkages. Meetings were held with over 29 community networks to understand their objectives and lend a hand where necessary. Efforts were also made to further consolidate the existing referral networks with other organizations like GTZ, Jesuit Refugee Services (JRS), HIAS and Mapendo International. KITUO will, as a result of its work, be a regular participant of the Urban Refugee Protection Network under the coordination of UNHCR.





- On the community intervention front, KITUO in Partnership with UNHCR was able to convene a meeting of our beneficiaries and one of the financial institutions, FAULU KENYA who agreed to among others provide soft loaning services to refugees.



Over time, this project was graduated into a full fledged programme. The Centre has stepped-up its operation in the second year into Forced Migration Program. This will address the global issues of refugees, stateless persons and Internally Displaced Persons (IDP's) among others. KITUO has currently strategized to establish a rapid response programme to address issues of refugees, statelessness, asylum seekers, deportees, evictees, detainees; Link forced migrant communities to micro financing institutions and establish a "Poor man's Kitty"; Develop a forced migration community outreach arm that will build linkages between the communities and legal services; Strengthen the psycho-social support component to reach more clients; Highlight and advocate for the rights of the people with special needs among the marginalized i.e., children, disabled, the elderly, People Living With HIV/AIDS (PLWHAs), victims of human trafficking, etc.; Expand refugee legal activities to other areas outside Nairobi namely Mombasa, Kakuma, Daadab Garissa, and other parts of the country through volunteer networks and branch offices entry points on priority basis; Advocacy on durable solutions for forced migrants and refugee issues including policy and legislation for national legal framework on refugees and the international refugee law like local integration, repatriation and resettlement; Strengthen the research component of the programme for advocacy and learning e.g., on statelessness, asylum seekers, refugees and migrant generally; and strengthen existing partnerships and initiate new ones for advocacy e.g., on the rights of Internally Displaced Persons and more specifically the enactment of a national policy and legal framework to address their plight.



Advocacy, Governance and Community Partnerships Programme (AGCP)

KITUO's Advocacy, Governance and Community Partnerships (AGCP) was formerly known as the Legal Services & Community Partnerships (LSCP). It was conceived to link community mobilization with litigation and other legal services on community issues; promote demand for justice; and spearhead people-based policy advocacy and legislative reforms. The AGCP enhances equity and access to justice through outreach and empowerment of the poor. The AGCP also promotes good governance at the local and national levels. It also carries out policy and legislative advocacy both at the grassroots and at the national level.

a) Community Outreach and Partnerships

Conducting outreach to and building of partnerships with communities is critical in enhancing access to justice and the empowerment of poor peoples, as well as in building a critical mass for advocacy initiatives. In the period under review, KITUO did several things with community groups, new and old, aimed at building new partnerships and or strengthening existing networks. Fact finding missions were conducted to Turkana, Narok South and Isiolo.

KITUO also continued to work with existing community groups/networks in building their capacity to be able to advocate for their rights. In doing this, KITUO worked with Shelter Forum and Hakijamii to lay a foundation for the Kenya Social Movement, a movement of representatives of community based organizations from across the country. The social movement played a major role in the organization of the international strategy meeting on Economic, Social and Cultural Rights (ESCR) Network. KITUO also organized a strategic planning, resource mobilization and media skills training for representatives of the NYAHURIADEN, NDFW, KCBO-NET, and Garissa Human Rights Network. This training culminated in the development of year 2009 action plans for all these networks.

Fact-finding to Turkana

KITUO conducted five fact finding activities to different places. From July through August of the reporting period, Kenya's Turkana district suffered a series of violent attacks from three quarters that echoed the history of previous conflicts in the region. Firstly, heavily armed Pokot raiders killed an estimated 50 Turkanas, including women and children in the Lokori division. Over 1,200 cattle were stolen. The Uganda Peoples' Defense Forces (UPDF) was also responsible for bombings along the Kenya-Uganda border which resulted in at least 10 deaths and in rustling from Turkana stock. The Toposa from southern Sudan also invaded them resulting in several deaths and the theft of hundreds of cattle. With the Kenyan government having shown a marked failure in the past to address the structural causes, conflict environments and underlying triggers of violence in the region, including poverty, lack of access to markets, inadequate governance, poor security and contested boundaries, Kituo Cha Sheria, Centre for Minority Rights Development (CEMIRIDE) and Minority Reforms Consortium (MRC) decided to conduct a fact finding/media focus visit to Turkana district. The facts and issues as identified by the team raised the following areas for the purpose of policy advocacy:-

- The need to shift approach in addressing the insecurity issue in Turkana as mere cultural raids between communities. The question that remains unanswered is why there are "two laws" that are operational in Kenya: pastoralist communities attack each other, harm and murder of people and robbery of property occurs, the euphemism of cattle rustling is used thereby concealing the fundamental human rights violations in issues. Either





a separate penal code is declared in this areas or a lasting solution to the legal enforcement of rights be found.

- The government should secure the boundaries before disarming the community within this country. Since in doing so it will leave the Turkanas vulnerable to the other armed pastoralists across the borders like the Didinga and Toposa of Sudan Karamojong of Uganda who have more sophisticated weapons. A lasting solution to the cross-border raids must be done at the level of central government.
- Since these attacks are resource based (pasture and water), there is need to facilitate the adoption of alternative livelihoods together with the provision of minimum basic rights security, education, health services and private property amongst other things.
- This is not a Kenyan problem but an African crisis with communities ended for extinction, therefore the African Union should step in as a matter of urgency and assist the affected countries in coming up with viable solutions to this crisis.
- While advocating for traditional conflict resolution approach, where raiding is classified as a component of a pastoralist living, the aspect of raiding should be highlighted as robbery with violence which is crime punishable by law.
- Media and human rights organisations should take the initiative of pushing consistently on the North rift peace agenda till lasting solution is found. The idea would to have exhibition of photos and images e.t.c. of the plight of Turkana to view the view to making the concern part of the national agenda.
- There is need for political goodwill from leaders in the area since it emerged that they are not speaking in one voice.
- There is need to conduct human rights education and mobilization for local community organisation which would focus on the concerns of the people so that the people are empowered to claim their rights as active agents.

The government's failure to provide security for these communities is a violation of their rights as citizens. The Turkana, just like any other Kenyans, have a right to security that ensures them of the protection of their livelihood, a right that is recognized internationally through a number of conventions that Kenya is signatory to. A Television documentary was prepared to profile the situation nationally and subsequently aired on the local Kenya television Network (KTN).

