

**THE  
EAST AFRICAN CENTRE  
FOR  
HUMAN RIGHTS  
(EACHRights)**

**STRATEGIC PLAN 2014-2016**

**The East African Centre for Human Rights  
(EACHRights)**

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*“Overcoming poverty is not a gesture of charity. It is an act of justice. It is a protection of a fundamental human right, the right to dignity and a decent life” Nelson Mandela (1918-2013)*

## ACRONYMS

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## **PART I: INTRODUCTION**

### **1.1 Executive summary**

The East African Centre for Human Rights was founded in May 2010 and registered as a Trust in Kenya in November of the same year. It was established to undertake human rights work within a regional context. It is the first regional human rights institution of its kind in East Africa that seeks to initiate and undertake programmes that will promote, protect and enhance human rights generally but with special emphasis on the promotion of the realization of economic, social and cultural rights in Kenya, Uganda and Tanzania. Indeed, the work of EACHRights is premised on the fact that “*All human rights are universal, indivisible and interdependent and interrelated...*” During the implementation of the initial strategic plan, the organization made tremendous steps towards achieving its initial vision of being “*...the leading Human Rights organization in East Africa*”.

EACHRights undertook an analyses of the environment under which it is operating in. This revealed the need for the organisation to continually push for a society that is free from inequality and discrimination; that embraces or adheres to equitable development; and that respects and adheres to economic and social rights. To this end, EACHRights has the vision of “*a society that respects and upholds human rights and human dignity*”. In an effort to achieve this, EACHRights’ mission will be “*to promote social justice in East Africa through research, capacity building, advocacy and access to justice*”. The strategic objectives will include to be a leading think tank in the promotion, protection and enhancement of economic and social rights and equitable development among the vulnerable and marginalised groups; to expand within the East Africa region; and to enhance institutional sustainability, visibility, programmes and capacity. EACHRights shall do this through four programmes namely-

- (i) Research and monitoring (RAM) programme that shall seek to enhance the scholastic research on and monitoring of human rights and thereby push the boundaries of the same within Kenya and the East Africa region as a whole.
- (ii) Awareness creation and capacity building (ACCB) programme that will provide holistic capacity building for different target groups on various human rights instruments and thematic areas and groups together with develop skills in strategic and public interest litigation but with a special bias to economic and social rights.
- (iii) Policy reform and advocacy (PRA) programme that will seek to promote equitable development and economic and social rights.
- (iv) Access to justice (A2J) programme that will seek to enhance social accountability among duty bearers.

## 1.2 Message from the Chairman, Board of Directors

We are pleased to present the second strategic plan which will guide the organization between 2014 and 2016 which comes hot after the successful implementation and conclusion of the first strategic period that saw the organization experience exponential growth between 2011 and 2013. Indeed, the first strategic plan was more inward looking and had deliberately set a very ambitious vision for the organization that sought to make it *“to be the leading Human Rights organization in East Africa”*. This was necessary as to be the best, one must then benchmark against. Now that the systems are in place and the organization is slowly becoming a household name within the NGO sector in Kenya and beyond, this strategic plan now puts the organization on the launch pad to contribute to the promotion and protection of human rights and human dignity within the region.

With this new strategic plan that has the vision of *“a society that respects and upholds human rights and human dignity”* and mission *“to promote social justice in East Africa through research, capacity building, advocacy and access to justice”*, it is our belief that the EACHRights is now in a position to play its part to ensure that Kenyan citizens enjoy their human rights (read economic and social rights) and more importantly that they live in dignity. This is because despite the supposed economic growth in the country, the last few decades have seen the gap between the rich and the poor increase tremendously thereby leading to unprecedented levels of inequality. Therefore, it is important to push for equitable development and social justice.

In the realization of the potential of the Constitution to promote equitable development, EACHRights will seek to take a lead role in the implementation of the new Constitution at the national and county level. This is in the realization that without sustained advocacy, then the dream that was envisaged by the drafters of the Constitution will not be realized. During this period, EACHRights will also seek to expand its programmes beyond the Kenyan border by commencing registration in Uganda and Tanzania. Also, the organization will seek to work closely with the East African Community, the African Union and other organizations that have a presence in both Arusha and Addis Ababa.

As we set off on this journey, it is our belief that all the partner organizations will join us as we try to seek to play our part in ensuring a country that respects and upholds human rights and human dignity.

**Mr. Vincent Kimosop**  
**Chairman, Board of Director**

### **1.3 About EACHRights**

The East African Centre for Human Rights was founded in May 2010 and registered as a Trust in Kenya in November of the same year. It was established to undertake human rights work within a regional context. Its creation followed consultation with academics and human rights practitioners from United Kingdom, Kenya, Uganda, Tanzania and Ethiopia. These consultations revealed a lacuna with regard to human rights in Kenya and within the region. This necessitated a desk review that resulted in the development of a concept paper, which was finalized in December 2010. The desk review revealed some of the gaps that need to be filled and opportunities that need to be exploited namely the promulgation of the new Constitution of the Republic of Kenya, the developments at the African Court of Human and People's Rights, the developments at the East African Court of Justice, the developments at the African Committee on the Rights and Welfare of the Child, the adoption of the Optional Protocol on Economic, Social and Cultural Rights, the ongoing judicial reforms in Kenya, the Vision 2030 and the Millennium Development Goals to mention a few.

