



**ADVANCING A HUMAN RIGHTS-BASED ENERGY
TRANSITION IN KENYA**
**MONITORING HUMAN RIGHTS COMPLIANCE IN
RENEWABLE ENERGY OPERATIONS IN NAKURU AND
NAROK COUNTIES**

Abstract

This report examines human rights compliance among renewable energy companies in Nakuru and Narok Counties during Kenya's shift to clean energy. The review focused on management practices, labor standards, community engagement, and gender dynamics, using policy analysis, interviews, and desktop research. The companies have made progress through policy frameworks, safety measures, gender initiatives, Indigenous Peoples Plans, and community liaison systems. However, key gaps persist. These include weak implementation of human rights commitments, absence of dedicated human rights policies in most companies, limited access to information, inadequate community consultation, environmental concerns, recurring grievances, and low representation of women in leadership. The report concludes that a just energy transition requires stronger rights-based policies, transparent engagement, and more effective grievance handling.

A KNCHR REPORT BY CENTRAL REGIONAL
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Cover Photo: KNCHR officer makes remarks during the joint forum with KENGEN, NEMA, KWS and the local community in Olkaria on September 24, 2024.

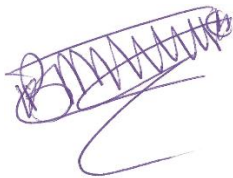
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Preface

Climate change has impacted lives negatively and there is an urgent call for nations to rethink their way of doing things. Key among the changes required is transitioning from over-dependence on fossil fuels to renewable sources of energy. This means that countries must put concerted efforts in investing in renewable energy sources and reduce the costs related to energy access. Kenya has not been left behind and in its Vision 2030, there is a lot of emphasis on achieving a green and sustainable future with ambitious targets. However, delivering the Vision 2030 targets requires that the transition to renewable sources of energy is fair, targeting the most vulnerable and marginalized communities, empowering them and ensuring that no one is left behind.

For workers working in renewable energy companies, the transitioning posits fundamental benefits in terms of more jobs and better working conditions. Further, a just transition promises communities with shared prosperity in the implementation of renewable energy projects within their lands.

It is on this premise that the Commission publishes this report on monitoring of human rights compliance by renewable energy companies. The report is important as it shows the status of human rights in the operations of renewable energy companies. The monitoring was conducted focusing on four thematic areas namely: *management; human resource and labor; community; and gender dynamics*. The aim was to assess how the companies are faring in the four thematic areas. It is the Commission's aim that the findings of the monitoring and the recommendations therein will help the companies design and implement policies that ensure that their operations are anchored on human rights in order for a just transition to happen.



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Executive Summary

With the devastating effects of climate change such as droughts and floods blamed on reliance on fossil fuels, countries are embracing cleaner and safer renewable sources of energy including geothermal, wind and solar. Not wanting to be left behind, Kenya continues to invest in renewable energy sources to power its industries and homes in line with its ambitious development blueprint-Vision 2030. However, the transition from fossil fuels to renewable energy has led to justice and fairness concerns, hence the need for a human rights-compliant transition. It is on this background that the Commission conducted a monitoring exercise of human rights compliance by renewable energy companies in Kenya, particularly in public and private owned renewable energy companies with operations in Nakuru and Narok Counties.

Chapter One provides the background to the monitoring exercise, including the Commission's Constitutional mandate of promoting and protecting human rights in all spheres of life in Kenya, and ensuring a human rights culture in the Republic. Previous and continuing receipt, processing and investigation of complaints related to the operations of the renewable energy companies also informed the rationale for the exercise.

Chapter Two covers a human-rights based assessment of the international, regional and national legal and policy frameworks that link renewable energy and human rights. The provisions of the frameworks require that the conceptualization, development and utilization of renewable energy sources should be in tandem with the respect for, protection of, and fulfilment of fundamental human rights and freedoms. The Chapter also analyses the various policies guiding the operations of the seven (7) sampled companies.

Chapter Three delves into the findings of the study: human rights compliance by the companies based on four thematic areas namely management; human resource and labor; community; and gender dynamics. Data collection methods included in-depth interviews with the companies' representatives based on the filled questionnaires, review of companies' policies and desktop review of available information on the companies' websites and other sources. Key findings include the existence of policies guiding the four thematic areas, commendable stride such as a private company's translation of policies into Kiswahili for wider understanding, lowered general

worker requirements for a local indigenous community by a private company, recognition of indigenous peoples and development of indigenous peoples plans (IPPs) by a State-owned company among others. However, gaps still remain: non-existence of targeted human rights policies, non-recognition of indigenous peoples by some companies; inaccessible company policies by stakeholders; concerns around free, prior and informed consent before start of renewable energy operations and benefits-sharing; domination of company boards by men over women thereby offending the Constitution and reported domination of State-owned renewable energy companies' workforces by a section of Kenyans over others. Also, there are concerns on the full implementation of the very policies that the companies have developed, therefore requiring sustained action by the companies themselves and continued monitoring by the Commission.