Fact-finding to Isiolo

In Isiolo, the existence of national parks, minerals and other investment opportunities by multi-nationals have often ignited a feeling of discontent among the locals. KITUO undertook a fact finding mission in Isiolo following concerns raised by some residents of the area in the district which border parks, game reserves, and private conservancies. The main concerns revolved around the mushrooming of various lodges in the area, the exploitation of locals by multinational companies and corporations, and poverty and marginalization of the locals. KITUO found out that:

- There was a lot of human-wild life conflicts with local communities' appeal for proper intervention by the Kenya Wildlife Society going unattended;
- Contamination of the only water sources by wild life rendering them unsuitable for domestic use;
- There exists persistent boundary disputes between the Meru and Borans that has lingered for so long;
- Cases of dispossession of poor locals of their land by the rich and connected.
- Rampant cases of cattle rustling;
- Proliferation of small arms from Somali which are used for raiding and aggravating the boundary disputes in the area between the Boran, Somalis (degodia) and Samburu.
- Oil exploration by the Chinese National Oil Offshore Co-operation on land obtained direct from the Ministry without consultations with the local community and council;

- Alleged encroachment of the Buffalo springs and other hotels into human settlements, thereby also denying the pastoral communities of grazing land;
- Extension of private conservancies without proper consultations

KITUO is planning to educate the communities on their rights as well as institute public interest cases to help secure the rights of the communities.

Fact Finding to Maasai Mara's Narok South District

The beauty of Narok district and the presence of wild life in its Savannah ecosystem has made it a sought after tourist destination and over the years classic tourists lodges have cropped up, particularly in the Maasai Mara region. The District is a major tourist attraction being the host to the renowned Maasai Mara National Reserve and has thereby attracted unscrupulous investors, who come in and take advantage of the host communities, without affording them any benefits.

KITUO moved in to establish facts after complains over investors who come in and renege on mutual agreements with the host communities. The Siana community had complained about the activities of the Managing Director of the Mara Gypsy, a Group Ranch. KITUO established that:

- There were conflicts about the lease agreement: non-payment/late payment/less payment of lease amounts; irregular extension and encroachment into private land not covered in the lease agreement without consultations and compensation;
- Although it was leased out as a tourist facility, it has not been used for this purpose. The community allege that the Managing Director could have turned the facility in to a den for drugs;
- Arbitrary arrest of local community people;
- Non-adherence to basic labor regulations in relationship with employees;
- Blocking access to the communities' only source of water for domestic use;
- Confiscation of the clothing, including school uniforms, of the pupils of the nearby school;

Based on the expressed need by the community members, KITUO undertook to conduct community training and/or capacity building on land issues. KITUO will also litigate on any contentious issues identified and still pending.

Fact Finding to KITUI

Following the discovery limestone deposits in Mutomo district and the subsequent influx of multinational mining companies and their activities, KITUO received complaints from the local communities of alleged lack of adherence to the due process by the companies, lack of proper consultations, compensation, and the overall process of relocation and resettlement, and the attendant numerous human rights violations associated with the operations of multi-national corporations in areas such as Kwale (Titanium Mining) and Yala (Dominion farms).

KITUO dispatched a fact finding team to ascertain:

- The mining companies on the ground.
- Whether the mining process had kicked off.
- The concerns of the locals on the overall mining prospective.
- Whether the mining companies were following the due process with regards to consultation, compensation and the overall process of relocation and resettlement.
- The projected or real impacts of the mining process on the residents.
- Various actors both state and non-state actors in the area.
- The existence of other problems (legal and social) of concern to community members in the area.
- To document their findings



The team established that:

- There were already four mining companies on the ground: Bamburi Cement Company; Athi River Mining Company (ARM); Portland Cement Factory; and Tororo Cement Factory (unconfirmed).
- There was inadequate consultation between the interested companies and the local community. Bamburi, for example, decided not to frequently liaise with members of the Residents Association and instead chose to work with members of the provincial administration. Most information on the decisions made by the Company was not trickling down to the community. They proposed that all interested
- Most residents were ignorant of their rights and the law governing the kind of land that they were occupying. This, according to them, made some of their members susceptible to meagre financial incentives of the Companies in exchange for their land parcels. Members were against the idea of one mining company seeking to monopolize on cement extraction in the area.
- The prospecting process spearheaded by Bamburi had taken over a year and yet the Prospecting licence covered only one year.
- Issuance of the common minerals license to Bamburi by the District Commissioner appeared suspect since they were not consulted, the license was not specific and that the authority issuing the title was not appropriate.
- The machines used in drilling investigating holes during prospecting had often resulted in destruction of crops.
- Whether the issuance of the mining licence by the District Commissioner was appropriate and the fate of the residents when the actual mining process begins (Relocation and Resettlement processes).

The team recommended:



- That there was need to sensitize the community members on their rights and build their capacity to champion the same. Particular areas of interest would include:
- Aspects of Trust Land i.e. procedures of setting land apart, the authority responsible.
- Mining- Authorization and licensing and the set procedure.
- Prospecting-the law governing prospecting, the duration of the process and the number of companies that can be allowed to engage in the same.
- Circumstances under which relocation may be deemed necessary, the legal procedure and the Best practices on relocation and resettlement.
- That a proper Environmental Impact Assessment (EIA) need to be done to avert possible environmental hazards.
- The mining companies need to invest in the area by setting up industries to improve the standards of living in the area.

KITUO has already moved to recruit volunteer advocates in the Kitui area who can assist with litigation. A newspaper feature was done on the situation and published in the local Standard newspapers. KITUO also organized a public land rights awareness forum in the affected areas. The community will be mobilized and organized into a viable and formidable outfit to be able to engage effectively with both the local leaders and the companies. KITUO is also considering possible public interest litigation.

Nyando Human Rights and Development Network (NYAHURIADEN)

In Nyando district, the Nyando Human Rights Advocacy and Development Network (NYAHURIADEN), a pioneer local human rights group, was officially launched in a ceremony attended by the local provincial administration led by the District Commissioner, Mr. Isaac Tunoi. The NYAHURIADEN office was also opened officially. This function was covered by the Standard newspapers. In the same district, KITUO organized and facilitated the training of all chiefs and assistant chiefs in the district on human rights.



Fact finding missions in Mwatate and Taveta. In Mwatate, group ranches question emerged. Paralegal training to be done and the revival of the network. In Taveta, squatter issue in Criticos' farm- 36 CBOs identified for engagement. A liaison committee formed; need for capacity building on land law, governance.