The organization is the first regional human rights institution of its kind in East Africa that seeks to initiate and undertake programmes that will promote, protect and enhance human rights generally but with special emphasis on the promotion of the realization of economic, social and cultural rights in Kenya, Uganda and Tanzania. The establishment of the organization was thus driven by the developments in the international, regional and national human rights arena and discourse; the gaps that were identified with regard to human rights in East Africa and the emerging opportunities that have presented themselves with regard to the promotion, protection and enhancement of human rights in general and specifically to the realization of economic, social and cultural rights, the forgotten child of the human rights family.

## **PART II: ECONOMIC AND SOCIAL RIGHTS; AND DEVELOPMENT-A CONTEXT ANALYSIS**

### **2.1 An international context**

The Universal Declaration of Human Rights<sup>1</sup> (hereinafter UDHR) recognizes the equality, inalienability, universality and indivisibility of human rights. Because it was drafted in the period of the Cold War, the inter-relationship between human rights was never agreed upon. This inter-relationship was entangled in politics of that period as the Western States and Socialist States each had a set of ideologies to support. This led civil and political rights on the one hand and economic, social and cultural rights on the other to be codified in different international treaties namely the International Covenant on Civil and Political Rights (hereinafter ICCPR), which Kenya acceded to on 23<sup>rd</sup> March 1976 and the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) which Kenya acceded to on 1<sup>st</sup> May 1972<sup>2</sup>. This codification further categorized the rights into first generation and second generation rights. Indeed the economic and social rights were overshadowed by civil and political rights. They were disputed on the grounds that they were collective rights and that they confused goals and rights by entailing positive obligations that were not realistic to fulfill and lastly, they identified no duty holder<sup>3</sup>. All these weakened the position of ICESCR in the international discourse.

However, the 1990s saw an end of the Soviet Union. Its demise brought the emergence of a new global order that was based on the principles of democratization, participation, and international co-operation.<sup>4</sup> This re-emergence led human rights advocates and practitioners into having a discourse with international co-operation and it gradually regained prominence, which became a feature of a host of world summits held from 1990s onwards.<sup>5</sup> These World Summits set targets to be achieved and the 1993 World Conference in Vienna that led to the adoption of Vienna Declaration and Program of Action<sup>6</sup> establishing an agenda for the new world order. This Conference was more significant as it underscored the indivisibility of and the equal prominence of all rights.<sup>7</sup>

The Vienna Declaration and Programme of Action<sup>8</sup> stated, “*All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty*

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<sup>1</sup> A/RES/217A(III) adopted on 10<sup>th</sup> December 1948

<sup>2</sup> G.A.Res.2200A(XXI) both instruments were adopted on the 16<sup>th</sup> December 1966

<sup>3</sup> David Beetham, *Democracy and Human Rights*, p. 115

<sup>4</sup> Jakob Kirkemann Hansen and Hans-Otto Sano, “The Implications and Value Added of a Rights-Based Approach” in *Development as a Human Rights: Legal, Political and Economic Dimensions*, p.36

<sup>5</sup> Some of the World Conferences were: World Conference of Human Rights in Vienna (1993); Fourth World Conference on Women in Beijing (1996); World Social Summit for Development in Copenhagen (1996); the World Food Summit in Rome (1997); the World Summit on Sustainable Development in Johannesburg (2002)

<sup>6</sup> A/CONF.157/23

<sup>7</sup> Supra no. 21, p.39

<sup>8</sup> Adopted by the World Conference on Human Rights, Vienna, 25th June 1993 (A/CONF.157/24 (Part I), Chap. III).



*of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms”.*

The Vienna Conference was more particular in recognizing that democracy, development and human rights are interdependent and mutually reinforcing. The United Nations General Comments<sup>9</sup> passed by the Committee on Economic, Social and Cultural Rights in 1990 further reinforced economic and social rights as being of the same value to civil and political rights. Thus, human rights gained prominence in the development co-operation activities of the UN among its other operational areas. It brought in the concept of having a rights-based approach to development, as it had as early as 1970 emerged that development should be geared more towards the meeting of peoples basic needs.<sup>10</sup>

## **2.2 A regional context**

There have been several key developments in Africa in general but also specifically in East Africa with regard to the promotion, protection and enhancement of human rights. The African Charter on Human and People’s Rights was the first human rights treaty to combine the different types of rights in one instrument. It states in its Preamble that economic and social rights are necessary for the realization of civil and political rights and it provides that “[...] *it is essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as the universality and that satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.*”<sup>11</sup> This therefore provides an invaluable platform upon which to launch programmes that are geared towards ensuring that all rights are treated equally and that the right to development is one such right that a people can push for.

