

STATUS REPORT OF SIKIKA 2 ACTIVITIES

FOR THE PERIOD BETWEEN 1ST JANUARY 2024
AND 31ST DECEMBER 2024



complaints@sikikatwo.co.ke



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SIKIKA 2

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ACRONYMS

CSR	Corporate Social Responsibility
FFT	Fact Finding Team
IHRAC	Independent Human Rights Advisory Committee
IHRM	Independent Human Rights Mechanism
IEC	Information, Education, and Communication
IM	Independent Monitor
KWS	Kenya Wildlife Service
LAO	Legal Administrative Office
OGM	Operational– level Grievance Mechanism
PLC (In relation to Kakuzi)	Public Limited Company
SGBV	Sexual and Gender Based Violence
UNGP	United Nations Guiding Principles

DEFINITIONS OF TERMS

Ad-Hoc Cases	These are cases which were first registered at SIKIKA Tier 1 at Kakuzi Plc and transferred to SIKIKA 2 at SIKIKA Tier 2's inception for processing.
Awaiting Statement Recording	These are complaints where the complainant was interviewed but no comprehensive statements were recorded due to a high turnout. Data relating to the various categories the OGM reports on will be determined after interviews.
Deferred Decisions	These are cases where the Head of SIKIKA 2 has already written the decision, but the complainant has not availed themselves to SIKIKA 2 to receive the decision despite being summoned. A decision is never read in the absence of the complainant and the file is not closed until the complainant avails himself/ herself for the reading out of the decision.
FFT Stage	Files at this stage are either undergoing the verification of medical documents, pending independent medical assessment, pending further statements, or site visits by investigators.
Finalised cases	These are files in which the complainant has been compensated and the file has been closed; or the decision of the Head-IHRM has been read out to the complainant and the complainant decided not to appeal; or where the decision of the Appeal judge has been read out.

LAO Stage	Files at this stage are either pending witnesses, or documents, or under review by the Legal Administrative Officer before they are forwarded to Triage, or files referred back by the Head- SIKIKA 2 to LAO with instructions.
Grievance Register	This is a register in which every grievance is entered into. The register captures the file number, name, contacts, age and gender of the complainant and other details such as brief description of the grievance, the year of incident, and the various dates on which the file got to any of the SIKIKA 2 stages. This is different from the other register used to record just the names and phone numbers of complainants.
Pending Appeal	Files sent to the Appeals Panel and are pending determination.
Pending Decision	Files that have gone through all the stages and are being reviewed by the Head of SIKIKA 2 for final determination and recommendations.
Pending further action by complainants (suspended):	Files that are still open and undergoing SIKIKA 2 processes. These files are waiting for more information/witnesses/documents from the complainant and the complainant no longer avails himself/ herself to provide the Information/ documents and/or witnesses as required either at the Legal Assistants stage or Fact-Finding Stage.
'Period under Review' or 'Reporting Period' Pending Decision	The period of SIKIKA 2 operations which this report analyzes i.e. 1st January 2024 to 31st December 2024.
Registered and Processed Complainants	These are registered complainants who have recorded grievances and opened files. This entails recording of the Grievance Registration Form and other Forms such as Informed Consent; and also recording statements and providing witnesses and supporting documents. These complaints are entered into the Grievance Register.
Registered and Inactive Complainants	Persons who have been entered into SIKIKA 2's register. This entails recording of names and phone numbers. At this point, no file has been opened and no complainant has a file number as the complainants have not returned back despite numerous follow-ups.
Referral Cases	These are the 174 ad-hoc cases which were referred to SIKIKA Tier 2 from SIKIKA Tier 1 at SIKIKA Tier 2's inception, or files subsequently referred to SIKIKA Tier 2 from SIKIKA Tier 1.

This Report has shared the findings of the IM regarding the extent to which SIKIKA 2 is implementing his recommendations as well as the United Nations Guiding Principles on Business and Human Rights.

FOREWORD

There is global consensus that companies and/or businesses now bear a responsibility to respect human rights. This includes the duty to prevent or avoid causing or contributing towards human rights violations in their operations; and to remedy human rights violations they have directly or indirectly committed, or are linked to. The United Nations has endorsed the UN Guiding Principle on Business and Human Rights which provide for the corporate responsibility to respect human rights. Kenya was the first country in Africa to develop a National Action Plan to provide guidance on how the UNGPs would be implemented in the country. As a result, Kenyan companies have been at the forefront in the continent, to implement the UNGPs.

Kakuzi PLC established SIKIKA as an Independent Human Rights Mechanism or Operational- level Grievance Mechanism (OGM) to handle human rights violations in an independent, thorough and rights compatible manner. SIKIKA is comprised of two Tiers; SIKIKA Tier 1 is an internal mechanism that handles 'operational' impacts that occur during the ordinary course of business operations that can best be handled and resolved internally and by Kakuzi's management. Such impacts include employment and labour relations issues. SIKIKA Tier 2 is an external mechanism that handles grievances that raise severe human rights allegations that have been caused, contributed by, or directly linked with operations of the company. Generally, the OGM is governed by the Constitution of Kenya, National Laws, Kenya's National Action Plan on Business and Human Rights and international human rights standards including the international Bill of Rights and the UN Guiding Principles on Business and Human Rights. The overall objective of SIKIKA 2 is to independently investigate allegations and provide remedy. The desired outcome is to fortify relationships with stakeholders.

The year 2024 has witnessed increased emphasis on the crucial role OGMs like SIKIKA are increasingly playing for companies particularly in Africa. They are becoming vital criteria upon which such companies have to satisfy in order to gain and maintain access to European markets. While previously the United Kingdom and European Union were more interested in sanitary and phytosanitary standards of African exports, considerations of environmental and human rights due diligence will soon be applied to African exports. This follows the approval by the European Union of the European Union Corporate Sustainability Due Diligence Directive. This Directive imposes a duty on all European companies to ensure that no human rights violations have been committed in the entire international supply chains. African companies will soon have to establish permanent mechanisms for the investigation and remedying of human rights impacts to remain competitive in European markets. Kakuzi Plc has already established its Independent Human Rights Mechanism named SIKIKA. The IHRM has been in operation since 2022.

SIKIKA is subject to oversight by the Independent Human Rights Advisory Committee, the community, local non-governmental organisations and international experts including the Independent Monitor (IM). During the Reporting Period, the Independent Monitor

(IM) conducted his second review of SIKIKA 2. This Report has shared the findings of the IM regarding the extent to which SIKIKA 2 is implementing his recommendations as well as the United Nations Guiding Principles on Business and Human Rights. The Report covers SIKIKA 2's activities for the reporting period and also since inception.

It is against the backdrop of the above developments that I am pleased to share with you the Fourth Report of SIKIKA 2 Independent Human Rights Mechanism. The Report covers the period between 1st January 2024 and 31st December 2024. It follows the First Report which covered the period between 24th February 2022 and 31st July 2022; the Second Report which covered the period between 1st August 2022 and 30th April 2023; and the Third Report which covered the period between 1st May 2023 and 31st December 2023.