The Friends of Yala Swamps (FOYS)

Yala Swamp is a wetland bounded to the north by Nzoia River and the south by Yala River. The swamp land covers an area of about 17,500 ha in Siaya, Bondo and Busia districts. The swamp lies within Yala River catchments of the Lake Victoria basin drainage. This is Kenya's largest wetland, and is regarded as a very delicate ecosystem and habitat to some rare flora and fauna, including endangered fish species. Besides, the swamp has served the adjacent communities for time immemorial as source of fish, water, agricultural land, pastures, wild animals, plants for constructing houses, source of wood fuel, medicinal plants etc. Yala swamp is one of the most fragile ecosystems around lake Victoria and to conservationists the swamp should be treated as Kenya/East Africa's national heritage, shared resource of Lake Victoria, one of the wetlands in E. A. with the highest number of biodiversity, buffer zone between land use and Lake Victoria and a regional museum for lost species of Lake Victoria. Dominion Farms Ltd, an affiliate of the USA-based Dominion Group of Companies, based in Oklahoma, USA moved into the swamp through an arrangement with the Lake Basin Development Authority (LBDA). Dominion signed a lease agreement with Bondo and Siaya County Councils [Busia County Council is not part of the agreement, although it shares a significant part of the river and the swamp]. The initial proposal was that Dominion would engage in rice production, in part of the swamp known as Area I, covering about 2,300 ha. This land portion had been reclaimed before 1970, and previously used by LBDA for agricultural activity, mainly to produce cereals, pulses and horticultural crops. An environmental impact assessment (EIA) was commissioned for large-scale rice production initially before the introduction of other varieties of crops was introduced.

In late 2007, KITUO joined with other civil society organizations to form the Friends of Yala Swamps network. The network has already identified intervention areas as land and natural resource issues, environmental justice, legal framework relating to investment, trust land and environment, wetland management, corporate governance and, advocacy and community organizing. The network started engaging with the residents and jointly developed a campaign strategy detailing its position as follows:

- The Dominion project has paid scant attention to the long list of negative impacts of the various stages of its implementation and has instead aimed to justify the project on the basis of its economic importance, components, design, choice of location and implementation strategy
- The Project proponents have not shown the capacity, inclination or commitment to address the negative impacts posed by the project and evidence abounds to suggest that because politicians cushion the company from criticism and scrutiny they have not been bothered with such issues
- The socio-economic dimensions of the project have completely been ignored and communities living around the swamp have had to contend with serious transgressions on their rights to land, livelihood, grazing land, water, fishing areas, swamp resources etc
- The county councils of Bondo and Siaya did not exercise their mandate of trusteeship fairly and have entered in to a contract that is clearly unjust and objectionable without consulting the people on whose behalf the land was held
- Foreign direct investment is not the panacea to the woes of Kenya's economic development but where such investments are invited it is important that due process is followed, those displaced are compensated and genuine negotiations are conducted in the best interest of the citizens.



Other Outreach Activities

The other outreach activities undertaken by KITUO included:

- Participating in the Kibera land commission. This initiative was meant to identify challenges in Kibera, draw up a strategic plan to help turn Kibera into a formal settlement. All the CBOs and NGOs working in Kibera are to be coordinated. A committee was formed bringing together representatives from the 11 villages in Kibera to spearhead the proposed interventions.
- KITUO participated in the annual HIV/AIDS summit to discuss the HIV/AIDS Prevention and Control Act; KCS member of the legal aid thematic working group
- City cotton versus Moi educational centre land dispute
- Organizing a public legal awareness in Nairobi's Mukuru slums on the proposed Tenant and Landlords Bill and the Settlement of Squatters Bill. This was intended to both create awareness and mobilize a critical mass for the lobbying and advocacy around the said bills.
- The Nairobi River Basin campaign was started by the Friends of Nairobi River, to which KITUO is a member. The network seeks to ensure that the process of restoring Nairobi river adopts a human rights approach, and with community involvement. The Terms of Reference for the Friends of the Nairobi River Basin were developed, adopted and key stakeholders mapped to ensure the campaign is well coordinated.

The National Civil Society Congress

The reporting period witnessed the birth of the National Civil Society Congress (NCSC), a representative umbrella body whose membership reflects the diversity of the Kenyan Civil Society drawn from social movements, Non Governmental Organizations (NGO's), Trusts, organizations

of youth, women, persons with disability, working persons through their labour movements and congress, the ethno-regionally marginalized, pastoralists, agricultural communities, small scale business persons, street vendors and communities, senior citizens, Community Based Organizations, and other People Groups (including forest dwellers) and institutions. The Civil Society Congress has membership at various levels in all provinces of Kenya. KITUO, being a member of the Congress, worked with representatives of other Organizations to draw the Charter of the Congress.



The Congress:

- Provides a solidarity support platform where all civil society actors are secure;
- Promotes inculcation of shared pr-people core principles, values and goals;
- Heightens visibility of and enables intergration of hitherto marginalized people groups and base organizations from remote areas into national discourse;
- Facilitates and enables CSO's to strengthen and learn from each other;
- Standardize internal democratic governance practices and transparent management systems
- Facilitates interaction ,information sharing ,harmonization synergy and synchronization of CSO's interventions at and on local ,grassroots ,national ,regional and international issues of concern

The Congress is guided by the principles of democracy governance, universality, interdependence and invisibility of human rights, truth and accountability, integrity of institutions of governance, justice for all citizens; and peaceful co-existence and non violence.

In early 2008, the Congress together with the Kenya Peace, Truth and Justice (KPTJ) network, worked towards the restoration of peace and reconciliation in the country through, among other



things, engagement with the Annan-led mediation team, sending delegations to the African Union meeting in Addis Ababa and spearheading grassroots peace building and reconciliation initiatives. The engagement with the Annan team saw the formation of various commissions to investigate among other things, the election fiasco and the post-electoral violence. Also, the Truth, Justice and Reconciliation Commission to deal with issues of historical and transitional justice is in the pipeline.

Other than engaging the Annan team to restore sanity in the nation, the Congress also engaged the various post-election related commissions including the Krieglar and Waki commissions. This paved the way for electoral reforms and the much anticipated Tribunal that will try the perpetrators of post election violence.

b) Governance

In the period under review, a number of activities geared towards the promotion of governance were implemented. KITUO partnered with Development Innovations Group (DIG), with funding from the Bill and Melinda Gates Foundation, in the URBIS project. The URBIS project is an urban capacity building and learning lab designed to strengthen the capacity of organizations of the urban poor to increase their influence over the decision-making, policy and planning processes that affect their daily lives. The URBIS was conceived to strengthen the capacity of the poor to more effectively target readily available capital funding for poverty reduction. Such capital funding targeted included the Constituency Development Fund (CDF), the Local Authority Transfer Fund (LATF) and the other sector specific devolved funds including those which support HIV/AIDS, roads, education and so on. Under this project, KITUO:

- Mapped all community based organizations in Kisauni constituency, 594 in total, and held 11 consultative meetings with the representatives of the groups, one in each ward in Kisauni.
- Researched into, developed, published and disseminated within the constituency a devolved funds tool kit developed providing information on all the devolved funds in Kenya, how the communities can access each one of them and participate effectively in monitoring and evaluation.
- Built the capacity of the representatives of all the identified 594 CBOs to be able to participate effectively in local municipal governance. The participants, drawn from each of the 11 wards, were taken through a process that culminated to the development of Community Action Plans (CAPs)¹, a listing of 10 priorities of the respective wards, which have been successfully used by the community as a tool for negotiations. Each ward's CAP were developed by a task force of 20 community representatives identified through a participatory process. Public forums were then held in each ward to validate the CAPs. Issues that were cross cutting in the constituency were identified as health, security of tenure, and education. These would be taken up with a constituency-wide engagement mechanism that is underway.
- Mobilized community representatives for Local Authority Service Delivery Action Plan (LASDAP) meetings. Community representatives used the CAPs as an engagement and negotiation tool. Several priorities found their way into the LASDAP and will thus receive funding from the LATF.

In Nairobi, KITUO in partnership with Cities In Partnership with Communities (CIPAC), built the capacity of the membership of the Nairobi Devolved Funds Watchdog (NDFW), a networked of individuals and CBOs from Nairobi's informal settlements, to conduct filed monitoring of projects implemented with funding from the LATF, compile, publish and launch the report. The NDFW were able to involve Nairobi LASDAP committee in the exercise. The report was launched in a public forum in which several civic leaders attended.



¹What are CAPs





KITUO organized and facilitated the Civil Society Organizations (CSOs) meeting to discuss the proposed Nairobi Metropolitan Bill and launch a platform for advocacy around the bill. This was to facilitate a joint strategy of engagement with the process of drafting the bill. A raft of recommendations were prepared and forwarded to the consultants working on the proposed bill.

KITUO also supported the National Action Plan process in the period under review. KITUO was asked to mobilize for and spearhead community forums to identify and package issues in readiness for the regional hearing.

c) Housing

The period under review witnessed increased cases of violations of the right to adequate housing through incidences of unprocedural forceful evictions across the country. KITUO mobilized and organized community forums to sensitize residents from all the informal settlements in Westland division on the right to adequate housing and guidelines on evictions. This was done to build their capacity to champion for their housing rights. This process

culminated to the formation of the Westland Community Forum, an outfit on land and housing bringing together representatives from all the informal settlements in the division. Through a meeting with the District Commissioner, Nairobi West, KITUO managed to push for a temporary shelving of intended eviction of deep sea residents to allow for proper enumeration and discussion of alternatives.

KITUO has been working with the Ministry of Housing to come up with a comprehensive draft housing bill which, KITUO hopes, would address the issue of the right to adequate housing in totality, and moreso, evictions. During the period, several lobbying activities were conducted. First was a meeting with the Permanent Secretary, Ministry of Housing to get an update on the progress of the draft housing bill. Secondly, KITUO collaborated with Shelter Forum to support the Nairobi Peoples Settlement Network (NPSN) to organize the inaugural National Forum on Housing Rights (NFHR). The forum that brought together approximately 1,200 community representatives from across the country was also attended by senior officers from the Ministry of Housing. The forum was preceded by build up activities, for mobilization and sensitization, in all the eight constituencies in Nairobi. It was community-driven by a committee constituting of 2 pax from each constituency. Lastly, KITUO was invited by the Government to the committee that was in charge of the preparations for the 2008 World habitat day celebrations. KITUO partnered with Shelter Forum to give a press release on the right to adequate housing on the eve of the celebrations.

The International Strategy Meeting on Economic, Social and Cultural Rights (ESCR)

The Economic, Social and Cultural Rights-Network (ESCR-Net) is the largest global initiative promoting collaborative action among organizations and activists from around the world working to secure economic and social justice through human rights. ESCR-Net strives to make human rights and a life of dignity a reality for all people through: the development of a collective voice and joint actions among members; the exchange of information and reciprocal learning; the advancement of new tools and strategies; and the establishment of stronger links across regions, languages and disciplines. ESCR-Net has a core membership of 123 organizations and individual activists that are engaged in its governance, as well as over 2000 participants that exchange information and strategies, and provide mutual support for existing social justice campaigns. The substantive work of ESCR-Net is carried out through its Working Groups, Initiatives¹ and Discussion Groups, which are comprised of and coordinated by Members based in different countries.

¹ Working Groups are comprised of and coordinated by Members based in different countries. They respond to emerging issues or strategic opportunities within the field of ESCR. Initiatives are those areas of work that have not been formalized through a Working Group.



In December 2008, Kenya hosted four-days International Strategy Meeting on ESC rights. KITUO partnered with other members of the Kenyan Chapter of the ESCR-Net to organize the conference. The conference was geared to achieve the following;

- Deepen collaborative action among Human rights organisations, social movements and grassroots groups who are facing shared challenges and are other wise divided by language and geographical barriers.
- Provide an opportunity to support and learn from ongoing mobilizing efforts of local organisations and communities affected by ESCR violations in Kenya and the African region.
- Provide for advancement of collective actions and tools in response to the conditions of poverty, inequality and human rights abuse in Africa.
- Provide a crucial step forward in strengthening ESCR-Net's institutional capacity to influence decision-making processes regarding state and non-state accountability for the implementation of socio-economic rights
- Set ESCR-Net's priorities for the coming three years, elect a new Board, and establish consistent procedures and criteria to launch campaigns and solidarity actions, among other institutional decisions.

This was a landmark gathering which brought together approximately 300 key human rights groups, social justice and grassroots' activists from around the world and provided them with a strategic space to solidify and develop new skills and tools to more effectively challenge violations of economic and social rights. The 2008 meeting had strategic working groups on:

- Adjudication of Economic, Social and Cultural Rights (ESCR)
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- Budget Analysis and ESCR
- Corporate Accountability
- Trade, Investment, Finance and Human Rights
- The Human Right to Health
- Women and ESCR

In preparation for the Conference, KITUO partnered with Hakijamii Trust, Shelter Forum and the Nairobi Peoples Settlement to host an inaugural meeting to develop a strategy for Kenya Social Movement. The Kenya Social Movement brings together different community groups from all the eight provinces of Kenya with an aim of having a platform to collectively champion for the realization of the economic, social and cultural rights (ESCR). The meeting brought together 36 participants from 14 groups. The meeting defined a social movement, its ideals, and advantages and also developed a working strategy. The founder membership of the Kenya Social Movement also identified the priority areas for the movement as land, housing, health, education, food, environment, governance, water and sanitation, gender and labor.