But over and above that, it is important to note that the last few years has seen an increased interest in the work of the African Commission on Human and People’s Rights and the African Court on Human and Peoples Rights that was established by the Protocol to the African Charter on Human and Peoples Rights<sup>12</sup> which came into force on 25th January 2004 with the goal of the complementing the protective mandate of the African Commission.<sup>13</sup>

Thirdly, there is the progress being made by The African Committee of Experts which draws its mandate from Articles 32-46 of the African Charter on the Rights and Welfare of the Child which had hitherto been plagued by perennial shortage of funds to support its activities which has resulted in a very little work being done. Finally, there has been immense progress made with regard to the creation of The East African Court of Justice which is an organ of the East African Community established under Article 9 of its Treaty.

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<sup>9</sup> General Comment 2: International Technical Assistance Measures and General Comment No. 3: The Nature of States Parties’ Obligations

<sup>10</sup> Supra No. 21, p. 40

<sup>11</sup> African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981. OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986

<sup>12</sup> OAU/LEG/AFCHPR/PROT (III). Article 66 of the Charter creates the provision for the establishment of special protocols or agreements, if necessary to supplement the provisions of the Charter

<sup>13</sup> Article 2, Protocol of the African Court on Human and Peoples' Rights

### **2.3 The national context**

The Constitution of Kenya has for the first time given practical meaning to human rights and equitable development in Kenya. It presents a positive step towards the realization of these rights by providing a framework for implementation that will enable citizens to realize their rights and more importantly their dignity.

Article 2(5) The general rules of international law shall form part of the law of Kenya.

Article 2(6) Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.

### **PART III: ACHIEVEMENTS UNDER THE INITIAL STRATEGIC PLAN**

The organization's initial strategic plan was adopted in 2011 to run for just one year but was extended to 2013. Since the organization was still in its nascent phases, the strategic plan was geared towards institutional and programmatic growth. Indeed, the organization's initial vision was *"to be the leading Human Rights organization in East Africa"* while the mission was *"to enhance and promote the realization of Human Rights in East Africa with special emphasis on economic, social and cultural rights as a contrivance to achieve social justice."* Finally, the objectives were (i) *"to establish and increase visibility for EACHRights nationally, regionally and internationally"*; and (ii) *"to undertake institutional strengthening and capacity building"*. A brief summary of the achievements realized are as discussed below.

#### **3.1 Strategic objective I: To establish and increase visibility for EACHRights nationally, regionally and internationally**

In this regard EACHRights was able to-

- (i) Enhance its visibility as it became a known brand that would be invited to meetings and was involved in processes and trainings on economic and social rights. Some of the organizations that invited EACHRights include but not limited to National Gender and Equality Commission (NGEC), Kenya National Commission on Human Rights (KNCHR), Department of Justice (formerly Ministry of Justice, National Cohesion and Constitutional Affairs-MoJNCCA), Office of the High Commissioner on Human Rights (OHCHR), UNDP, Amkeni Wakenya, the Judiciary, Law Society of Kenya (LSK), EACOR, Federation of Women Lawyers (FIDA), Trademark East Africa, East African Community Non State Actors Forum, Akiba Uhaki, among others. Regionally, the organization collaborated with, African Child Policy Forum in Addis Ababa, Ethiopia, Save the Children Regional Office, Plan International Liaison office in Addis Ababa, among others. Internationally, EACHRights partnered very closely with INTERIGHTS from the United Kingdom to implement a short project on the Right to Education; and Centre for Economic and Social Rights formerly in Spain and currently based in New York. Indeed, EACHRights was invited by CESR to attend an international conference on monitoring economic and social rights that was held in Madrid, Spain.
- (ii) Carve a niche for itself in the area of economic and social rights. Indeed, by being a lead organization that exclusively advocates for these rights, EACHRights is slowly gaining recognition as an authority in this field.
- (iii) Experience increased goodwill from government Ministries, UN agencies, donors, CSO's among other stakeholders. Indeed, more organizations are seeking to partner with EACHRights at different levels. This is exemplified by the invitation of EACHRights to make presentations in both Cairo and Pretoria on Kenya CSO experience on the Universal Periodic Review process at the invite of UNDP. There was also increased collaboration with the Ministry of Justice, National Cohesion and Constitutional Affairs.
- (iv) Establish a website, a Twitter and Facebook accounts.