From inception, SIKIKA 2 has registered 1,939 complainants. Out of the 1,939 complainants, 1,484 have been processed. This Report has been shared to show how the 1,484 complaints have been processed and their current status. Overall SIKIKA 2 remains committed to ensuring that human rights violations in which the company is directly or indirectly involved in or linked to, are remedied and that the company puts in place measures to prevent recurrence.

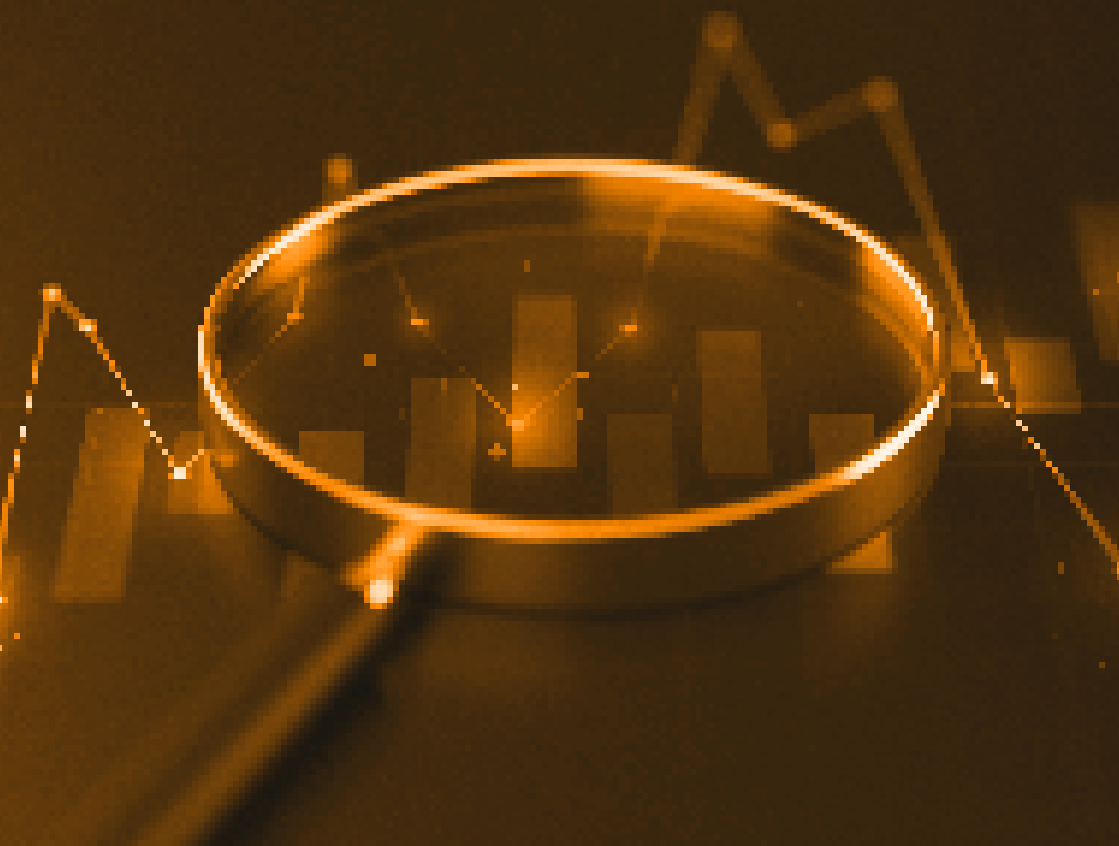
(Rtd) Lady Justice Violet Mavisi

Head - SIKIKA 2 Independent Human Rights Mechanism

While previously the United Kingdom and European Union were more interested in sanitary and phytosanitary standards of African exports, considerations of environmental and human rights due diligence will soon be applied to African exports.

CHAPTER ONE

REVIEW OF SIKIKA 2'S ACTIVITIES BY THE INDEPENDENT MONITOR



OVERVIEW

For the year 2024, SIKIKA 2 activities have been mainly geared towards processing of complaints registered, but still pending resolution. This has been partly due to the recommendation of the Independent Monitor in his Reports, as well as the OGM's own objectives that the OGM expeditiously resolves complaints against Kakuzi PLC.

REVIEW OF SIKIKA 2 ACTIVITIES BY THE INDEPENDENT MONITOR IN 2024 AND IMPLEMENTATION BY SIKIKA 2

Between February 2024 and April 2024, the Independent Monitor conducted the 2nd review of SIKIKA 2 IHRM. This was done through various techniques including an extensive review of documentary materials, a site visit and interviews with a wide range of relevant stakeholders, including claimants, OGM personnel, personnel at Kakuzi, entities in Kakuzi's value chain, counsel for claimants, and other claimant representatives. The IM then measured the IHRM's performance against criteria based on the UNGPs effectiveness criteria and the recommendations he made in the first Report following his first review¹.

The following is an illustration reviewing the IM's findings. The illustration seeks to bring the findings to context by juxtaposing them with the relevant UNGP effectiveness criteria. Feedback from SIKIKA 2 members was sought and is outlined where available. Members of SIKIKA 2 have in 2024 been harmonising the areas for action identified by the IM with the IHRM's work plan. It should be noted that the feedback of the IM highlighted is only on the main issues. Below is an analysis of the Independent Monitor's review featuring SIKIKA 2's feedback and the recommendations on the way forward:

The IM then measured the IHRM's performance against criteria based on the UNGPs effectiveness criteria and the recommendations he made in the first Report following his first review.

¹ Jonathan Drimmer, 'Kakuzi 2024 Independent Monitor Report Regarding Implementation: Public Summary' (Independent Monitor to the Kakuzi PLC IHRM 2024) <<https://www.kakuzi.co.ke/documents/normal/kakuzi%202024%20independent%20monitor%20report%20reg.pdf>>

The IM upon review reported that SIKIKA 2 Has an extensive claims manual. Is attentive to concerns about confidentiality, safety and retaliation.

Illustration 1. A Breakdown of Some of the Recommendations of the Independent Monitor and SIKIKA 2's Progress in Implementation

UNGP Effectiveness Criteria and what it Requires	Feedback the IM Gave Regarding SIKIKA 2's Adherence to the UNGP Effectiveness Criteria	Recommendations that the IM Gave on What SIKIKA 2 Should Do	SIKIKA 2 Feedback and Areas Implemented
1. Legitimacy: (Enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes).	The IM upon review reported that SIKIKA 2: • Has highly qualified experts and, for external advice, relies on qualified international experts. • Is well-resourced and supported by Kakuzi Management. • Conducts thorough investigations. • Maintains files that are fulsome, meticulous and that reflect careful consideration of claims. • Has an extensive claims manual. • Is attentive to concerns about confidentiality, safety and retaliation. • Is independent, has in built safeguards including an independent process to review remedies.	The IM recommended that SIKIKA 2: • Must heighten efforts to address fears of retaliation for contract workers. • Should increase targeted socialisation for communities on key procedural aspects of the OGM. • Should increase further socialisation to address the misconception that SIKIKA 2's awards are not fair as they do not compare with compensation arising from the London settlement – Explain the foundational principles such as (a) investigation and evidence-based awards and (b) role of Kenyan judicial precedents.	SIKIKA 2 carried out sensitisation meetings in: Ngatho Gaicanjiru Kinyangi Ngulunga The meetings in the above 4 areas were successful. Community members were sensitised about SIKIKA 2 process as well as critical issues such as independence and how and why decisions of the Head – SIKIKA 2 are guided by decisions of Kenyan courts.