Research, Communication and Documentation (RCD)

This programme that had been defunct for very long was successfully revamped during the reporting period. It is now functional and is headed by a Coordinator. During the strategic planning process, the programme was also reviewed to effectively contribute to the overall mission and vision of KITUO. Research work was conceived to enhance policy advocacy and litigation intervention as well as inform public debates on critical areas of KITUO's thematic concerns. The programme will contribute to enhancing KITUO's profile by show-casing its continued role, relevance and work. This will be important in generating confidence among the stakeholders to address some of the organizational threats like donor fatigue and probable shift in donor's focus. Under the new strategic plan, it is envisaged that this function will:

- Undertake excellent cutting-edge research on issues of access to justice, land, labour, housing, refugees and other emerging human rights concerns;
- Generate relevant new ideas, innovation and directions for KITUO's interventions;
- Enhance positive visibility and reputation/image/profile of KITUO as a premier CSO in its core thematic areas.
- Efficient, effective and timely documentation and dissemination of KITUO's work and publications.

During the period under review, the programme undertook several activities.

a) Review of Labour Laws

The programme was involved, with other programmes, in analyzing and reviewing the New labour laws: The Work Injury and Benefits Act 2007; Labour Institutions Act, 2007; Labour Relations Act, 2007; The Employment Act, 2007; The Occupational Safety and Health Act, 2007. This work entailed examining the new laws, reducing them to simplified versions and evaluating them for their gains, losses and gaps. This work is in the final stages of completion.

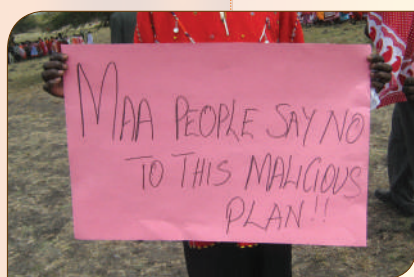
b) Production and Dissemination of Kituo's Newsletter

The RCD programme was in charge of production of Kituo's Newsletter, a quarterly newsletter that highlights various human rights issues of concern. In November, Kituo published an issue in which the lead article was entitled: The State has a Constitutional Duty to Provide Security: The Case of the Turkana. The newsletter also had articles relating to Kituo's work in the advocacy on housing rights, new labour laws, fact finding missions and the work at the URIP centre. The publication is distributed to our various partners including our target grassroots communities with whom we partner, funding agencies, civil society organisations, individual clients and the public in general.



c) Research Articles

Access to justice, and in particular access to legal services, remains a major challenge for the poor and marginalised communities in Kenya. As part of the process of analyzing the situation in Kenya in regard to this issue, the coordinator of RCD wrote a paper entitled; The National Legal Aid and Awareness Programme (NALEAP) is too Little too Late: Barriers of Access to Justice by the Poor. This article examines and highlights how deficient the legislation pertaining to legal aid in Kenya is and also looks at other barriers of access to legal services. This paper was submitted to OJSI as part of the information to explore the possibility of collaboration between OSJI and Kituo Cha Sheria. This article is in the process of finalization for purposes of publication in a legal journal. The RCD coordinator has also together with a colleague written an article entitled: The Rule of Law in Kenya and the Gender Equality Imperative, where they examine the normative implication of the rule of law in the context of gender inequality particularly in the area of personal laws, succession and property ownership.



This article is being published in a journal by the International Commission of Jurists-Kenya and will be in Kituo's Website. The coordinator of RCD has also written a LLM thesis entitled: The Case for Justiciability of Socio-Economic Rights in Kenya: Drawing from the Experience in South Africa, India and the United States. This publication will also be in Kituo's area of interest.

d) Trainings on Human Rights

RCD in conjunction with other programmes has been involved in trainings of opinion leaders of various communities on issues of human rights. RCD participated in the team that held a training workshop in Bunyore. This workshop targeted community, religious and administrative leaders and was on various aspects of laws. RCD was also part of the team that trained chiefs and assistant-chiefs in Nyando district on various aspects of the legal their concerns including, inter alia, the criminal process, the law of succession, rights of women, children's rights and human rights in general. These trainings have had a profound empowering outcome taking into account that they are targeted at opinion shapers in communities where lack knowledge of the law and human rights acts as a great impediment to access to justice leading to violations of human rights.



e) Production and dissemination of IEC materials

RCD programme has been in charge of production and dissemination of Information, Education, and Communication (IEC) materials including banners, brochures, and leaflets. This was particularly important since KITUO was in the process of strategic planning necessitating production of new materials to reflect new directions and a rebranding of the organization. Some of the materials that have been distributed include the Human Rights Card, booklets on labour rights and devolved funds. The IEC materials serve the individuals and communities by providing information on their rights and act as invaluable tools that empower them to claim these rights as well as enable them to engage with policy makers and ensure governmental accountability.

f) Research

The RCD programme has been conducting research that informs the organisation's intervention in policy advocacy and litigation. An example of such research was the fact finding/ media focus mission/visit to Turkana districts following a spate of murders and robbery of livestock by raiders. Turkana districts are inhabited by the Turkana who among other communities in the Northern Kenya remain, since the period colonialism, very poor and marginalized. State-sponsored and inter-community violence remains pervasive. Kituo's aim is to show that this marginalisation, violence (even from third parties) constitutes violations of these communities' fundamental human rights such as the right to life, security, equal protection of the law as well as socio-economic rights. Kituo is concerned that apart from the economic marginalisation, the plight of these communities is exacerbated by institutional marginalisation that includes lack of courts and governmental acquiescence to a parallel criminal process that brands outright murder and robbery with violence as "cattle rustling." Some of the outcomes include a media spotlight on the issues afflicting Turkana people by KTN TV for a number of days as well as identification of salient advocacy and strategic litigation action points.

g) Communication/ Profiling Kituo's Work

RCD has been in charge of profiling and showcasing Kituo's work. It has done this by, for example, organizing events such as the NGO week. During the 2008 NGO week, members of staff conducted legal aid clinics, talked to the public about Kituo's work/ role and distributed IEC materials. The programme has also been involved in production of press releases on our thematic areas.



Networking and collaboration

KITUO has earned itself a place as a lead legal aid agency in Kenya, a role KITUO has continued to nurture ably. During the period under review, KITUO actively participated in a conference that brought together legal aid agencies from Eastern and Central Africa. During the conference, organised by the Ministry of Justice, National Cohesion and Constitutional Affairs, KITUO was tasked to provide guidance on partnership modalities in pursuit of access to justice for the poor and marginalised. At the end of the conference, KITUO was nominated as a co-host to the newly formed East and Central African access to Justice Network, alongside FIDA (Kenya) and FIDA (Ghana).