Lastly, Chapter Four concludes that the transition from fossil fuels to renewable energy should not lead to the denial, violation or infringement, or threatening of human rights. Therefore, clear recommendations are made to, among others, renewable energy companies and investors in renewable energy to embed human rights at the center of their operations by ensuring policy commitments on human rights, full implementation of their policies, and adherence to the provisions of the Constitution and other laws.

TABLE OF CONTENTS

Preface.....	1
Acknowledgements.....	2
Executive Summary	3
Definition of Terms.....	7
Abbreviations and Acronyms.....	8
1. INTRODUCTION	9
1.1 About the Kenya National Commission on Human Rights	9
1.2 Background	9
1.3 Problem Statement.....	11
1.4 Methodology	12
2. A RIGHTS-BASED ASSESSMENT OF POLICY AND LEGAL FRAMEWORKS ON RENEWABLE ENERGY AND HUMAN RIGHTS.....	13
2.1 Background	13
2.2 Right to The Highest Attainable Standard of Health	13
2.3 Right to Water	14
2.4 Right to Adequate Housing	15
2.5 Right to Work	16
2.6 Right to a Clean, Healthy and Sustainable Environment.....	17
2.7 Cultural Rights.....	18
2.8 Right to Property, Including Land and Natural Resources	20
2.9 Access to Information and Freedom of Expression.....	21
2.10 Access to Justice.....	22
2.11 Conclusion	23
3. FINDINGS	24
3.1 Management.....	24
3.2 Human Resources/Labour	29
3.3 Community	31
3.4 Gender Dimensions.....	39
3.5 Review of Company-Specific Policies.....	43
3.5.1 Barwasim Africa Consulting Ltd (BACL).....	43

3.5.2	Oserian Development Company Ltd (ODCL)	44
3.5.3	OrPower 4, Inc.	46
3.5.4	Renewable Energy and Rural Electrification Corporation (REREC)	48
3.5.5	Geothermal Development Company (GDC)	49
3.5.6	Akiira Geothermal Ltd. (AGL)	52
3.5.7	Kenya Electricity Generating Company (KenGen)	53
3.6	Conclusion	55
4.	CONCLUSION AND RECOMMENDATIONS	56
4.1	Conclusion	56
4.2	Recommendations	56
5.	REFERENCES	59
6.	ANNEXTURE	63

Definition of Terms

Climate change: Long-term shifts in temperatures and weather patterns primarily due to human activities such as burning of fossil fuels like coal, oil and gas.

Diversity, Equity, Inclusion, and Belonging (DEIB): A framework that fosters a more inclusive and equitable environment within organizations, encompassing various aspects of a person's identity and background.

Energy Transition: It is a move from fossil fuels to renewable sources of energy to support a less carbonized energy system and mitigate climate change.

Fossil fuels: Non-renewable resources that take hundreds of millions of years to form and when burned to produce energy, cause harmful greenhouse gas emissions, such as carbon dioxide. They include coal, oil and gas.

Indigenous Peoples Plans (IPPs): Strategies that outline how a renewable energy company shall engage indigenous peoples to ensure that their interests are protected in the project conceptualization and implementation.

Indigenous Peoples: While there is no universally accepted definition, Article 260 of the Constitution of Kenya states that an indigenous community means a community that has retained and maintained traditional lifestyle and livelihood based on a hunter or gatherer economy, or pastoralism.

Nationally Determined Contributions (NDCs): These are national plans submitted by countries under the Paris Agreement, outlining their commitments to reduce greenhouse gas emissions and adapt to climate change impacts.

Renewable energy: Energy derived from natural sources that are replenished at a higher rate than they are consumed. They include solar, wind and geothermal energy sources.

Abbreviations and Acronyms

DEIB	Diversity, Equity, Inclusion and Belonging
EMCA	Environmental Management and Coordination Act
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental, Social and Management Plan
FKE	Federation of Kenya Employers
FPIC	Free, Prior and Informed Consent
GHRM	Grievance Handling Resolution Mechanism
NEMA	National Environment Management Authority
NGAO	National Government Administration Officer
NGEC	National Gender and Equality Commission
PAPs	Project Affected Persons
PPE	Personal Protective Equipment
SGBV	Sexual and Gender Based Violence
SHE	Safety, Health and Environment
SOPs	Standard Operating Procedures
SRC	Salaries and Remuneration Commission
STEM	Science, Technology, Engineering and Mathematics
TOR	Terms of Reference
UNGPs	United Nations Guiding Principles on Business and Human Rights

1. INTRODUCTION

1.1 About the Kenya National Commission on Human Rights

The Kenya National Commission on Human Rights (KNCHR) is a Constitutional Commission established under Article 59 of the Constitution of Kenya, and made operational through the KNCHR Act No. 14 of 2011 and revised in 2012. The operations of the KNCHR are guided by the United Nations Paris Principles on the establishment and functioning of independent national human rights institutions (NHRIs). The National Commission has been accredited by the Global Alliance of National Human Rights Institutions (GANHRI) as an 'A status' institution which indicates compliance with the Paris Principles. The Commission has two broad mandates: Promoting and protecting human rights in Kenya.