### **3.2 Strategic Objective 2: To undertake institutional strengthening and capacity building**

With regard to this objective, EACHRights-

- (i)** Received support from Amkeni WaKenya in 2011 for a 6 months project; and from United Nations Millennium Campaign (UNMC) in 2013 for a 1 year project with a possibility of extension. The same have enabled the organization to commence implementing activities in earnest.
- (ii)** Hired a director, 2 programme officers and a project accountant. The organization has also hosted no less than 10 different interns with diverse academic backgrounds and qualifications.
- (iii)** The staff attended several trainings both locally and internationally with the director having graduated from the International Institute of Social Studies in The Hague, Netherlands with a Masters of Arts degree in Development Studies. Another officer attended a training in Stockholm organized by SIDA
- (iv)** Expanded its financial base as the organization received funding from Amkeni Wakenya in 2011 for a 6 months project; and United Nations Millennium Commission (UNMC) for a one year project. There has been increased interest from prospective donors
- (v)** Expanded in terms of space and furniture. Indeed, from its inception the organization has since moved in to bigger offices and is currently located at the Wanandege flats Kilimani. The organization has also obtained more furniture thus providing employees with a conducive working environment.
- (vi)** Purchased 1 computer and 2 laptops together with other office equipment necessary for the successful implementation of programmes and running of the office.
- (vii)** Developed new projects and ideas-The organization has implemented various projects from the time it was set up. Currently it is in implementing the UNMC funded project after having won a very competitive process.
- (viii)** Developed finance management systems- The organization has since developed an elaborate financial system. The organization purchased QuickBooks accounting software that has improved the accounting process and now has a full time project accountant. It also occasionally enlists the services of a consultant internal auditor. The organization has undergone an external financial audit whose report is available.
- (ix)** Put in place better filing systems that ensures accountability and easy retrieval of information
- (x)** Salaries and medical covers, NHIF, NSSF and personal accident covers for staff. Indeed, due to increased funding, the organization has placed the employees on regular salaries and medical covers.
- (xi)** Established a resource centre with a wide variety of books newspapers, magazines and reports relevant to ECOSOC rights.
- (xii)** Developed structures and procedures for office operations.
- (xiii)** Took steps towards achieving gender and regional balance.

- (xiv) Put in place an open door policy for employees that ensures prompt response to issues.
- (xv) A very robust and proactive Board of Directors with diverse professional background that has guided the organization from being just an idea to a vibrant institution.
- (xvi) Put in place a finance manual and human resource management manual to guide finance and human resource matters respectively.

## **PART IV: SWOT ANALYSIS**

### **4.1 An analysis of the internal environment**

The above stated achievements have been a consequence of a cumulative interplay of certain strengths and weaknesses within the institution. There were also external factors that either worked for (opportunities) or against (threats) the organization's operations. These are candidly discussed below. In the new strategic plan, the organization has devised ways of building on its strengths, addressing its weaknesses exploiting its opportunities and countering its threats.

#### **4.1.1 Strengths**

Some of EACHRights' key strengths are-

- (i) Enhanced capacity on economic and social rights-**The organization has a director with vast experience on development and economic and social rights. Equally, it has a professional team with expertise in different fields.
- (ii) Networking** - The organization has established strategic partnerships and networks with organizations such as Amkeni WaKenya, UNDP, Office of the High Commissioner for Human Rights (OHCHR), Law Society of Kenya (LSK), INTERIGHTS and Kenya National Commission on Human Rights (KNCHR), among others.
- (iii) Management** - EACHRights has a remarkable management team, which comprises a strong and committed Board of Directors that offers visionary leadership and direction to the organization together with a director with exceptional knowledge and academic credentials in management.
- (iv) Competent staff** - EACHRights also prides itself as having a young, vibrant and gender balanced team of individuals with diverse professional and regional backgrounds that is committed to the realization of the mission and vision of EACHRights. It goes to the very core of the quality of professionalism that is realized due to the perfect blend of experiences and ideas.
- (v) Sound financial systems** - EACHRights has a very transparent financial system that ensures accountability by all members of staff trickling down from the very apex of the management of the organization.
- (vi) Research based interventions** – Programmes and any course of action in EACHRights is always guided by research. The organization boasts of originality of ideas and projects that are consistent with its mission and vision. These also position the organization strategically to respond to structural violations.
- (vii) Recruitment** - The organization has a transparent recruitment process that selects the best candidates in the labor market. So far, the staff has been able to inject their unique abilities in the business of the organization creating a reservoir of well thought ideas.

- (viii) **Leadership** - EACHRights employs an open door policy that creates a good working environment, which results in high productivity from the staff members. The director has been trained in transformational leadership.
- (ix) **Brand name** - The name “EACHRights” has grown to become a brand name that is synonymous with economic and social rights in Kenya.

#### 4.1.2 Weaknesses

The organization’s weaknesses that have been noted thus far are-

- (i) **Inadequate financial resources** - EACHRights is yet to establish a solid financial base. It is currently being funded by one donor namely (UNMC). This has multiple consequences to the organization’s operations. To begin with, employees’ remunerations are still low making it difficult to attract and retain exceptional employees. Secondly, the lack of finances limits the nature and number of projects that the organization can implement.
- (ii) **Inadequate office resources** - Arising from the lack of financial resources is the inability of the organization to acquire office equipment. The organization faces an acute shortage of resources among them office computers, printers, scanners and office furniture. This has limited EACHRights’ capacity to effectively and efficiently implement projects. Occasionally, employees are forced to utilize personal resources like computers while undertaking office duties.
- (iii) **Limited staff** - Whereas the organization has significantly grown over the past year, its operations are still crippled by the limited number of staff members. More often than not, staff members are forced to work on multiple projects and perform extra duties, which is not only overwhelming but affects their productivity and performance.
- (iv) **Lack of a Human Resource Department** - EACHRights is yet to establish a functional Human Resource department. This, coupled with the lack of financial resources has resulted in a fairly unstructured recruitment and induction process. The absence of an operational HR department has also affected the monitoring and measurement of staff output and performance.
- (v) **Limited office space**- as the organization grows, there exists the need to recruit more staff. However, this is limited by the fact that the available office space cannot accommodate new staff members.