	• Has a clear and good appeals process. • Has published two highly detailed reports that have detailed metrics and statistical breakdowns.	• Should amend its Guidance Manual to expressly provide for how the Head of Tier 1 should address complaints raised by employees regarding their Supervisors and other top management. • Should provide for how Tier 1 should engage the Head of Human Resources to address fears of retaliation. • Should strengthen the appearance of independence on funding e.g. by having IHRAC maintain the ability to recommend to the board the staffing and salaries of Tier 2 Members.	A sensitisation meeting was held with Middle Level and Senior Level Managers at Kakuzi PLC. The meeting was attended by 64 Managers. Discussions included the SIKIKA 2 Access Points and Process, issues of retaliation, confidentiality and the importance of safeguarding human rights as part of Kakuzi processes. Pending 1. Socialisation meetings are pending in several communities where meetings were postponed due to heavy rains and bad roads. 2. Sensitisation meetings with Kakuzi security guards to increase awareness regarding SIKIKA's non-adversarial nature, its processes and its mandate.
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The IM recommended that SIKIKA 2 Should increase further socialisation to address the misconception that SIKIKA 2's awards are not fair as they do not compare with compensation arising from the London settlement.

Overall, reported feedback has been that SIKIKA is a positive development and provides a means for the company engaging them.

UNGP Effectiveness Criteria and what it Requires	Feedback by the IM Regarding the IHRM's Adherence to the Criteria	IM Recommendations on IHRM's Way Forward	SIKIKA 2 Feedback
2. Accessible: (Being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access).	The IM: • Reported mixed feedback from the community. Overall, reported feedback has been that SIKIKA is a positive development and provides a means for the company engaging them. • Observed that in both Tiers over 3,000 grievances have been lodged. • Noted that new environmental claims indicate the OGM is being considered for an array of potential concerns.	The IM recommended that SIKIKA 2: • Continue focus on collective grievances and group claims. • Conduct focused socialisation in villages, leveraging community leaders and making a dedicated effort to identify risks of exploitation of children in the villages. • Implement measures geared towards countering individuals taking advantage of potential claimants and charging fees with promises of positive outcomes. • Consider round tables with different work force demographics such as female workers or younger employees to gain insights into work place concerns.	SIKIKA 2 has accorded focus on group claims by: 1. Maintaining effective communication with community members and their representatives. This has been through consistent updates on calls and text messages as well as physical meetings. 2. Expediting the processing of complaints e.g. recording of Statements for Complainants and Witnesses. SIKIKA 2 members have at times met up with Complainants and Witnesses during sensitisation meetings and site visits and recorded statements there as opposed to requiring the Complainants and/

	• Actively include Estate Managers and Heads of Operations on how they can support a speak up culture.	or Witnesses to physically visit the SIKIKA 2 office. 3. Clarifying to complainants and community members that SIKIKA 2 does not charge fees for registering and processing complaints. The following activities are pending: 1. Undertaking round tables with different work force demographics such as female workers or younger employees to gain insights into work place concerns. 2. Undertaking sensitisation of Estate Managers and Heads of Operations on how to support a speak up culture.
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SIKIKA 2 members have at times met up with Complainants and Witnesses during sensitisation meetings and site visits and recorded statements there as opposed to requiring the Complainants and/or Witnesses to physically visit the SIKIKA 2 office.

SIKIKA 2 has already implemented a number of strategies to broaden transparency regarding evaluation of evidence including publishing a summary report to share with the public and with stakeholders.

UNGP Effectiveness Criteria and what it Requires	Feedback by the IM Regarding the IHRM's Adherence to the Criteria	IM Recommendations on IHRM's Way Forward	SIKIKA 2 Feedback
3. Predictable: (Providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation).	The IM observed that SIKIKA 2 has a clear process in claims manual that is supported by forms that bring consistency.	None.	SIKIKA 2 continues to give out IEC materials during the sensitization activities. during the registration of once grievance and throughout the process, this information is continually being given to complainants.
4. Equitable: (Seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms).	The IM observed that: • Safeguards for complainants are available. • OGM amended Manual and Forms to expressly provide that a claimant may opt to come with a lawyer or refuse to consult a lawyer.	None.	SIKIKA 2 implemented new measures where they now ensure that during registration every complainant is made to understand that they can opt to come with a lawyer or opt not to consult a lawyer.

5. Transparent: (Keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake).	The IM noted that SIKIKA 2 has published two highly detailed reports that have detailed metrics and statistical breakdowns.	The IM recommended that SIKIKA 2 provides greater transparency surrounding the evaluation of evidence.	SIKIKA 2 has already implemented a number of strategies to broaden transparency regarding evaluation of evidence including publishing a summary report to share with the public and with stakeholders. This will be a permanent feature of SIKIKA 2's measures to be transparent.
6. Rights-compatible: (Ensuring that outcomes and remedies accord with internationally recognized human rights).	The IM reports that SIKIKA 2: • Is attentive to concerns about confidentiality, safety and retaliation. • Maintains files that are fulsome, meticulous, and reflecting careful consideration of claims. • Has a good appeal process. • Provides remedies that are rights compatible.	The IM recommended that SIKIKA 2: • Increases efforts towards addressing work place retaliation for reporting grievances particularly for contract workers who fear non-renewal of contracts if they report concerns. • Consider gender-based reasons for reporting or not reporting claims. • Update the compensation matrix in light of new precedents, experience in administering the OGM and feedback from complainants and the Appeals Judge.	• SIKIKA 2 has encouraged employees to consider reporting complaints anonymously and has been sensitising high level and middle level managers to address retaliation claims. • SIKIKA 2 is implementing the recommendation on considering gender-based reasons for reporting. • SIKIKA 2 updated the compensation matrix and has been reviewing decisions issued in order to ensure that the remedies recommended for complainants do not vary with Kenyan courts.

The IM observed that SIKIKA 2 has a clear process in claims manual that is supported by forms that bring consistency.

SIKIKA is engaging the community to have frank discussions on operational or functional independence of the OGM.