The Commission's main functions include receipt and processing of complaints; investigating alleged human rights violations and offering redress; reporting on the observance of human rights in all spheres of life in Kenya; making recommendations to improve the functioning of State and non-state organs; and ensuring compliance with the State's obligations under international and regional treaties and conventions relating to human rights. These functions are discharged through various strategies including research, monitoring compliance to human rights standards, resolution of human rights violations, advocacy, lobbying, public education and training, outreach and issuance of advisories.

1.2 Background

Globally, the nexus between climate change and human rights has become of critical concern in the wake of devastating environmental changes. Climate change impacts include rising temperatures, rising sea levels, extreme weather events such as floods and droughts, buffeted ecosystems all which have impacted enjoyment of human rights. Responding to climate change-related risks require that there is a shift from overreliance on fossil fuel sources of energy to renewable sources of energy. The Intergovernmental Panel on Climate Change (IPCC) has posited

that wind and solar energies can help reduce global warming to 1.5°C. This realization has enhanced global investment in renewable energies.

Locally, Kenya is endowed with renewable energy sources especially due to its geographical location in the Great Rift Valley. The country has emerged as a leader in renewable energy adoption within Sub-Saharan Africa, with significant investments in geothermal, wind, and solar power. The country currently generates over 90% of its electricity from renewable sources, placing it as a regional leader in clean energy. Ambitiously, the country aims to achieve 100 percent renewable energy by 2030 and expand its energy grid capacity to 100 gigawatts (GW) by 2040.¹

Consequently, Kenya continues to implement policy, legislative and programmatic interventions in the energy transition. Nationally, the Constitution guarantees fundamental rights and freedoms. Article 42 guarantees every person's right to a clean and healthy environment. To enjoy this right, it is required that there must be sustainable resource management, including energy. Article 10 provides for national values and principles of governance, among them sustainable development. Furthermore, Article 69 requires the State to protect and conserve the environment and ensure the sustainable and equitable use of natural resources, including energy, for the benefit of the people. Energy access is also considered a fundamental enabler for economic and social rights including the right to health, food, and water, as guaranteed under Article 43 of the Constitution.

The draft Kenya Energy Policy 2025-2034 has earmarked renewable energy development as a key area in exploiting the country's vast renewable energy resources, including geothermal, solar, wind, and bioenergy. It intends to increase Kenya's renewable energy potential and ensure that renewable sources contribute significantly to the national energy mix.² Further, in agreement with Kenya's climate commitments under the Paris Agreement, the policy also emphasizes decarbonizing the energy sector by 2050 and calls for a just energy transition, ensuring support to vulnerable communities, access to sustainable energy, and resilience to climate change impacts.

¹ Institute of Public Finance (2025). Why and How Kenya Subsidizes Renewable Energy Projects. Available at <https://ipfglobal.or.ke/wp-content/uploads/2025/08/Renewable-Energy-Paper-1st-Aug-2025.pdf>

² Ministry of Energy and Petroleum (2025). National Energy Policy 2025 – 2034. Available at [https://energy.go.ke/sites/default/files/Final%20Draft%20NEP%202025-2034%20\(1\).pdf](https://energy.go.ke/sites/default/files/Final%20Draft%20NEP%202025-2034%20(1).pdf)

Additionally, many county governments have established county energy action plans to help them manage their energy resources (including renewable energy sources such as solar), promote efficiency, and develop sustainable energy solutions customized to county-specific needs and realities. Finally, the Kenya Energy Transition and Investment Plan 2023-2050 aims to help the country attract investments in its energy transition agenda while at the same time ensuring the transition is just and aligns to the reality of the country's rapid economic growth.³

Finally, Kenya has also developed a green hydrogen strategy and roadmap that envisions green hydrogen as a key driver of the country's energy transition. Research underpinning the strategy shows that Kenya possesses sufficient renewable energy resources to support large-scale green hydrogen production without undermining electricity availability for consumers. Green hydrogen is increasingly viewed as a transformative tool in decarbonizing Kenya's economy. Under the strategy, the country has already attracted investment in geothermal-powered green ammonia fertilizer production, which is expected to reduce fertilizer import costs, enhance food security, and create employment opportunities. These initiatives align closely with the Bottom-Up Economic Transformation Agenda (BETA), which seeks to promote inclusive prosperity and improve the quality of life for all Kenyans.

1.3 Problem Statement

Despite Kenya's elaborate initiatives on energy transition into a decarbonized economy, such initiatives at times pose threats to fulfilment and enjoyment of human rights and fundamental freedoms. Energy projects for instance, have been causes for evictions and the displacement of individuals especially Indigenous Peoples (IPs).

Touted as the best option out of global warming, renewable energy has potential to revolutionize Kenya and move it towards a green economy. However, the investments and operations of renewable energy projects have not been all glossy as company operation have been marred by accusations of infringements on human rights. The Commission has continued to receive complaints from host communities and workers of companies. Complaints have ranged from non-

³ Ministry of Energy and Petroleum (2025) Kenya Energy Transition and Investment Plan 2023-2050. Available at <https://energy.go.ke/sites/default/files/KAWI/Kenya-ETIP-2050%202.pdf>

recognition of the socio-economic and cultural attributes of the host communities by the companies especially those of indigenous peoples, continued air, noise and water pollution, lack of meaningful and effective public participation before project conceptualization and implementation and unfair benefit sharing for the host communities.