## 4.2 An analysis of the external environment

### 4.2.1 Opportunities

- (i) **The Constitution** - Article 43 of the Kenyan Constitution guarantees the economic and social rights of all citizens among them the right to the highest attainable standard of health; right to

adequate housing; freedom from hunger; right to clean and safe water; right to social security; and right to education. This constitutional provision enable EACHRights to exploit legal avenues for instance through litigation on economic and social rights. The Constitution also offers a useful tool for lobbying. There is also need to monitor progress in implementation of the rights at both the local and national levels and to seek political and legal accountability from the duty bearers at the national, regional and international level. There is also need to ensure that government policies and legislation are responsive to human rights as noted earlier, economic, social and cultural rights have not received the due attention they require. It is for this reason that while appreciating the equality, inalienability, universality and indivisibility of all Human Rights and the status of economic, social and cultural rights in the international human rights discourse, EACHRights shall make a deliberate effort to focus on the promotion of economic, social and cultural rights within the region.

- (ii) **Devolution** - The adoption of the Constitution of Kenya, 2010 paved way for the devolution of services and power through the formation of county governments. Counties have enhanced the space and provided wider avenues for enhancing economic and social justice. Unlike the unitary system where the President conferred special favours to members of one community or region, the devolved system has led to improved access to State resources by previously marginalized communities and regions. EACHRights can thus exploit this devolved system to improve social justice.
- (iii) **Room to be the lead conveners of various processes of economic and social rights** - As was evidenced by the *“Perception survey on the levels of understanding of economic and social rights in Kenya”*, there exists little understanding of these rights both by the public and Government institutions. Further, there are few organizations whose focal area is the advancement of economic and social rights. This *lacuna* has presented EACHRights with an opportunity to be the lead organization in convening various processes for the promotion of economic and social rights both in Kenya and in the East African as a whole.
- (iv) **Increased donor support** - Since its inception, EACHRights has continued to receive increased donor interest and support and for a young organization, the organization has secured support from two development partners namely Amkeni Wakenya and UNMC with considerable interest from several others. This has resulted in a steady expansion the organization’s financial base. Consequently, the organization has been able to sustain its existing projects while initiating new ones in line with its objectives. Confidence of existing donors in the organization serves to increase EACHRight’s potential to attract more funding and should therefore be exploited.
- (v) **Donor moving away from government to CSO** – With the increasing disillusionment with the Government, donors are gradually opting to channel more funds to civil society organizations.
- (vi) **The fast tracking of East African Community integration process** - EACHRights aspires to be the leading human rights organization in East Africa. The fast tracking of the EAC integration process and the enhanced harmonization of policies among EAC member states



provides an opportunity for the organization to set up its operations in the five East African nations. This indeed offers avenues for easier expansion of the organization.

- (vii) **The ongoing ideological and programmatic merger between “human rights” and “development”** – The last 2 decades has seen increased efforts in incorporating human rights based approaches into developmental processes. As such, the line between economic growth and human rights continues to blur. The adoption of a rights based approach to development by various development partners as well as governments provides EACHRights with opportunities for greater participation in the development and implementation of development projects with a goal of attaining positive and equitable transformation of societies.
- (viii) **Post Millennium Development Goals** - With the MDG period fast coming to an end, it is evident that the attainment of these goals has been largely uneven among various East African States. In light of this therefore, there exists a need to develop a Post MDG (Post 2015) development agenda that is specific to the region. EACHRights can thus take part in the Post MDG development agenda.
- (ix) **Vision 2030 Social Pillar** - Kenya’s Vision 2030 Social Pillar aims to build a just and cohesive society with social equity in a clean and secure environment. This strategy pays special emphasis to key sectors such as the health system, water and sanitation, the environment, housing and urbanization, gender, youth and vulnerable groups, equity and poverty reduction. This pillar forms an instrumental tool for lobbying for economic and social rights by the organization.
- (x) **Lack of a human rights learning and training centre** - With the exception of university programmes, there lacks a human rights learning and training centre in Kenya. This has contributed to the limited levels of understanding of economic and social rights by citizens. This gap therefore offers the opportunity for EACHRights to collaborate with likeminded individuals and institutions in the development of such an institution.
- (xi) **Development in information technology** - Global technological developments present with them numerous opportunities for the organization. EACHRights has utilized the online platform in enhancing its visibility through the EACHRights’ website as well as the Facebook and Twitter platforms. Embracing modern technology has also enabled the organization to stay interconnected with partners both locally and abroad. This allows for information exchange on international trends on economic and social rights. IT developments can further be utilized to network and reach out to more targeted groups i.e. through on line trainings.
- (xii) **Revamped and robust judiciary**- Over the past one year, the judicial sector has gone through an intense reform and restructuring process. The result has been a more efficient and effective judiciary. This presents an opportunity for EACHRights to exploit the revamped judicial system through litigating on Economic and Social rights issues.