UNGP Effectiveness Criteria and what it Requires	Feedback by the IM Regarding the IHRM's Adherence to the Criteria	IM Recommendations on IHRM's Way Forward	SIKIKA 2 Feedback
7. Source of continuous learning: (Drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms).	SIKIKA 2's review of SIKIKA 2 found that SIKIKA 2: • Has embraced, sought and implemented suggestions made by the IM. • Implemented IM's recommendation that the Manual is amended to not only cover instances of direct causation but also instances of causing and contributing. • Amended the Manual and Forms to expressly provide a claimant may opt to come with a lawyer or refuse to consult a lawyer as recommended in the previous IM's review. • Is seeking to develop a way forward on extension of non-financial remedies where evidence in a claim does not reach the threshold of the OGM. • Has amended the Manual to provide additional guidance on how claims are to be considered under the standard of proof established.	The IM recommended that SIKIKA evaluates the reasons for the drop in 2014 cases and responds as appropriate.	SIKIKA 2 has completed the updating of the compensation matrix to ensure it is up to date with the most recent judicial precedents. This helps the OGM to avoid having any disparities in compensation between the OGM and the courts. The following activities are ongoing: 1. Developing a way forward on extension of non-financial remedies where evidence in a claim does not reach the threshold of the OGM. 2. Reviewing of files to determine whether there have been any disparities in terms of compensation for complainants with similar grievances. Once the review is complete, next steps will be taken to remedy any disparities detected.

8. Based on engagement and dialogue: (Consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances).	The IM found that SIKIKA 2: • Had mixed feedback from the community but they stated that SIKIKA is a positive development and provides a means for the company engaging them. • Holds closeout meetings in which complainants have discussions about social and community programs. Feedback is sought. • Engages Chiefs and local leaders about community programs. • Has engaged KWS regarding the serious problem of human wildlife conflict.	None.	SIKIKA is: • Engaging the community to have frank discussions on operational or functional independence of the OGM. One of the strategies has been to draw parallels with the autonomy of Constitutional Commissions and Independent Offices like the Auditor General as a basis of discussions with communities.
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SIKIKA 2’s review of SIKIKA 2 found that SIKIKA 2 is seeking to develop a way forward on extension of non-financial remedies where evidence in a claim does not reach the threshold of the OGM.

CHAPTER TWO

SIKIKI 2

ACTIVITIES IN NUMBERS



OVERVIEW

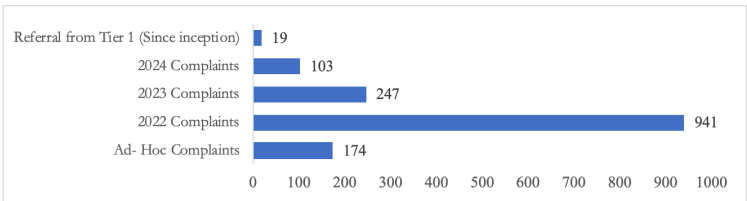
Between inception (24th February 2022) and 31st December 2024, SIKIKA 2 registered² 1,939 complainants. SIKIKA 2 has managed to reach 1,484 complainants and processed their complaints.

Processing involves a variety of activities ranging from the recording of the complainant's statement to the complainant providing their witnesses and/or documents. The documents provided by the complainant are also verified (on their authenticity) while the injuries presented by the complainant may undergo a process of expert medical assessment. Where a complainant exhibits signs of psychological trauma they may be offered free counselling.

Out of the 1,484 processed complaints, 1,032 complaints have been finalised. Out of the 1,032 finalised complaints, 1,016 Complaints were dismissed while 16 have been compensated. 349 cases were carried forward from the previous years and 103 are new registrations filed in 2024.

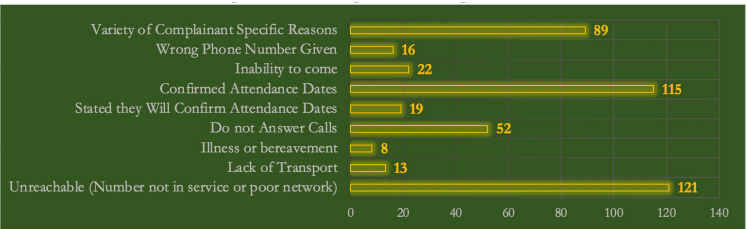
Below is a breakdown of the complaints filed over the years:

Illustration 2. Breakdown of all Complaints at SIKIKA 2



455 complaints remain unprocessed for various reasons as shown below:

Illustration 3. Breakdown of Complainants with Unprocessed Complaints



Please note:

1. Inability to come: SIKIKA 2 provides a transport stipend as a reimbursement for deserving cases and does not honor requests to send transport stipend. Complainants who lack means are contacted when sensitization activities are being held in their areas.
2. SIKIKA 2 has made huge strides in reducing the number of unreachable complainants. For employees, this has been done

² Registration entails the entering of a person's name and phone number into a Registration List. The persons recorded in this list are then granted appointments for processing.

1,484
processed
complaints

1,032
complaints
finalised

1,016
complaints
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16
Complainants
Compensated

349 cases
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previous years

103 new
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In the year 2024, OGM registered 110 new complaints. Out of the 110 complaints, 6 were referred from SIKIKA 1 to SIKIKA 2 and one of the 6 files was split into 2 files as a result of a new complaint arising from the original complaint.

by setting appointment dates that are convenient with their work schedules and addressing concerns of confidentiality and non-retaliation. For community members, the OGM has carried out several sensitization activities for far flung areas that were also flagged by the Independent Monitor as areas that need attention as community members therein are hampered by transport costs from accessing the OGM to process their claims.

3. SIKIKA 2 has observed that there is a high number of people who live in the far-flung areas who have never registered new complaints. This means that visits to the areas to process complaints have resulted in new complaints. Once registered, the complainants are advised to provide all the documents and witnesses they may need to support their complaints. However, the far-flung areas have poor mobile network coverage and this has led the number of unreachable processed complainants to increase as SIKIKA registers more complainants. SIKIKA has grouped complainants according to where they live so it becomes easy to reach them.

Illustration 4. Breakdown of Registered Complaints According to Stage in SIKIKA 2 Process

SIKIK 2 Complainants Registered (ALL CASES) 1,939	Referral (Ad- Hoc) Complainants Registered (174)	Processed (Complainants) Cases 174	Processing Ongoing	2 ³
			Referral to SIKIK 1	0
			Pending further action by Complainant (Suspended)	21
			Dismissed	120
			Deferred Decisions	23
			Appeal Stage	0
			Compensated	8
	General Cases Complainants Registered 1,765	Registered and Processed Complainants New Cases 1,310 ⁴	Processing ongoing	161
			Referral to SIKIK 1	28
			Pending further action by complainants (Suspended)	54
			Dismissed	896 ⁵
			Deferred Decisions	156
			Appeal Stage	7
			Compensated	8
			Registered Inactive Complainants	

***In Total, 16 Complainants have been compensated.**

In the year 2024, OGM registered 110 new complaints. Out of the 110 complaints, 6 were referred from SIKIKA 1 to SIKIKA 2 and one of the 6 files was split into 2 files as a result of a new complaint arising from the original complaint. This pushed the number of complaints being dealt with as referred grievances to 7 files.

Below is a breakdown:

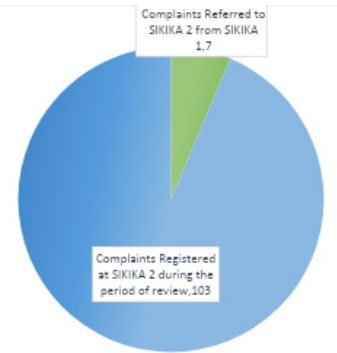
³ The complainants in these two files have been assigned pro-bono lawyers.