The Commission has had to organize sensitization forums, support dialogue platforms between companies, local administrators, county governments and impacted communities. Furthermore, the Commission has organized targeted trainings for companies and human rights defenders, sensitized communities hosting the projects, facilitated dialogues between companies and communities, issued advisories among others. However, this has been more of a complaints' response strategy rather than a holistic action that aims to understand the status of companies as far as their responsibility to respect human rights is concerned.

This monitoring report therefore explores the status of human rights compliance in renewable energy companies in Kenya. The exercise was limited to companies operating in Nakuru and Narok counties.

1.4 Methodology

The report is based on a detailed analysis of policies that were made available by the companies to the Commission. It is also complemented by desktop reviews, search of information on company websites and in-depth interviews with the sampled companies. The report looks into four key thematic areas namely; management, labor/human resource, community relations and gender dynamics as key areas essential for the renewable energy sector to promote an energy transition that respects human rights. These themes were selected because of the high likelihood of human rights gaps; the practicality of companies using their internal policies and practices to address the gaps; and potential of minimizing the gaps as envisioned in the National Action Plan on Business and Human Rights and other legal frameworks.

2. A RIGHTS-BASED ASSESSMENT OF POLICY AND LEGAL FRAMEWORKS ON RENEWABLE ENERGY AND HUMAN RIGHTS

2.1 Background

As the world continues to grapple with the devastating effects of climate change caused by the use of fossil fuels, entrenching human rights at the core of a just transition to cleaner and safer renewable energy sources remains non-negotiable. This chapter analyzes Kenya's legal and policy frameworks, and assesses how they connect the transition from fossil fuels to renewable energy and the protection of fundamental rights. The international and regional legal frameworks that Kenya has ratified also form part of the laws of Kenya, as explicitly provided for under Article 2(6) of the Constitution of Kenya.

The analysis looks at both substantive and procedural rights. Substantive rights create, define, and regulate duties and obligations and they include the right to life, right to education, right to health among others. Procedural rights prescribe the method and steps for enforcing substantive rights and handling legal disputes e.g. access to information, freedom of expression, access to justice and right to a fair trial.

2.2 Right to The Highest Attainable Standard of Health

Kenya ratified the International Covenant on Economic and Cultural Rights (ICESCR) in 1972. Article 1 of the Covenant recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Additionally, Article 2(b) calls on States Parties to take the necessary steps to ensure improvement of all aspects of environmental and industrial hygiene.

Regionally, Article 16 of the African Charter on Human and Peoples Rights (ACHPR) recognizes that every individual shall have the right to enjoy the best attainable state of physical and mental health.

At the national level, Article 43(1) of the Constitution provides that every person has the right to the highest attainable standard of health. Therefore, it is incumbent upon the State to ensure that renewable energy operations by both State-owned companies and private companies do not endanger the right to health of the host communities, and indeed the general public, through emission of harmful substances into the environment including, dust, extreme noise, gases and contaminated effluent into water sources.

2.3 Right to Water

In its General Comment No. 15 on the Right to Water⁴, the Committee on Economic and Cultural Rights (CESCR) notes that water is not only a limited natural resource and a public good fundamental for life and health, but also a prerequisite for the realization of other human rights. On quality, it notes that the water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health. Furthermore, water should be of an acceptable color, odor and taste for each personal or domestic use.

Additionally, Article 14, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stipulates that States parties shall ensure to women the right to "enjoy adequate living conditions, particularly in relation to water supply".

Under the Sustainable Development Goal (SDG) No. 6 on Clean Water and Sanitation, the world aspires by 2030 to improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally (Target 6.3).

Nationally, the right of everyone to clean and safe water in adequate quantities has been provided for under Article 43(1) (d) of the Constitution of Kenya.

⁴ UN Economic and Social Council (2003) General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant). Available at <https://www.refworld.org/legal/general/cescr/2003/en/39347>

Therefore, in their operations, renewable energy companies should avoid contamination or limitation of access to water sources for both personal, domestic and other uses such as farming and livestock.

2.4 Right to Adequate Housing

Article 11 of the ICESCR recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The CESCR, in its General Comment No. 4 on the Right to Adequate Housing⁵, notes that the human right to adequate housing, is of central importance for the enjoyment of all economic, social and cultural rights. It calls for, among others, two important factors related to housing: legal security of tenure and cultural adequacy.

On legal security of tenure, the Committee notes that tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Therefore, States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.

Regarding cultural adequacy, the Committee notes that the way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured.

⁵ UN Committee on Economic, Social and Cultural Rights (CESCR) (1991) General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant) Available at <https://www.refworld.org/legal/general/cescr/1991/en/53157>

At the regional level, Article 14 of the ACHPR provides that the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Nationally, Article 43(1) (b) of the Constitution provides that every person has the right to accessible and adequate housing, and to reasonable standards of sanitation. Furthermore, the Land Act, 2012 governs public, private, and community land acquisition, compensation, and registration. It requires that land acquisition for development be transparent and that affected persons receive prompt and fair compensation.