#### 4.2.2 Threats

- (i) **The Public Benefits Organizations Act, 2013** - The Miscellaneous Amendment Bill of 2013, published on 30<sup>th</sup> October, 2013 includes, among several problematic provisions, an amendment to the Public Benefit Organization Act of 2012 that seeks to cap the amount of foreign funding NGOs can receive at 15% of their budget. Section 27A (1) states that *“Any funding of a public benefit organization shall be made through the federation and not by an individual members’ organization”* while Section 27A (2) states that *“A public benefit organization shall not receive more than 15 per cent of its total funding from external donors.”* Should the Bill be enacted in its present form, it would make it hard for NGO’s in the country to operate as it would cripple sources of funding. Most donors would also not be keen on supporting the local NGOs with the repressive law.
- (ii) **Competition for limited resources-** Kenya has numerous Non-Governmental Organizations whose sole source of funding is from donor contributions. With a limited number of donors, organizations are constantly competing for the limited available resources. This kind of competitive environment limits EACHRights’ chances of accessing and expanding its financial base.
- (iii) **Rising insecurity** - Over the past few years, Kenya has experienced rising insecurity. Cases of terrorism, kidnappings and general crime have been on the rise. The Westgate Mall terrorism attack together with the increased grenade attacks that have been attributed to the sympathizers of the Al Qaeda terror group pose a major threat in the country. There is also increased gun related crimes that have led to a large number of deaths.
- (iv) **The political environment** - The political environment reveals that there lacks ample political goodwill in the promotion of human rights and/or social justice. There are many uncertainties on the Governments position on human rights.
- (v) **ICC cases-** The ongoing cases at the ICC affecting the president and the vice president could divert the nation’s attention from issues of economic and social rights to political matters. The president and vice president, being some of the most influential people in the country, are key determinants of the nation’s agenda. Overemphasis on the ICC cases could derail the development agenda.
- (vi) **Lack of capacity to absorb donor funding** - Whereas the organization is cognizant of the fact that donor funds are limited, it is also alive to the fact that there exists few NGO’s and CSO’s with expertise on economic and social rights. In view of the international trend of adopting a rights based approach to development, EACHRights is strategically positioned to attract donor funding to implement projects on the same. In the absence of proper structures, this funding could potentially overwhelm the organization and its capacity to live up to its objectives.

## **PART V: PESTLE ANALYSIS**

A PESTLE analysis was undertaken in order to assess the prevailing conditions under which EACHRights is expected to operate.

### **5.1 Political**

- The political environment in Kenya remains both complex and volatile and changes daily. The promulgation of Constitution of Kenya in 2010 brought with it hopes of transition to a new and better dispensation where human rights is respected and upheld by all leading to greater equality and equity in the division of the national cake. This presents an opportunity and a challenge. There is therefore need to always remain cautiously optimistic about the potential and pitfalls of the new dispensation because without vigilance, the promise of a better country will never be realized
- The trials at the International Criminal Court cannot be ignored. This is because the process and whatever the outcome shall be will have a lasting effect on the politics in Kenya. It is therefore important for EACHRights to keep analyzing the socio-political and economic effect while developing programmatic interventions
- The ongoing integration within the East Africa Community must also be taken into account while developing strategies for the organization going forward.

### **5.2 Economic**

- Kenya has registered marginal economic growth over the last few years. However, the levels of inequality still remain very high as the gap between the rich and the poor keeps widening by the day as the benefits of the economic growth are only being enjoyed by a small percentage of the population. The consequences of the growing inequality has major effects including the potential of creating political unrest; exacerbates corruption as many people try all means to use all means to get rich quickly, among other things. These factors may have major impacts on the kind of projects that EACHRights will implement. Therefore, EACHRights must push for programmes that seek to reduce economic marginalization by keeping a close watch on the happenings in devolution and governance.
- The Constitution of Kenya has put in place a new devolved system of governance that seeks to bring development closer to the people. To this end, the process of budget allocation and monitoring (both at national and county levels) has the potential of changing the economic situation of Kenyans. It will be important to monitor the effect, success or otherwise of devolution.
- The new devolved system has not only devolved governance but also poses the danger of devolving the corruption that was rife under the old dispensation thereby leading to a situation where citizens are paying for poor governance and lack of accountability

- Attendant to the new constitutional dispensation is the manner in which running the government programmes both at national and county levels has become expensive. Indeed at this moment, the government is not even able to sustain the current wage bill. This has led to taxation of basic commodities, high interest rates, high foreign currency rates, high cost of electricity and its production, among other things leading to an increase in the cost of living. A proper analysis of the cost of devolution will be key to understand how it affects citizens both directly and indirectly.