⁴ These files include 941 cases registered in 2022, 247 cases registered in 2023, 103 cases registered in 2024 and 19 files referred from Tier 1 from inception till 2024.

⁵ Out of these, 35 were dismissed at Appeal Stage.

⁶ As SIKIKA 2 increased efforts to process the complaints of complainants living in far flung areas, more complainants were registered. The number of persons unavailable has expectedly increased. Strategies to reduce this number has been rolled out including grouping of complainants who live close to each other for easier coordination of processing.

Illustration 5. Breakdown of Complaints Registered According to Access Point



OVERVIEW OF COMPLAINTS REGISTERED DURING THE PERIOD OF REVIEW

In line with the UNGP effectiveness criteria of accessibility, SIKIKA 2 conducted community engagement in Ngatho, Gaicanjiru, Kinyangi and Ngulunga among other areas. The team met a huge number of community members interested in registering complaints. Out of the 110 complaints registered, SIKIKA 2 members managed to record statements and collect evidence in 98 complaints. These included the 6 complaints originally recorded at SIKIKA Tier 1. The 11 remaining complainants will be attended to in 2025.

70 out of the 110 complaints registered during the reporting period were registered during the community engagement exercises. 40 of them were walk ins.

SIKIKA 2 registered a higher number of complaints from employees and former employees of Kakuzi Plc compared to previous reporting periods 26% of complaints were from employees and former employees. Below is a breakdown of all the complaints registered:

Illustration 6. Breakdown of Complaints According to Stakeholder Category

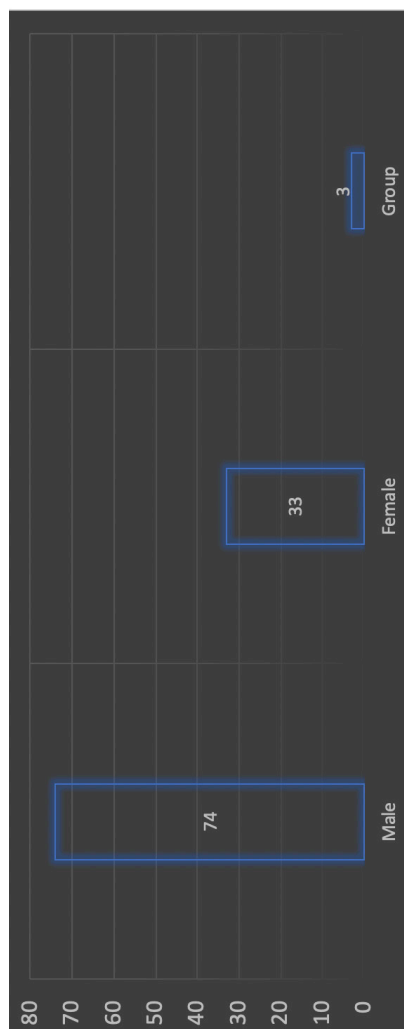


70 out of the 110 complaints registered during the reporting period were registered during the community engagement exercises. 40 of them were walk ins.

Employee and Former Employees	Persons who are employed or were employed by Kakuzi Plc
Individual (Community)	Individuals that hail from Kakuzi's surrounding communities
Group (Community)	These are groups representatives that brought complaints on behalf of other group members. There were 4 group complaints

Below is a breakdown of complainants registered according to gender:

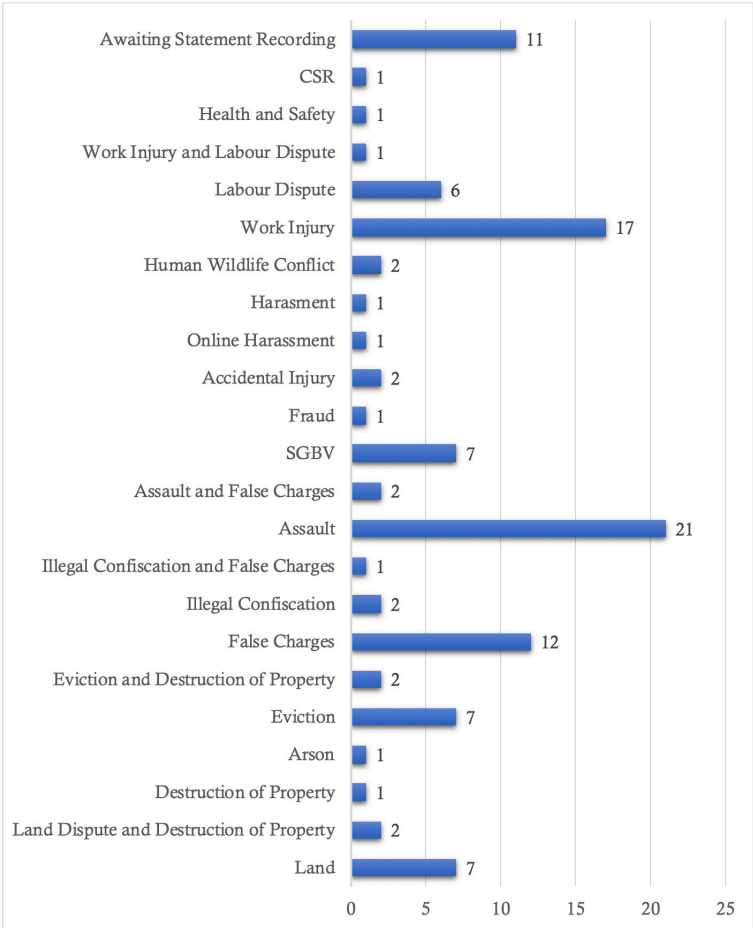
Illustration 7. Breakdown of Complaints According to Gender



*Group – These are complaints brought by groups formed by community members hence gender is not assigned.

Majority of the complaints registered during the Reporting Period were related to community grievances. 42 of the 110 complaints involved a range of grievances such as destruction of property, eviction and false charges. Below is an illustration showing a breakdown of the grievances registered in the reporting period according to grievance themes:

Illustration 8. Breakdown of Complaints According to Grievance Themes

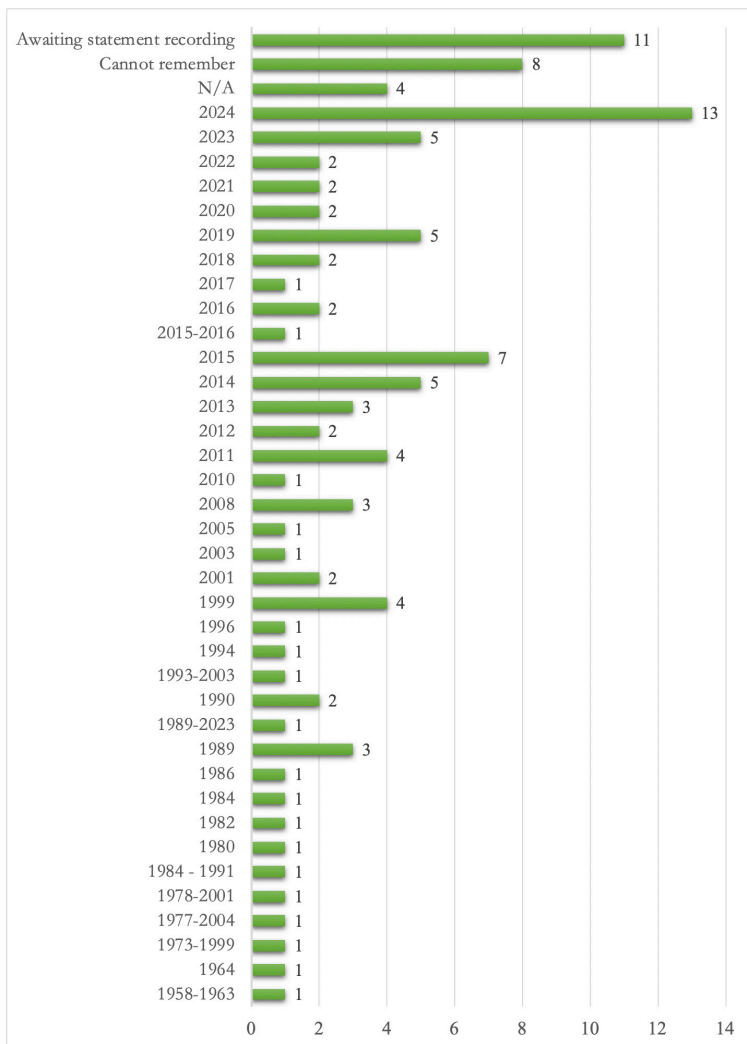


42 of the 110 complaints involved a range of grievances such as destruction of property, eviction and false charges.

A significant number of complainants who registered grievances live within the Kakuzi area.

Below is a breakdown of complaints registered according to year of incident:

Illustration 9. Breakdown of Complaints Registered According to Year of Incident



Cannot remember

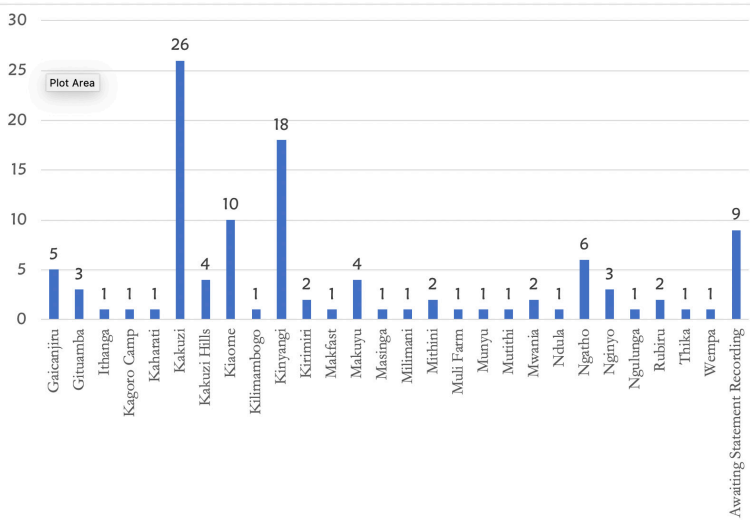
Complainants could not remember the year when the violation was committed.

Where the category shows more than one year e.g. 1984-1991, or 1977-2004

Complaints where the grievance is alleged to have been committed continuously in the period specified, or on several instances within the period specified.

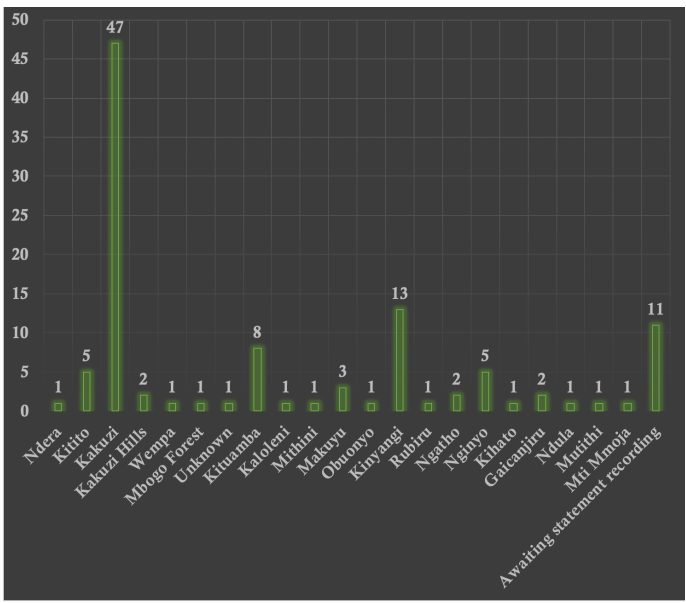
A significant number of complainants who registered grievances live within the Kakuzi area. Below is an illustration showing a breakdown of all registered complaints for the period of review, according to area of residence.

Illustration 10. Breakdown of Complaints Registered According to Area of Residence



The illustration below shows a breakdown of complaints registered according to the location where the incident occurred:

Illustration 11. Breakdown of Complaints Registered According to the Location of Incident

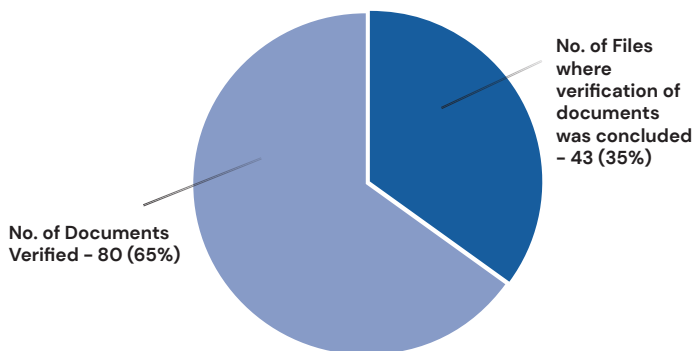


Data on verification of medical documents and assessment of injuries is not strictly for the 110 complaints registered in 2024 but also those registered in previous years and were at the FFT stage.

FACT FINDING ACTIVITIES

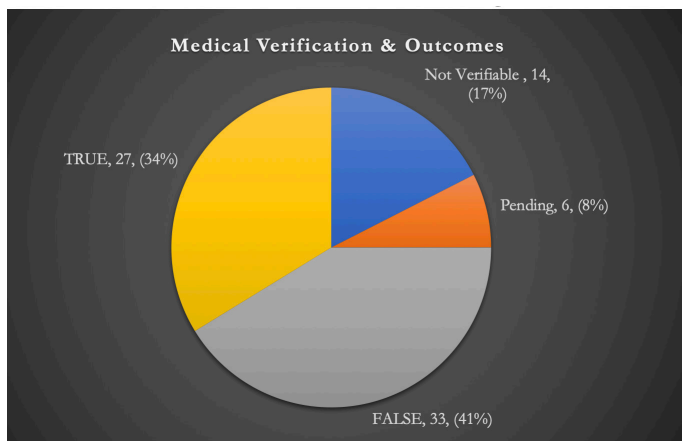
SIKIKA 2 conducted verification⁷ of documents from Kakuzi, medical facilities and other institutions for documents availed by the complainants. 80 medical documents from 43 files were verified with medical facilities. One file may have multiple documents availed by the complainant to support their grievance. As a result, the number of documents verified is always more than the number of files. Below is a representation of the verification activities during the reporting period⁸:

Illustration 12. Breakdown of SIKIKA 2's Medical Verification Activities



Below is a breakdown of the outcome of the verification processes for Medical Records in the reporting period:

Illustration 13. Breakdown of SIKIKA 2's Verification Activities According to Outcomes



⁷ Verification is part of SIKIKA 2's Fact Finding. It is the process by which the OGM investigates allegations of severe human rights by examining the authenticity of documents issued by institutions and presented to SIKIKA as evidence supporting complaints.