Therefore, it behooves the State to ensure that where Project Affected Persons (PAPs) have to be moved to make way for renewable energy projects, such persons are adequately informed, consulted, adequately compensated or resettled. Construction of houses for the displaced should factor in that community's cultural preferences on housing. This is particularly important for communities which do not allow parents and teenagers/newly-initiated young men to share the same roof.

2.5 Right to Work

Article 6 of the ICESCR recognizes the right to work, which includes the right of everyone the opportunity to gain his living by work which he freely chooses or accepts.

Sustainable Development Goal No. 8 on Decent Work and Economic Growth aspires, to among others, protect labor rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment (Target 8.8); by 2030, take immediate and effective measures to eradicate forced labor, and by 2025, end child labor in all its forms (Target 8.7).

The labor related-principles of the United Nations Global Compact require that businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining (principle 3); the elimination of all forms of forced and compulsory labor (principle 4);

the effective abolition of child labor (principle 5); and the elimination of discrimination in respect of employment and occupation (principle 6).⁶

Regionally, Article 15 of the ACHPR provides that every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Nationally, Article 27(4) of the Constitution provides that the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. Additionally, Article 30(2) provides that a person shall not be required to perform forced labor. On labour relations, Article 41(1) provides that every person has the right to fair labor practices, including fair remuneration and reasonable working conditions.

Therefore, renewable energy companies should ensure that their labor practices are fair to their employees and prospective candidates without discrimination on any ground. Also, they should be encouraged to join the UN Global Compact and operate by the commitments.

2.6 Right to a Clean, Healthy and Sustainable Environment

Environmental-related United Nations Global Compact principles require that businesses: should support a precautionary approach to environmental challenges (principle 7); undertake initiatives to promote greater environmental responsibility (principle 8); and encourage the development and diffusion of environmentally friendly technologies (principle 9).

Sustainable Development Goal 7 on Affordable and Clean Energy aspires to: by 2030, ensure universal access to affordable, reliable and modern energy services (target 7.1); by 2030 increase substantially the share of renewable energy in the global energy mix (target 7.2); and by 2030, enhance international cooperation to facilitate access to clean energy research and technology, including renewable energy, energy efficiency and advanced and cleaner fossil-fuel technology, and promote investment in energy infrastructure and clean energy technology (target 7.a)

⁶ United Nations Global Compact (2025) The Ten Principles of the UN Global Compact. Available at <https://unglobalcompact.org/what-is-gc/mission/principles>

Regionally, Article 24 of the ACHPR recognizes the right to a general satisfactory environment favorable to development.⁷ A key call to action of the 2023 Nairobi Declaration on Climate Change is to increase Africa's renewable generation capacity from 56 Giga Watts (GW) in 2022 to at least 300 GW by 2030, both to address energy poverty and to bolster the global supply of cost-effective clean energy for industry. African leaders also committed to promote clean cooking technologies and initiatives for just energy transition and gender equality for African rural women, youth, and children.⁸

Nationally, Article 42 of the Constitution provides that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations and to have obligations relating to the environment fulfilled. Additionally, the Environmental Management and Coordination Act (EMCA), 1999 is Kenya's core environmental law, establishing the National Environment Management Authority (NEMA), regulating Environmental Impact Assessments (EIAs) and setting out principles of sustainable development amongst others provisions to ensure a cleaner and safer environment.

Therefore, it is the duty of the State and responsibility of renewable energy companies to ensure that their operations do not cause harm to the environment. If the companies cause environmental harm, they should be held accountable through both judicial mechanisms such as the Environment and Land Court and non-judicial mechanisms.

2.7 Cultural Rights

Article 15 of the ICESCR recognizes the right of everyone to take part in cultural life. Article 27 of International Covenant on Civil and Political Rights (ICCPR) provides that States with ethnic, religious or linguistic minorities, such persons shall not be denied the right, in community with

⁷ African Union (2025) African Charter on Human and Peoples' Rights. Available at <https://au.int/en/treaties/african-charter-human-and-peoples-rights>

⁸ African Union (2023) Summary of the African Leaders Nairobi Declaration on Climate Change and Call to Action. Available at https://au.int/sites/default/files/documents/43682-doc-AU_Nairobi_Declaration_Action_1.pdf

the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.⁹

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) further emphasize the importance of protecting the cultural rights of vulnerable groups, including their right to maintain, express, and protect their traditional knowledge and ways of life. Specifically, Article 8 (1) of UNDRIP provides that indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.¹⁰ Under Article 8(2) (a) of UNDRIP, States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities. Article 26 of UNDROP highlights the rights of rural communities to freely pursue their cultural development without discrimination or interference.

Regionally, Article 22 (1) of the ACHPR provides that all peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

At the national level, Article 44 (1) of the Constitution provides that every person has the right to use the language, and to participate in the cultural life, of the person's choice. Article 44 (2) provides that a person belonging to a cultural or linguistic community has the right, with other members of that community to enjoy the person's culture and use the person's language.