### **5.3 Social**

- High levels of poverty, illiteracy and unemployment levels, large population, growing insecurity, high mortality rates among children, the HIV/Aids pandemic, the high cost of drugs and inadequacy of the drugs in health facilities and limited social welfare programmes are major social factors facing Kenyans leading to the biggest challenge to the realization of economic and social rights. Many have taken these to be an acceptable situation in life not realizing that the same leads to a violation of all other rights.
- With regard to ethnicisation of politics in Kenya, it is still too early to state what effect the new Constitution will have on the ethnic dynamics and hitherto tribal polarization that was experienced in the former dispensation. It will therefore be key to seek a better understanding of whether the political leadership will be able to whip up tribal emotions as they have done since independence
- The Constitution provides opportunities to address inequality and discrimination as it obliges the State to take measures to ensure the enjoyment of economic and social rights by all citizens.

### **5.4 Technological**

- Globalization and the rapid advancement in technology have made the world one big “global village”, a fact which must be exploited accordingly. This will require constant innovation and being at the cutting edge in finding solutions to the problems that face Kenyans in particular and East Africa as a whole.
- Social media is also a new and ever evolving tool that can be used by the organization to promote human rights and achieve visibility for EACHRights.

### **5.5 Legal**

- The Constitution of Kenya establishes a robust framework for the operationalization and realization of human rights in the country. Indeed, it has very progressive Bill of Rights together with the recognition that all international treaties to which Kenya is a party now form part of the Laws of Kenya. For it to make a difference, it will be imperative that the leadership is always

held accountable to uphold the Constitution and more importantly, to always remind the political class that the ultimate sovereignty lies with the people of Kenya.

## **5.6 Environmental**

- Climate change cannot be ignored as it has a major effect in the realization of economic and social rights. The organization must therefore always be alive to the challenges posed by climate change

## **PART VI: STRATEGIC DIRECTION**

From the preceding situational analyses, EACHRights, having realized its goals pertaining institutional growth and development endeavors, it shall seek to adopt an outward looking strategy that is less institution centered and more geared towards igniting social change in the next strategic plan period. In this regard, EACHRights aspires to work towards the development of a society-

- (i) That is free from inequality and discrimination.
- (ii) That embraces or adheres to equitable development
- (iii) That respects and adheres to economic and social rights

### **6.1 Vision**

The vision of EACHRights is that of *“a society that respects and upholds human rights and human dignity”*

### **6.2 Mission**

The mission of EACHRights is *“to promote social justice in East Africa through research, capacity building, advocacy and access to justice”*

### **6.3 Strategic objectives**

- To be a leading think tank in the promotion, protection and enhancement of economic and social rights and equitable development among the vulnerable and marginalised groups
- To expand within the East Africa region
- To enhance institutional sustainability, visibility, programmes and capacity

### **6.4 Organisational values**

- Utmost professionalism
- Good corporate governance
- Transformational leadership
- Gender equality and equity
- Non partisan; and people focused

## **PART VII: IMPLEMENTATION FRAMEWORK**

In order to contribute to the organisation's vision and achieve the organisation's mission and objectives, EACHRights will have the following programmes.

### **7.1 Organisational programmes**

#### **7.1.1 Research and monitoring**

The objective of this programme shall be to enhance the scholastic research on human rights and thereby push the boundaries of the same within Kenya and the East Africa region as a whole. It will seek to make EACHRights the premier reference point on issues of human rights and in particular on economic and social rights. It will include the establishment and maintenance of a well resourced Resource Centre. All interventions will be knowledge driven, and as much as possible be based on and supported by research findings or factual positions. This programme will also assess the status of realization of economic and social rights in Kenya. This will be done by monitoring the Government's commitment to its international and Constitutional obligation. To this end, EACHRights will spearhead the development and drafting of shadow reports. Through this programme, EACHRights also intends to be a leading human rights institution in the East African region and Africa as a whole that will advise and contribute to the development of human rights within the region and the continent by working closely with the East African Community and African Union.

#### **7.1.2 Awareness creation and capacity building**

The objective of this programme will be to provide holistic capacity building for different target groups on various human rights instruments and thematic areas including civil and political rights, economic, social and cultural rights and group rights together with develop skills in strategic and public interest litigation but with a special bias to economic and social rights. It will also entail the development of training manuals, simplified versions and people friendly versions of various treaties translated in local languages. EACHRights shall seek to collaborate with the University of Nairobi, the Kenya School of Law and the Law Society of Kenya in Kenya; Makerere University and the Uganda Law Society in Uganda; and the University of Dar es Salaam, Faculty of Law, the Law School of Tanzania, the Tanganyika Law Society and Zanzibar Law Society in Tanzania to provide courses that are recognized by and accredited to the aforesaid institutions. EACHRights will also undertake awareness creation on economic and social rights and equitable development.

#### **7.1.3 Policy reform and advocacy**

Policy reform and advocacy programme will be key in lobbying and advocating for equitable development and economic and social rights. To this end, this programme will seek to keep the

dialogue on topical issues relating to equitable development and economic and social rights within the public domain. This will entail among other things the engaging with policy makers, developing policy briefs, etc.