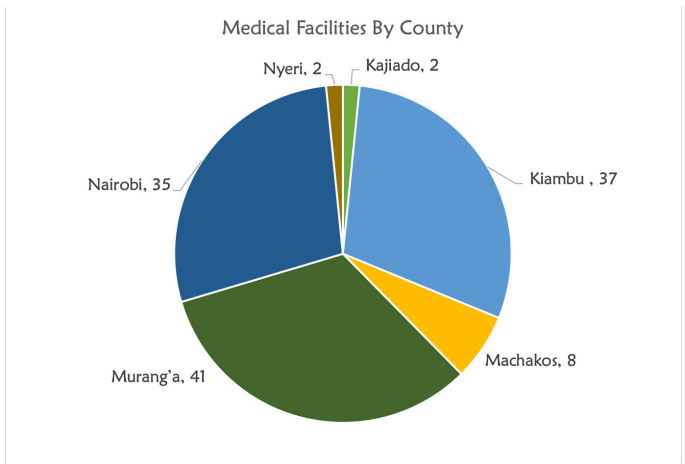
⁸ Kindly note that SIKIKA 2 makes numerous verification enquiries from Kakuzi, for documents alleged to emanate from them, as well as other non-medical institutions.

Not Verifiable	These are documents that the medical institutions cannot authenticate.
Pending	These are documents that are yet to be verified by medical facilities.
False	These are outcomes where a document was found not authentic.
True	These are outcomes where a document is confirmed as emanating from a medical facility although they may not always be in relation to the complaint.

Please note that data on verification of medical documents and assessment of injuries is not strictly for the 110 complaints registered in 2024 but also those registered in previous years and were at the FFT stage.

Below is a breakdown of the medical facilities where SIKIKA 2 has conducted verification of documents:

Illustration 14. Breakdown of Counties where Verification of Medical Documents was Conducted during the Reporting Period



During the Reporting Period, SIKIKA 2 referred 31 complainants to Medical Assessment. Medical assessment is the process in which complainants who allege they suffered injuries emanating from human rights abuses are reviewed by medical experts. The purpose of this review is to ascertain whether there is a link between the physical and/or psychological injuries, and the grievance presented. SIKIKA 2 utilizes independent medical experts including a surgeon, gynaecologist, and counsellors. The assessment is granted free of charge and the complainant receives a transport stipend for the visit. In some cases, the experts, during assessment, have discovered ailments that the complainants did not know of and they advise them to seek treatment.

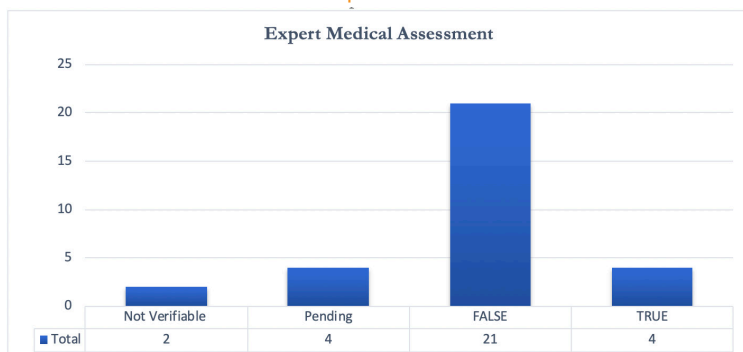
SIKIKA 2 conducted verification of 7 documents from Kakuzi, medical facilities and other institutions for documents availed by the complainants. 80 medical documents from 43 files were verified with medical facilities.

Where the complainant objects to the findings of the Medical Assessment, they are accorded an opportunity to propose an alternative independent professional who would then assess the injuries and provide an independent report.

There are some cases in which Medical Assessment has been conducted more than once. Where the complainant objects to the findings of the Medical Assessment done by the SIKIKA 2 appointed medical practitioner, the Complainant is accorded an opportunity to select any other medical practitioner in the panel of practitioners who work with SIKIKA 2. In some cases the complainant may still refuse this option. The complainant is allowed to settle on another medical practitioner provided that this request is made to SIKIKA 2 and the choice of the practitioner agreed upon by both the Complainant and SIKIKA 2.

Below is a breakdown of the 31 complaints referred to Medical Assessment during the Reporting Period:

Illustration 15. Breakdown of SIKIKA 2's Expert Medical Assessment Results



Not verifiable	The injuries presented by the complainant could not be diagnosed by the expert.
Pending	The results of medical assessment are yet to be submitted to SIKIKA 2 by the expert.
False	The injuries alleged by the complainant were not consistent with the injuries diagnosed by the expert
True	The injuries alleged by the complainant were consistent with the injuries diagnosed by the expert and were related to the grievance.

Please note that data on verification of medical documents and assessment of injuries is not strictly for the complaints registered in the reporting period but also for previously registered complaints.



CHAPTER THREE

REVIEW OF OTHER SIKIKA 2 ACTIVITIES

During the Reporting Period, SIKIKA 2 held several meetings with community members and leaders of community self help groups for purposes of recording statements and collection of documents supporting their complaints.

SIKIKA 2 STAKEHOLDER ENGAGEMENT ACTIVITIES

SIKIKA 2 engages a variety of stakeholders and this practice has enabled the OGM to spread awareness about it, its processes, access points and other critical issues. The OGM also engages stakeholders to enhance its processes through professional advice to the OGM and pro-bono professional support granted to complainants and victims.

Below is a breakdown of the community engagement activities conducted in the reporting period:

Illustration 16. Community Engagement Activities Conducted During the Reporting Period

Community Engagement Held and Date	Area	Results
Public baraza on 21 st June 2024 {Sensitization on process, access points and the themes/jurisdiction of SIKIKA}	Ngatho	Sensitization targeted 75 community members.
Public baraza on 28 th June 2024 {Sensitization on process, access points and the themes/jurisdiction of SIKIKA}	Kinyangi	- Sensitization targeting 60 community members. 32 new complaints were registered - Fulfilment of the IM recommendation to enhance accessibility to the OGM of complainants living in far flung areas.
Public barazas on 4 th July 2024 and 5 th July 2024 {Sensitization on process, access points and the themes/jurisdiction of SIKIKA}	Kinyangi	20 new complaints were registered. 24 statements were recorded. - Fulfilment of the IM recommendation to enhance accessibility to the OGM of complainants living in far flung areas.
Public baraza on 29 th August 2024 {Sensitization on process, access points and the themes/jurisdiction of SIKIKA}	Ngatho	10 Statements for Complainants and Witnesses were recorded. 5 Complainants provided supporting documents. - Fulfilment of the IM recommendation to enhance accessibility to the OGM of complainants living in far flung areas.