Additionally, the Protection of Traditional Knowledge and Cultural Expressions Act 2016 provides a framework for the protection and promotion of traditional knowledge and cultural expressions; to give effect to Articles 11, 40 and 44 of the Constitution.

Renewable energy projects may lead to interference with cultural heritage of the host communities such as sacred sites, historical landmarks, archaeological remains, traditions,

⁹ OHCHR (2025) International Covenant on Civil and Political Rights (ICCPR). Available at <https://www.ohchr.org/sites/default/files/ccpr.pdf>

¹⁰ United Nations (2025) United Nations Declaration on Rights of Indigenous Peoples. Available at https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

customs, artistic expressions, and spiritual beliefs, by disrupting the environments and ecosystems upon which these cultural practices depend. Therefore, it is important that cultural concerns of the host communities are carefully considered and respected during project conceptualization and implementation.

2.8 Right to Property, Including Land and Natural Resources

Internationally, Article 1(2) of the ICESCR provides that all peoples may, for their own ends, freely dispose of their natural wealth and resources, based upon the principle of mutual benefit. In no case may a people be deprived of its own means of subsistence. Under Article 8(2) (b) of UNDRIP, provides that States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.

Regionally, Article 21(1) of the ACHPR guarantees that all peoples shall freely dispose of their wealth and natural resources. It adds that this right shall be exercised in the exclusive interest of the people and in no case shall a people be deprived of it. Article 21 (2) provides that in case of dispossession; the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

Nationally, Article 40 of the Constitution protects the right to property, and abhors its arbitrary deprivation without adequate compensation. Further, Articles 60–63 protect community and indigenous land rights, particularly under customary tenure. These provisions are essential in renewable energy projects that often intersect with ancestral or community lands.

Most renewable energy projects are based in indigenous peoples and marginalized communities' lands used traditionally for grazing livestock, hunting and gathering and other economic activities. It requires the State to ensure that their access to such lands is not completely inhibited due to renewable energy operations and in cases of displacement, free, prior and informed consent is obtained and adequate compensation provided. Moreover, renewable energy companies should enter benefit-sharing agreements with the host communities for their overall social, economic and cultural development.

2.9 Access to Information and Freedom of Expression

Article 10 of the UNDRIP provides that indigenous peoples shall not be forcibly removed from their lands or territories. The provision adds that no relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 19 (2) of the ICCPR provides that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Kenya has not ratified International Labor Organization (ILO) 169 on Indigenous and Tribal Peoples, but its provisions remain influential in indigenous rights jurisprudence. It calls for free, prior and informed consent (FPIC), cultural protection, and participatory development.¹¹ Further, it provides guidance on engaging indigenous communities in land-use decisions. It also advocates for development projects that are culturally appropriate and socially acceptable.

Nationally, under Article 10 of the Constitution, the national values and principles of governance include participation of the people, inclusiveness, non-discrimination and protection of the marginalized, transparency and accountability and sustainable development. Article 35(1) provides that every citizen has the right of access to information held by the State and information held by another person and required for the exercise or protection of any right or fundamental freedom. It therefore requires that both State-owned and private companies allow access to information sought by people with concerns about their operations.

The Energy Act, 2019 governs Kenya's energy sector and specifically promotes renewable energy as a core part of national development. It includes obligations for local content and community participation in renewable energy investments. Section 204 envisions that host communities should benefit from energy development. Overall, the Act provides a framework for identifying,

¹¹ C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169). Available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE%2CP55_LANG%2CP55_DOCUMENT%2CP55_NODE:REV%2Cen%2CC169%2C%2FDocument

licensing, and regulating renewable energy projects such as geothermal, wind, solar, biomass, et cetera.

Therefore, renewable energy projects on indigenous peoples' lands must uphold FPIC and cultural rights. Failure to consult can result in rights violations, as seen in the Lake Turkana Wind Power Project, where communities alleged violation of customary land rights and lack of meaningful participation.¹² Moreover, objective environmental rights defenders speaking up on renewable energy projects should not be threatened, harassed or victimized by the State, renewable energy companies themselves or their agents.

2.10 Access to Justice

Internationally, human rights-related principles of the United Nations Global Compact include the following: businesses should support and respect the protection of internationally proclaimed human rights (principle 1); and businesses should make sure that they are not complicit in human rights abuses (principle 2). Regarding anti-corruption efforts, businesses should work against corruption in all its forms, including extortion and bribery (principle 10).

Although not a treaty, the United Nations Guiding Principles on Business and Human Rights (UNGPs) are considered the global standard for responsible business conduct. Kenya adopted a National Action Plan on Business and Human Rights (2020–2025) aligning with these principles. The National Action Plan on Business and Human Rights is premised on the following thematic areas: land and natural resources; revenue transparency; environmental protection; labor and access to remedy. It has three pillars:

- **State Duty to Protect:** Provides for actions required to ensure that the government effectively plays its role in protecting those under its jurisdiction. These include a requirement for conducting Human Rights Due Diligence (HRDD) including the particular impacts on gender before approval of licenses/permits to businesses.