#### **7.1.4 Access to justice**

The access to justice programme has the capacity of enhancing social accountability among duty bearers. EACHRights shall therefore take up limited cases with a view to filing public interest or strategic cases to the High Court or Constitutional Court that will seek to promote the realization of human rights of Kenyan citizens. These will be representative cases which are symptomatic of a problem that is facing the society and whose ruling will go a long way in protecting the Kenyan citizens.

### **7.2 Risks**

The main risks to this strategy may include lack of proper implementation of the plan. Therefore, there is need to always link all the organization's programmes with its vision, mission and objectives and also to always ensure that the strategy is always adapted to the ever changing dynamics. This requires a continuous assessment of the internal and external environment and also a consistent, proper and effective monitoring and evaluation of all the programmes.

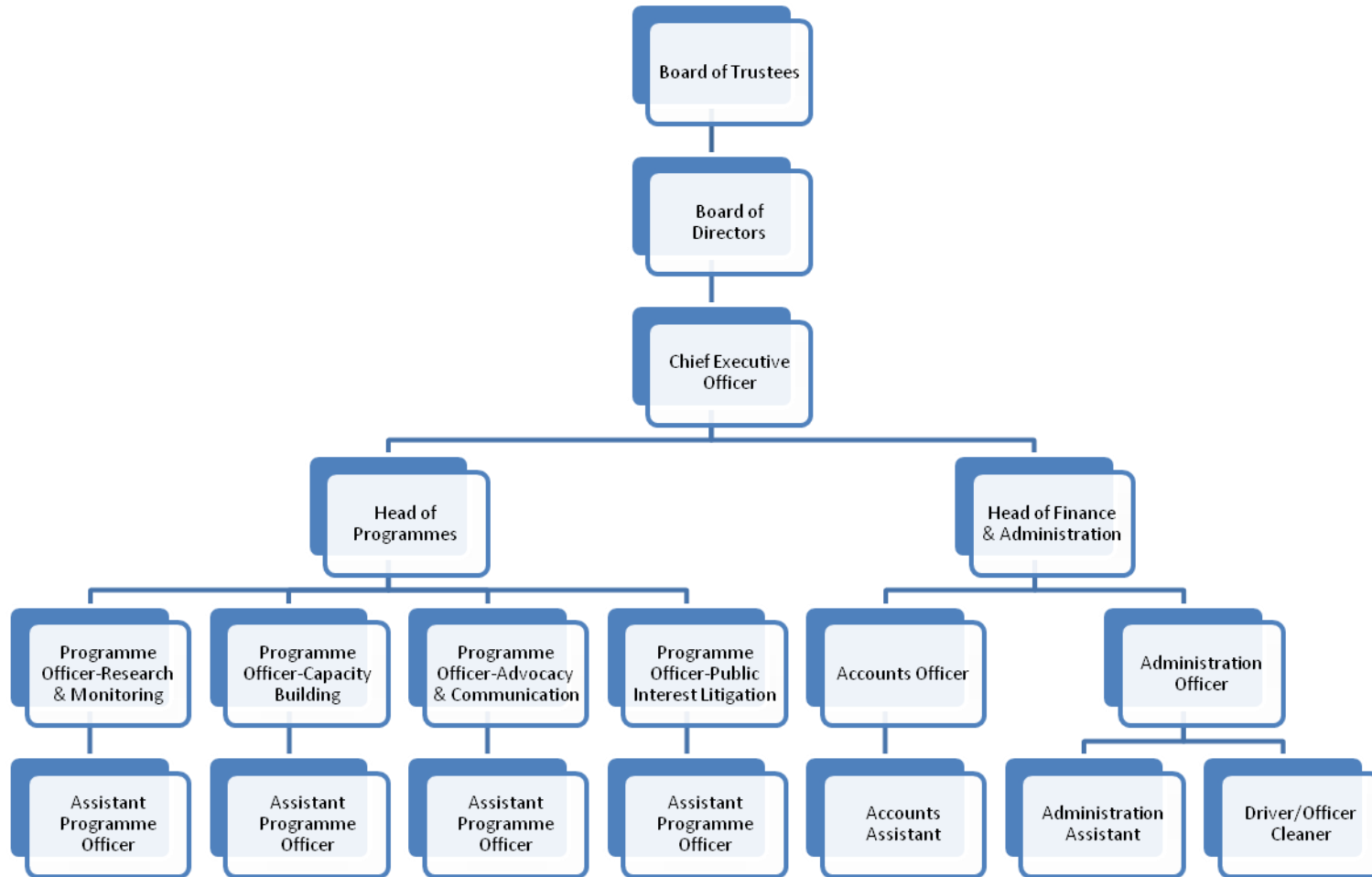
Inadequacy of funds and inadequate staff are also a risk that EACHRights might face while seeking to implement the institution's programmes, and the strategies that the organization ought to take shall take this into account.

### **7.3 Assumptions**

This strategic plan is based on the assumption that the government will continue cooperating with Civil Society Organizations and other NGO's as opposed to viewing them as opponents or protagonists. Also, it is assumed that there will be political good will from politicians



7.4 Organisational structure



**END**