

THE EAST AFRICAN CENTRE FOR HUMAN RIGHTS (EACHRights)

STRATEGIC PLAN 2011

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TABLE OF CONTENT

TABLE OF CONTENT.....	2
1.0 Message from the Board of Trustees.....	3
2.0 About EACHRights.....	3
3.0 Development in the International Human Rights Arena.....	5
4.0 Human Rights Developments in the Region.....	7
5.0 Human Rights Developments in Kenya.....	8
6.0 Vision.....	8
7.0 Mission	8
8.0 Strategic Objectives.....	8
9.0 SWOT Analysis.....	9
10.0 PEST Analysis.....	10
11.0 Risks.....	10

1.0 Message from the Board of Trustees

The East African Center for Human Rights (EACHRights) is a recently established regional Non Governmental Organization that seeks to promote, protect, and enhance Human Rights in Kenya, Uganda, and Tanzania with a special emphasis on Social, Economic, and Cultural Rights. This therefore will be the first strategic plan and will be reviewed after one year.

In developing this strategic plan, the board of trustees, board of directors and management of The East African Center for Human Rights provided strategic direction for the organization and emphasized that the strategic plan would be pegged on institutional and programmatic growth.

The strategic planning process provided further conceptual clarity with regard to the organization's vision and mission. It also mapped out what the organization must achieve by the end of the year. It will be a key point of reference for future institutional development and program implementation.

The organization's strengths, weaknesses, opportunities, and threats together with the political, economical, social, and technological environment were analyzed which led to the formulation of the organization's vision, which is *"to be the leading Human Rights organization in East Africa"* and the mission which is *"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"*.

The organization's strategic objectives for the first year were identified and they include:

1. To establish and increase visibility for EACHRights nationally, regionally and internationally; and
2. To undertake institutional strengthening and capacity building

Being a new organization, the effective and full implementation of the work plan and the successful realization of the objectives as set out in the strategic plan shall be subject to availability of funding.

2.0 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. After registration, the organization was

housed by South Bay International Consultants, which is at the Kilimani Business Centre, Kirichwa Road, Kilimani.

The organization 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.

While developing the initiative, bearing in mind the need to compliment the work of other organizations and also to learn some best practices, due regard was had to the programmes of other national Human Rights organizations in Kenya especially The CRADLE-The Children's Foundation¹, the Kenya Section of International Commission of Jurist², Kituo cha Sheria³, The Kenya Human Rights Commission⁴, the Kenya National Commission on Human Rights⁵ among others. Due regards was also had to the work being done by regional and international organizations such as the Society for International Development⁶, the African

1 See <http://www.thecradle.or.ke/>

2 See <http://www.icj-kenya.org/>

3 See <http://www.kituochasheria.or.ke/>

4 See <http://www.khrc.or.ke/>

5 See <http://www.knchr.org/>

6 See <http://www.sidint.org/>

Child Policy Forum⁷, the East Africa Human Rights Trust, the Foundation for Human Rights Initiatives⁸, the Institute for Human Rights and Development in Africa⁹, the Southern Africa Human Rights Trust¹⁰ (now defunct), Save the Children¹¹, the Centre for Child Law at the University of Pretoria¹², Community Law Centre at the University of Western Cape¹³, the Children's Legal Centre at the University of Essex¹⁴ among many others.

3.0 Development in the International Human Rights Arena

The Universal Declaration of Human Rights¹⁵ (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 23rd March 1976 and the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) which Kenya acceded to on 1st May 1972¹⁶. 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.¹⁷ 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.¹⁸ 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

7 See <http://www.africanchildforum.org/>

8 See <http://www.fhri.or.ug/>

9 See <http://www.africaninstitute.org/>

10 SAHRIT

11 See <http://www.savethechildren.net/>

12 See <http://www.childlawsa.com/>

13 See <http://www.communitylawcentre.org.za/>

14 See <http://www.childrenslegalcentre.com/>

15 A/RES/217A(III) adopted on 10th December 1948

16 G.A.Res.2200A(XXI) both instruments were adopted on the 16th December 1966

17 David Beetham, *Democracy and Human Rights*, p. 115

18 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

onwards.¹⁹ 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 Action²⁰ 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.²¹

The Vienna Declaration and Programme of Action²² 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 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 Comments²³ 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.²⁴

This position is further galvanized by the African Charter on Human and People's Rights, which 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.”*²⁵

19Some 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)

20A/CONF.157/23

21Supra no. 21, p.39

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

23General Comment 2: International Technical Assistance Measures and General Comment No. 3: The Nature of States Parties' Obligations

24Supra No. 21, p. 40

25 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

This dichotomy could not have manifested itself more clearly in Kenya than in 2007 during the drafting of a strategic plan for CSOs that work around issues of Governance, Justice, Law and Order in Kenya when it became apparent that very few participants and organizations had engaged with or worked on economic, social and cultural rights. Those that had attempted to had only done so from a developmental as opposed to a Human Rights perspective.