¹² Business and Human Rights Resource Center (2021) Kenya: Court rules that Lake Turkana Wind Power acquired community land unprocedurally. Available at <https://www.business-humanrights.org/en/latest-news/kenya-court-rules-that-lake-turkana-wind-power-acquired-community-land-unprocedurally/>

- **Corporate Responsibility to Respect:** Provides for measures that businesses should take to ensure that they respect human rights, independent of government actions. These include trainings, human rights policy commitments, human rights due diligence, and cooperation on access to justice.
- **Access to Remedy:** Provides policy actions to strengthen access to state-based judicial and non-judicial remedies on the one part, and non-state-based mechanisms on the other. These include access by victims to operational-level grievance handling mechanisms.

The National Action Plan on Business and Human Rights applies to all businesses regardless of their size, sector, operational context, ownership and structure.

Therefore, renewable energy developers must assess and mitigate human rights risks, such as land dispossession, labor violations, or community exclusion. Disgruntled host communities should pursue redress in both judicial (courts and tribunals) and non-judicial mechanisms such as the KNCHR and other oversight bodies that should monitor energy projects to ensure compliance with the United Nations Guiding Principles on Business and Human Rights.

2.11 Conclusion

Kenya's legal and policy frameworks provide a strong basis for a human rights-centered energy transition. The Constitution and sectoral laws incorporate rights to environment, land, participation, and development. International and regional instruments add obligations for equity, free prior and informed consent, and sustainable development.

However, implementation gaps persist particularly in protecting land rights, operationalizing FPIC, and ensuring benefit-sharing. For Kenya's renewable energy future to be just, inclusive, and sustainable, there is urgent need to strengthen accountability, institutional coordination, and community engagement.

3. FINDINGS

The monitoring exercise was specifically guided by the United Nations Guiding Principles on Business and Human Rights (UNGPs) and Kenya’s National Action Plan on Business and Human Rights (NAP), 2019. The two frameworks require responsible business conduct based on three pillars: State Duty to Protect; Corporate Responsibility to Respect Human Rights; and Access to Remedy.

The tool (find annexed) was divided into four sections each addressing different thematic concerns as follows:

S/No.	Thematic Area	Indicators
1	Management	Ownership type (State-owned or private), human rights policy commitment, human rights due diligence, access to remedy
2	Human resource/ Labor	Employment status, wages and benefits, occupational health and safety, child labor, grievance mechanism
3	Community	Environment, land, security and remedy
4	Gender dynamics	Gender mainstreaming commitment, human rights due diligence, employment processes, wages and benefits, training, grievance mechanism

Additionally, the relevant company policies and procedures guiding the above areas were also reviewed to verify human rights compliance and establish gaps, if any, for intervention by the relevant company. Policies reviewed were submitted by the companies, including also from desktop research of their websites.

3.1 Management

Under this parameter, key thematic concerns included the following: ownership, human rights policy commitment, human rights due diligence, and access to remedy.

(a) Ownership and counties of operation

The monitoring exercise targeted eleven (11) both State-owned and private companies in both Nakuru and Narok counties. Out of them, seven (7) companies responded and were assessed. The ownership status and counties of operation are as indicated below:

S/No.	Company	Ownership Type	County of Operation
1	Akiira Geothermal Limited (AGL)	Private	Nakuru & Narok
2	Barwasim Africa Consulting Ltd (BACL)	Private	Narok
3	Geothermal Development Company (GDC)	State-owned	Nakuru and Baringo
4	Kenya Electricity Generating Company (KENGEN)	State-owned	Nakuru
5	OrPower 4, Inc.	Private	Nakuru
6	Oserian Development Company Ltd (ODCL)	Private	Nakuru
7	Rural Electrification and Renewable Energy Corporation (REREC)	State-owned	Nakuru

(b) Policy commitment to human rights

Although the companies mentioned that they have policy commitments to respect human rights throughout their business operations, none of them, save for one private company, had a standalone human rights policy. Instead, they had several policies addressing several issues including human resource management policies; disability mainstreaming policies; gender mainstreaming policies; workplace alcohol and substance abuse policies; Safety, Health and Environment (SHE) policies; and community relations and/or engagement policies/strategies. The companies indicated that through their human resource policies, they maintain a zero-tolerance policy towards sexual harassment perpetrated against fellow staff or external stakeholders.

A State-owned company stated that its quarterly gender mainstreaming reports are submitted to the National Gender and Equality Commission (NGEC). It also has a dedicated budget allocated for its gender mainstreaming committee to hold meetings, sensitize and train staff on gender mainstreaming in the company processes and projects.

The only stand-alone human rights policy by a private company provides for the following principles: respect for fundamental rights; work is freely chosen, no child labour; prompt and fair remuneration; safe and healthy working conditions; freedom of association and collective bargaining; non-discrimination and equal opportunity; and grievance mechanisms and remedies. The policy applies to all employees, contractors, and business partners of the company. In the Policy, the Company commits to conduct regular human rights assessments and training to ensure compliance. **In a progressive move worth emulating, the Policy has been translated into Kiswahili thereby enhancing comprehension by a large segment of stakeholders.**

(c) Internal and external communication of policies

The companies also stated that they communicate their policies to stakeholders both internally and externally. Internal policies are made readily available to employees by the human resource departments and on the company intranets (secure, internal digital platform for connecting employees). The policies are also available on the company websites, notice boards, and libraries. In addition, new staff members are taken through policies as they join the organization. The policies relevant to external stakeholders are communicated to them directly.