KITUO also successfully spearheaded the formation of a national legal aid network. This was done after a critical analysis of 'Legal Aid in Kenya', after which recommendations were made to the effect that there was a serious need for all the legal aid service providers to consolidate their efforts. KITUO is also playing host to this network. The network is also intended to seize the numerous law reform opportunities to ensure the concerns of the poor are taken into account. These include the formulation of legislation on Access to Justice as well as reforms around the Civil and Criminal procedure laws and the entrenchment of the legal aid policy into legislative framework.

The organisation also actively participated in the recent Access to Justice Conference in Kigali Rwanda where, in recognition of KITUO's efforts, KITUO was endorsed to act as focal point for all Eastern Africa legal aid agencies.

KITUO has on several occasions been sought after by persons living with disability for assistance. Despite this area falling outside the key areas of concern for KITUO's work, a meeting held with the Chairperson of the National Council of Persons living with Disability early in the year culminated into a working memorandum of partnership between KITUO and the Council for KITUO to provide, among other legal services, capacity building support to members of the Council. KITUO is also in the process of compiling two versions of the popular versions of the Disability Act for publication jointly with the Council.

KITUO's role as a lead human rights organization was again recognized by being nominated by the other civil society organizations to be the focal point in Mombasa tasked with the role of preparing communities for a public hearing organized by the Ministry of Justice and Constitutional Affairs jointly with the Kenya National Commission on Human Rights towards formulation of a National Human Rights Policy.

KITUO, through the Legal Aid and Education program, jointly with VSO Jitolee, and with the support of the NGOs Board and PACK (K), successfully convened an open discussion forum on Volunteerism attended by the Nairobi VAs and other partners. It served both as a contribution by KITUO to the annual NGOs week function as well as an incentive to the Nairobi VAs. The VAs were awarded CLE points for their participation, KITUO being a recognised course provider under the LSK-ran CLE programme. During the NGOs Week event, observed between the 24th and 26th, the department attended to members of the public through a free legal aid clinic. The executive Director and one of the legal/programmes officers participated through a presentation and moderation (respectively), in the main discussion forums held at the KICC. The ED's presentation was a further effort by KITUO to see to the streamlining of the Governance of this very important body.

KITUO has also proved to be a resource centre for government agencies and especially the Ministry of Health who have on occasion called in KITUO to build the capacity of their VCT Counsellors



and other health workers through basis law including the HIV Prevention and Control Act of 2006. In the same breath, KEMRI-Mtwapa research site has continued to benefit from KCS which is the elected chair to the community advisory board. KITUO has been instrumental in conducting a police sensitization workshop on the HIV vaccine research initiatives being conducted in Mombasa and its environs and specifically the key role played by the commercial sex workers and MSMs who are the main research subjects.

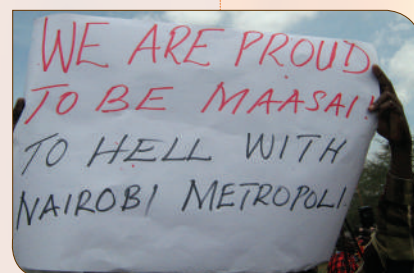
KITUO was involved in the campaign against Trafficking in Persons. KITUO collaborated with Solidarity Centre, Solwodi, Muhuri, Mewa, KUDHEIHA and FIDA in conducting sensitization workshops in this area which seems so green to many yet reported cases of TIP are becoming more and more common not to mention the greater number that goes unreported. It is important to note that Mombasa has been noted in the UN special report on trafficking in persons as not only, a source but also a transit as well as a destination for victims of trafficking. Through a number of forums conducted, there seems to be an increased awareness on the problem and more and more cases are getting reported to KCS offices even if only for the purpose of verifying whether or not an incident falls in the category of cases of trafficking in persons.

In KITUO's continued advocacy around land rights, KCS collaborated with Action Aid in facilitating a workshop on the provisions of the draft National Land Policy in as far as it addresses land and property rights of women with the aim of building support for women's rights to land and property at the provincial, district and grass-root level. KITUO, being an organization that has long been involved in advocating for land rights, was tasked with the role of analyzing and critiquing the draft National Land Policy vis a vis women's right to access and use of land.

Training

During this period, KITUO hosted two interns one from Harvard Law School and another from the Hong Kong University in its continued support for both local and international young lawyers in their career development and specifically in the areas of human rights and social justice. KITUO's legal aid department also hosted four interns from local universities.

Under the International partnerships, KITUO is opening up to calls for research partnerships from McGill University and Carleton University both in Canada. The department has already developed project descriptions for Carleton University students to take up research on three public interest issues of concern to poor and marginalised groups in Kenya. The benefit for KITUO will not only be volunteers to assist in the research workload, but also the raising of awareness on the part of students in Canada of local human rights issues in Africa which they would not otherwise hear about and more importantly, the research they will contribute to a case file or policy briefing on the identified issues, which can also act as a fundraising tool.



Finance and Administration

The Finance and Administration (F&A) function of KITUO includes finance, accounting, human resource, administration and Information Communication and Technology (ICT). It provides support to core activities in order to achieve organizational objectives.

Human Resources

In the year 2008 KITUO had a total of 34 members of staff (12 female and 22 male) from 26 the previous year. This can mainly be attributed to the starting of the URIP centre and an increase in the number of Interns. During the reporting period the structure classified as program, support and interns stood as follows:

	Program	Support	Intern	Total
Female	3	4	6	13
Male	9	5	7	19
Total	12	9	13	34

The gender distribution is also illustrated in the table. We also had two international Interns in the Legal Aid department for a period of three months each. An Administrative assistant and a program officer from the Coast regional office left the organisation within the year as well as three interns who had completed their internships.



Capacity building

During this period the Administrative assistant from the Nairobi office was enrolled for a Diploma in Information Management (Library Studies) at the Kenya Polytechnic University College. The course is expected to take two years. There was also a two day training workshop organised by UNDP at Lukenya Gateway motel, that was attended by the AGCP program coordinator and the F&A coordinator.



Internships

As part of its mandate, KITUO sensitizes upcoming lawyers and other professionals on the values of social justice through its internship program. During this period, KITUO had a total of thirteen interns, two in Finance and Administration, two in AGCP, three in URIP and six in Legal Aid and Education. KITUO also received two international interns, one from the Harvard Law School and the other from Hong Kong University for a period of three months each.

It was during the same period where an MBA student from USIU who was attached to KITUO, successfully facilitated a review of KITUO's Human Resources policy manual. The recommendations for review are very progressive and are awaiting approval of the Board of Directors for their adoption.