4.0 Human Rights Developments in the Region

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. There has been increased interest in the work of the African Commission on Human and People's Rights, which was established under Article 30 of the African Charter on Human and People's Rights (The Banjul Charter).

Further, there have also been developments with regard to The African Court on Human and Peoples Rights which has since been established by the Protocol to the African Charter on Human and Peoples Rights²⁶ which came into force on 25th January 2004. The goal of the African Court is to complement the protective mandate of the African Commission.²⁷ It was also necessitated by the fact that the African Commission on Human and People's Rights had not been very effective due to the fact that it can only deliver decisions and not judgments and such decisions are never binding on States parties against whom they are issued.

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 (The African Children's Charter). The Committee has been plagued by perennial shortage of funds to support its activities which has resulted in a very little work being done. Indeed, since its establishment in 2001, the committee has held thirteen meetings. It has received several initial reports from various States parties but it was during the 8th Session held in Addis Ababa in November 2007 that it was able to consider reports for the first time being the initial reports of Mauritius, Rwanda, Nigeria and Egypt. Since then, it has considered reports from other member States including Kenya. The Committee has so far received two communications from the Institute for Human Rights and Development in Africa (IHRDA) based in The Gambia and the Child Law Centre of the University of Pretoria, South Africa. To date, it has not delivered its findings. All these present an opportunity to be exploited by EACHRights.

26 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

27 Article 2, Protocol of the African Court on Human and Peoples' Rights

Finally, with regard to the region, 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. This presents an opportunity for EACHRights to file suits at a regional level thereby secure remedy and further develop jurisprudence that will affect citizens of all the countries in the region.

5.0 Human Rights Developments in Kenya

The new Kenyan Constitution has given practical meaning to human rights in Kenya. It presents a positive step towards the realization of these rights by providing a Constitutional framework for the implementation that will enable citizens to realize their rights. There is 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.

6.0 Vision

To be the leading Human Rights organization in East Africa

7.0 Mission

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.

8.0 Strategic Objectives

As the organization is in its nascent stages, the first strategic plan will focus on enhancing organizational visibility and internal growth and will include the following:

1. To establish and increase visibility for EACHRights nationally, regionally and internationally; and

2. To undertake institutional strengthening and capacity building

9.0 SWOT Analysis

While undertaking this analysis, it must be noted that EACHRights is a new institution with no institutional benchmark.

Internal Environment	
Strengths	Weaknesses
• The organization shall always seek to hire strong, professional and qualified management team and personnel • Accountability, credibility, integrity and good track record on the part of the management team • Independence and wide mandate • Legal arm to challenge social injustice • Working on an underdeveloped area of human rights	• Limited management, finance, and procurement & human resources control systems • No funding • There is currently limited personnel • Limited office space • Limited information management system • Undeveloped programmes • Low visibility
External Environment	
Opportunities	Threats
• 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 Optional Protocol on Economic, Social and Cultural Rights • The Judicial Reform in Kenya • The Vision 2030 (Vision 2030 is not human rights sensitive and is disconnected from human rights based approach to development) • The Millennium Development Goals	• Lack of funds • The basket funds • Reform oriented Governments

10.0 PEST Analysis

Political Environment	Economic Environment
• Ongoing processes to address the 2007 post-election violence • Wrangles within the Coalition Government • Shift in the political environment in the West leading to a shift in priorities • The promulgation of a new Kenyan Constitution • Poor development priorities • The political infighting among civil society	• Shift in priorities of the Governments in the West caused by depression in their economies • The poor economic environment • Low funding for economic, social and cultural rights, that is, donor funding priorities
Sociological Environment	Technological Environment
• High poverty levels • Lack of awareness of economic, social and cultural rights	• Advancement in ICT • Infrastructure development

11.0 Risks

The main risks to this strategy are:

- Lack of proper implementation of this plan: there is need to link all the programmes of the organization but also adapt to the ever changing dynamics. This therefore shall require effective monitoring and evaluation
- Inadequate funds to develop the institution and its programmes
- Lack of legislative and policy framework for the implementation of economic, social and cultural rights as entrenched in the Constitution of Kenya and the African Charter on Human and Peoples' Rights.