Sensitization meeting on 21st September 2024 with Middle Level and Senior Level Managers at Kakuzi PLC. {Sensitization on SIKIKA 2 Access Points and Process, issues of retaliation, confidentiality and the importance of safeguarding human rights as part of Kakuzi processes}	Kakuzi	• Sensitization meeting attended by 64 Managers.
Outfield Community Exercise held between 18th November 2024 to 22nd November 2024 {Sensitization on process, access points and the themes/jurisdiction of SIKIKA}	Kinyangi	• Sensitization targeted 57 community members • 18 new complaints were registered and statements taken for the 18 complainants as well as witnesses.

The OGM also engages stakeholders to enhance its processes through professional advice to the OGM and pro-bono professional support granted to complainants and victims.

On 4th October 2024, SIKIKA 2 conducted a **Stakeholders Meeting** that brought together various professionals who provide support services to SIKIKA 2. These included lawyers, medical practitioners, the Witness Protection Agency, the representatives of various governmental and non-governmental organisations involved in human rights protection as well as Kakuzi management. During this meeting, each stakeholder shared their feedback on SIKIKA 2's processes, what they were pleased about as well as areas in which they deemed require improvement. Deliberations from the meeting are being utilised in improving the OGM processes.

During the Reporting Period, SIKIKA 2 held several meetings with community members and leaders of community self help groups for purposes of recording statements and collection of documents supporting their complaints.

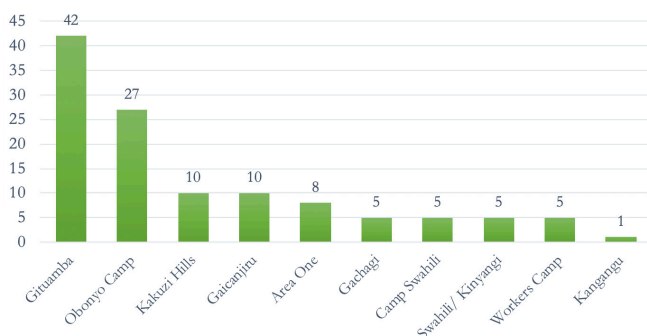
Upon discussions with the communities it became apparent that land disputes were prevalent, but that other forms of human rights violations were alleged to have been committed by Kakuzi Plc against community members.

HANDLING OF COMMUNITY GRIEVANCES IN THE REPORTING PERIOD

An Overview of the Community Grievances Registered by SIKIKA 2

During the Reporting period, the OGM processed a total of 118 Community Grievances⁹. These are grievances registered before and during the Reporting Period. These complaints originated from various communities that reside near Kakuzi Plc. Below is a breakdown of the number of grievances per community

Illustration 17. Breakdown of Community Grievances Registered According to Area/Community



Note:

1. A single grievance can be lodged on behalf of the community by:
 - a. An individual, or
 - b. Two or more people, or a Self-Help Group. One grievance was brought by a Self-Help Group on behalf of 326 members.
2. Grievances can be brought by several individuals on their own behalf but relating to an incident that affected the community in general. These grievances are then grouped together and worked on together.

SIKIKA 2's Approaches Towards Community Grievances

Generally, community grievances are centered on evictions and land but have multi-faceted issues. Upon discussions with the communities it became apparent that land disputes were prevalent, but other forms of human rights violations were alleged to have been committed by Kakuzi Plc against community members. The IHRM has been keen to delineate the issues and avoid venturing into issues falling under the mandate of the National Land Commission. In this regard, the Fact-Finders are keenly reviewing specific community grievance issues vis-à-vis the issues specific to the petitions currently undergoing hearing before the National Land Commission, to inform appropriate recommendations for determination by the Head of the IHRM.

⁹ These are complaints brought by individuals or community leaders on behalf of communities regarding human rights violations affecting their communities.

Challenges Faced by SIKIKA 2 in Addressing Community Grievances

SIKIKA 2 has met some challenges in its attempts to reach out to communities and register their grievances. They are as follows:

a. Huge demands of Work in Far Flung Areas

While the OGM navigated this challenge successfully, there was occasional surge in the number of complainants seeking to be registered at several areas. The OGM members took the contact details of community members who could not be registered due to time constraints and appointment dates given

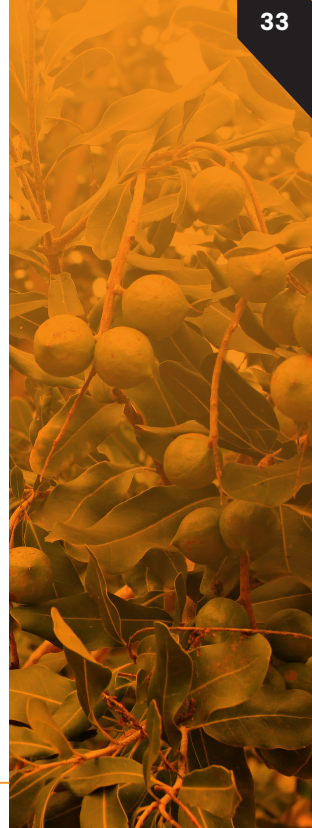
b. Poor Weather Conditions and Bad Roads

Plans to hold several sensitization and registration meetings were hampered by heavy rains which often affected the turn-out of community members. It was observed that the previous strategy of community sensitization using Churches was hampered because when it rained community members did not attend churches in good numbers. SIKIKA 2 members opted for public barazas and other outfield activities which were largely successful but which ultimately were affected by the rains as well. However, with improved coordination in postponing and setting up fresh dates, the OGM managed to carry out successful outreach activities.

c. Delay Caused by Unavailability of Crucial Witnesses and Supporting Documents

Processing of some grievances in the far-flung areas was hampered by the fact that some witnesses could not be located for various reasons such as some being at work or having relocated to other areas. In some cases, the complainants had lost crucial supporting documents due to the fact that the events from which their grievances arose happened many years ago.

Processing of some grievances in the far-flung areas was hampered by the fact that some witnesses could not be located for various reasons such as some being at work or having relocated to other areas.





CHAPTER FOUR

CONCLUSION



There has been a gradual increase in complaints brought by employees and former employees of Kakuzi Plc to SIKIKA 2. Such trends test the effectiveness of the referral process between Tier 1 and Tier 2 and the ability of SIKIKA 2 to bring about outcomes that are acceptable to the complainant and the company and are legal and human rights compliant. The focus of SIKIKA 2 in 2025 will thus be on enhancing its systems to establish trust with employees and former employees by stamping out any avenues (perceived or apparent) of retaliation and to entrench confidentiality in registering of complaints. The OGM will also continue to process community grievances and pursue an expeditious resolution of complaints still pending.



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