Administration

In January all KITUO's programmes went through a planning session for the year. Work plans were generated from the strategic objectives. The resultant programmatic plans were merged into the institutional work plan for the year 2008. KITUO's strategic plan (SP) came to an end and a process for developing a new SP was commenced and completed in a retreat at the Sarova Taita Hills & Salt Lick Lodges. A follow up validation exercise and the eventual SP launch were held in the month of December.



Procurement

The procurement and tendering committee continued to meet to vet quotations for supply of services and goods regularly throughout the period. This ensured competitive bidding was maintained and proper procurement procedures were followed. A list of approved suppliers was maintained and updated whenever it was found to be necessary.

Motor vehicles

KITUO maintains a pool of three motor vehicles, a van, saloon car and a Toyota 4x4. The saloon car is stationed in Mombasa. The van and the 4x4 are used in Nairobi for program and administration activities. However, except for the 4x4 motor vehicle, the two other cars are old and expensive to maintain. They also break down quite regularly.

Refurbishment

The Urban Refugee Intervention Centre was established in Eastleigh and the offices were well partitioned and furnished. The client waiting room at the KITUO headquarters was also renovated and a path connecting the main office with the prefab building was constructed and paved with concrete slabs. A new television screen was purchased for the client reception area and connected to DSTV digital satellite technology while the old one was taken to Eastleigh office.

Medical cover and Provident fund

In keeping with its good employer policy, KITUO provided all its employees and their immediate families with a medical insurance cover offered by APA Insurance Company Ltd. The cover assists employees to meet the cost of medical care when unusual or unexpected health-related adversities occur. The staff provident fund was paid promptly for all confirmed members to CFC who are the fund managers.



Finance and Accounts

Salaries and Other Statutory payments

During the year 2008, KITUO continued to remunerate its staff as per their contracts of engagement. All the statutory deductions and other obligations were met as they fell due.

Development Partners

During the year 2008, KITUO held one donor round table at the hotel Fairview Hotel on the 29th of October which was well attended by all our invited partners: IRC, RDE CIDA, UNHCR and GTZ. The discussion were centered around KITUO's engagements during the year and future partnerships with the represented partners.

Audit

KITUO's books of accounts are audited semi annually and for the year 2008, the audit was completed on time and circulated to partners. KITUO also undertook various project audits to meet the various donor requirements.

Creditors & Debtors

KITUO as an organization is fully donor dependent as such there were no creditors of whatever form or nature associated with the organization in the year 2008.

Client Disbursements

Clients disbursement for the year 2008 amounted to Kshs 96,600.00

Information Communication and Technology (ICT)



Computers/printers

During this period, KITUO purchased nine computers, six of these were branded DELL computers. These were distributed to various personnel in all our offices in Nairobi, Eastleigh and Mombasa. We also purchased a photocopying/printer machine for the Mombasa office. This has helped to ease the pressure on computers and printers needed for effective and optimum delivery of services.

Communication

Communication within and outside KITUO has greatly improved. This has been facilitated by the provision of a 24-hour internet access through Telkoms ADSL service and eleven telephone lines (two in Mombasa six in Head Office and three in Eastleigh). Among the eleven lines two are connected to facsimile machines in both Nairobi and Mombasa offices.

To improve its ICT component, KITUO operates a mail server that collects mail from its Internet Service Provider (ISP). The mail sever runs MDEAMON software that distributes mail seamlessly to individual computers. This has greatly improved internal and inter office communication. Issues raised are responded to in a short time and information sharing between staff is almost becoming a culture in the organization. Every employee has an KITUO domain email account that can also

be viewed from anywhere on the internet.

KITUO updates its website www.kituogetheria.or.ke regularly with new content, news articles, highlight of some of its core projects in implementation and internally-generated publications.

Databases

During the period staff in Legal Aid and Education function continued to update the records into the databases of volunteer advocates program and the daily walk-in clients. Records of cases that are ongoing in court is also kept in a separate database. The databases are networked and information is shared between all relevant personnel for ease of update, retrieval and generation of reports.





Responsibility of the Board

KITUO CHA SHERIA (LEGAL ADVICE CENTRE)

PAGE 4

RESPONSIBILITIES OF THE BOARD




The Board members are required to prepare financial statements for each financial period, which gives a true and fair view of the state of affairs of Kituo cha Sheria at the end of each financial year, and its operating results for the period.

It also requires the Board members to ensure that the Kituo cha Sheria keeps proper accounting records of its income, expenditure, liabilities and assets, and that the contributions are remitted to the custodian in accordance with the rules of the Kituo cha Sheria.

The Board members accept responsibility for the annual financial statements, which have been prepared using appropriate accounting policies supported by reasonable and prudent judgments and estimates, in conformity with International Financial Reporting Standards.

The Board members are of the opinion that the financial statements give a true and fair view of the financial affairs of the Kituo cha Sheria and of its Income and Expenditure Account.

The Board members further accept responsibility for the maintenance of accounting records, which may be relied upon in the preparation of financial statements, as well as adequate systems of control.

	CHAIRMAN	DATED 14 th 2008.
	SECRETARY	DATED 14 th 2008.
	TREASURER	DATED 14 th 2008.

KITUO CHA SHERIA (LEGAL ADVICE CENTRE)

PAGE 4

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	CHAIRMAN	DATED 21 st 2009.
	SECRETARY	DATED 21 st 2009.
	TREASURER	DATED 21 st 2009.



Respective Responsibilities of the Board and Auditors

KITUO CHA SHERIA (LEGAL ADVICE CENTRE)

PAGE 5

REPORT OF THE AUDITORS

We have audited the Financial Statements on pages 6 to 13 for the period ended 31 December 2008 and have obtained all explanations which, to the best of our knowledge and belief, were necessary for the purposes of our audit.

Respective responsibilities of the Board and Auditors

As described on page 2, the Board is responsible for the preparation of the financial statements. Our responsibility is to express an opinion on those financial statements based on our audit.

Basis of Opinion

We conducted our audit in accordance with International Standards on Auditing. Those standards require that we plan and perform the audit to obtain reasonable assurance that the financial statements are free from material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by the management, as well as evaluating the overall financial presentation. We believe that our audit provides a reasonable basis for our opinion.

Opinion

In our opinion, the financial statements which have been prepared under the historical cost convention gives a true and fair view of the financial position of the organization as at 31st December 2008 and of the results of its operations and its cash flows for the period then ended.

KIGUNDU AND COMPANY,
CERTIFIED PUBLIC ACCOUNTANTS (K),
P.O. BOX 28979 - 00200 - CITY SQUARE,
NAIROBI.

Dated. 20th A.R.L.C. 2009

KITUO CHA SHERIA (LEGAL ADVICE CENTRE)

PAGE 5

RESPECTIVE RESPONSIBILITIES OF THE BOARD AND AUDITORS

As described on page 2, the Board is responsible for the preparation of the financial statements. Our responsibility is to express an opinion on those financial statements based on our audit.

Basis of Opinion

We conducted our audit in accordance with International Standards on Auditing. Those standards require that we plan and perform the audit to obtain reasonable assurance that the financial statements are free from material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by the management, as well as evaluating the overall financial presentation. We believe that our audit provides a reasonable basis for our opinion.

Opinion

In our opinion, the financial statements which have been prepared under the historical cost convention gives a true and fair view of the financial position of the program as at 30th June 2008 and of the results of its operations and its cash flows for the period then ended.

KIGUNDU AND COMPANY,
CERTIFIED PUBLIC ACCOUNTANTS (K),
P.O. BOX 28979 - 00200 - CITY SQUARE,
NAIROBI.

Dated. 17th O.C.T.O. B.F.R. 2008

Income and Expenditure Account

KITUO CHA SHERIA (LEGAL ADVICE CENTRE)		PAGE 6	KITUO CHA SHERIA (LEGAL ADVICE CENTRE)		PAGE 6
INCOME AND EXPENDITURE ACCOUNT			INCOME AND EXPENDITURE ACCOUNT		
FOR THE SIX MONTHS ENDED 30 JUNE 2008			FOR THE SIX MONTHS ENDED 31 DECEMBER 2008		
INCOME	NOTES	2008 JAN - JUNE KSHS	INCOME	NOTES	2008 JUL - DEC KSHS
Un-utilized Grants Brought Forward	3	251,592	Un-utilized Grants Brought Forward	3	295,562
Receipts During the Year:			Receipts During the Year:		
Grants	4	14,252,180	Grants	4	27,038,328
Other Income	5	72,424	Other Income	5	133,336
Interest Received		3,948	Interest Received		00
TOTAL INCOME		14,580,144	TOTAL INCOME		27,467,226
EXPENDITURE			EXPENDITURE		
Personnel Costs	6	4,166,630	Personnel Costs	6	3,991,383
Programme Costs	7	7,016,153	Programme Costs	7	15,857,909
Administration and Office Costs	8	2,377,199	Administration and Office Costs	8	3,281,468
Transport Costs	9	558,228	Transport Costs	9	1,088,528
Auditing and Evaluation	10	90,000	Auditing and Evaluation	10	929,911
Client Disbursement		83,487	Client Disbursement		51,439
TOTAL EXPENSES		14,291,697	TOTAL EXPENSES		25,200,638
SURPLUS FOR THE YEAR BEFORE ADJUSTMENT		288,447	SURPLUS FOR THE YEAR BEFORE ADJUSTMENT		2,266,588
LESS ADJUSTMENT:			LESS ADJUSTMENT:		
Un-utilized Grants Carried Forward (See note 3)		(295,562)	Un-utilized Grants Carried Forward (See note 3)		(2,184,691)
SURPLUS/(DEFICIT) FOR THE PERIOD CARRIED FORWARD		(7,115)	SURPLUS/(DEFICIT) FOR THE PERIOD CARRIED FORWARD		81,897



Financial Report - 2008

Balance Sheet

KITUO CHA SHERIA (LEGAL ADVICE CENTRE)		PAGE 7	KITUO CHA SHERIA (LEGAL ADVICE CENTRE)		PAGE 7
BALANCE SHEET AS AT 30 JUNE 2008			BALANCE SHEET AS AT 31 DECEMBER 2008		
ASSETS	NOTES	2008 JAN - JUNE KSHS	ASSETS	NOTES	2008 JULY - DEC KSHS
Property, Plant and Equipments	1 & 2	14,759,573	Property, Plant and Equipments	1 & 2	14,759,573
Non-Tangible Assets (Software)		156,600	Non-Tangible Assets (Software)		156,600
		14,916,173			14,916,173
CURRENT ASSETS:			CURRENT ASSETS:		
Cash and Bank Balances	12	1,401,593	Cash and Bank Balances	11	3,346,159
		1,401,593			3,346,159
TOTAL ASSETS		16,317,766	TOTAL ASSETS		18,791,261
EQUITY & LIABILITIES			EQUITY & LIABILITIES		
NON-CURRENT LIABILITIES			NON-CURRENT LIABILITIES		
Accumulated Fund	13	14,516,064	Accumulated Fund	12	14,569,013
Donated Assets Fund	14	1,226,187	Donated Assets Fund	13	1,757,604
		15,742,251			16,326,617
CURRENT LIABILITIES:			CURRENT LIABILITIES:		
Clients Account	16	279,953	Clients Account	14	279,953
Un-utilized Project Funds		295,562	Un-utilized Project Funds(SEE NOTE 3)		2,184,691
		575,515			2,464,644
TOTAL LIABILITIES		16,317,766	TOTAL LIABILITIES		18,791,261

The Financial Statements were approved on 14/10/2008, and signed for and on behalf of KITUO CHA SHERIA (LEGAL ADVICE CENTRE) by:-

CHAIRMAN (BOG)

MEMBER

The Financial Statements were approved on 14/10/2009, and signed for and on behalf of KITUO CHA SHERIA (LEGAL ADVICE CENTRE) by:-

CHAIRMAN (BOG)

MEMBER



Grants

	2008 JAN - JUNE 6 MONTHS KSHS	20 JUL - DE MONTHS KSH
4. GRANTS:		
UNHCR	2,390,345	
Misereor	621,322	
Embassy of Finland	1,809,925	4,602.6
UNDP	2,004,150	
DANIDA (Royal Danish Embassy)	6,562,625	4,555.7
International Rescue Committee (IRC)	647,813	137.9
CORHE	0	130.8
COOP I	216,000	360.0
TOTAL GRANTS	14,252,180	9,787.1
5. OTHER INCOME:		
Client Disbursement Income	38,764	593.5
Miscellaneous Income	0	23.8
Client Registration	33,660	56.7
	72,424	674.0

	2008 JUL - DEC 6 MONTHS KSHS	2008 JAN - JUL 6 MONTHS KSHS
4. GRANTS:		
UNHCR	2,239,100	2,390,345
Misereor	9,722,639	621,322
DIG	4,353,153	1,809,925
UNDP	2,004,150	2,004,150
DANIDA (Royal Danish Embassy)	7,364,010	6,562,625
International Rescue Committee (IRC)	46,995	647,813
OSI	804,281	0
COOP I	504,000	216,000
TOTAL GRANTS	27,038,328	14,252,180
5. OTHER INCOME:		
Client Disbursement Income	57,836	38,764
Client Registration	75,500	33,660
	133,336	72,424