However, a State-owned company fired its staff for misuse of company resources, pointing to the fact that companies need to do more to ensure that their staff understand all internal policies and are made aware of the consequences in case of violations.¹³

Also, desktop research by the Commission established that some companies' websites did not have all the mentioned policies. Still, companies invoked confidentiality as the reason for not sharing copies of some policies for operational reasons. They stated that such policies were strictly for internal use and could not be shared without the approval of top management. This act denies external stakeholders an opportunity to access such policies from the companies.

¹³ Wangui, J. (2025) Sacking of KenGen manager for car misuse fair, says court. Available at <https://www.businessdailyafrica.com/bd/corporate/companies/sacking-of-kengen-manager-for-car-misuse-fair-3263592#:~:text=Wednesday%2C%20January%2020%2C%202021%20%2D,flouting%20the%20firm's%20transport%20policy>.

(d) Assessment of actual and potential human rights impacts

From their responses, the companies stated that in all their operations, they assess actual and potential human rights impacts of their projects. This is realized through the development of an Environmental and Social Management Plan (ESMP) for every project submitted to National Environment Management Authority (NEMA). Also, they develop Terms of Reference (ToRs) for consultants before embarking on Environmental and Social Impact Assessment (ESIA) field work. At least three public meetings are held in the ESIA development process where potential impacts are identified and addressed by specific departments. This is in line with the provisions of the Environmental Management and Coordination Act's Section 58 on Environmental Impact Assessments.¹⁴ The Project Affected Persons (PAPs) are accorded an opportunity to voice their concerns on the projects and feedback provided for in a language that they understand. The companies have staff who engage host communities in the local languages and translate ESIA reports to them.

Furthermore, some companies allocate budget to address the actual impacts although funding is limited. Although this is an attempt towards assessing company impacts, it is usually done as a prerequisite for licensing from statutory bodies. It is clear that companies conduct ESIA as regulatory requirement under the provisions of the EMCA. Human Rights Impact Assessment (HRIA) is broader and delves deeper into the potential and actual impacts of a company's operations. Concerning renewable energy companies, a Human Rights Impact Assessment (HRIA) should involve evaluating the potential adverse impacts of these projects on human rights, such as land rights, indigenous peoples' rights, and labor rights, to identify risks and ensure mitigation. Such assessments should consider the entire project lifecycle, from conceptualization to operation and decommissioning, to protect human rights and ensure a just transition. Key potential and actual concerns include forced displacement, lack of free, prior, and informed consent (FPIC), poor working conditions, and negative effects on food, water, and health.

¹⁴ Kenya Law, *Environmental Management and Coordination Act, No. 8 of 1999* available at https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/EnvironmentalManagementandCoordinationAct_No8of1999.pdf

The lack of targeted human rights impact assessment denies companies an opportunity to track the impacts of their operations on human rights and thus makes it difficult for them to address the human rights concerns that emanate from their operations. This is evident from the many complaints that continue to be leveled against companies and confirms that indeed the companies need to continuously conduct human rights impact assessment and act on emerging human rights issues on the ground.

(e) Access to remedy

Internally, the companies have human resource policies on grievance handling (available on the intranet to all employees) which allows anonymous reporting platform by employees. These policies outline the procedure and timelines to handle grievances starting from the supervisor to senior management, ensuring a fair hearing is accorded.

However, a State-owned company admitted that it had been sued by its former staff for breach of contract. A court ordered compensation to the employee. This points to the fact that disgruntled staff may opt for redress in court if dissatisfied with the internal complaints handling.¹⁵ For the internal mechanisms to be widely accepted by the staff, they should be expeditious and impartial.

Externally, the companies reported that there is a Grievance Resolution Handling Mechanism (GRHM) in place for communities. Interfaces/tabs to make complaints or comments are available on their websites, though in English save for one private Company that allows for lodging complaints in both English and Swahili. Other options include use of telephone numbers or lodging complaints through the companies' social media accounts. Furthermore, Community Relations/Liaison Officers are also appointed to respond to concerns raised by the communities in the project areas. Additionally, there are Community Engagement Committees in place to solve conflicts if and when they arise. Some companies stated that they also rely on Community elders and National Government Administration Officers (NGAO) in handling grievances. However, this is likely to be seen as Government protection of the companies' operations and hence the need

¹⁵ [Ronoh v Kenya Electricity Generating Company PLC \(KENGEN\) & another \[2024\] KEELRC 1880 \(KLR\)](https://new.kenyalaw.org/akn/ke/judgment/keelrc/2024/1880/eng@2024-07-18). Available at <https://new.kenyalaw.org/akn/ke/judgment/keelrc/2024/1880/eng@2024-07-18>

for companies to explore broader options, including engagement with independent agencies in resolving complaints.

Despite these grievance mechanisms being in place, as earlier mentioned, the Commission has continued to receive complaints from project affected persons. This has included alleged non-responsiveness by the companies' grievance mechanisms to community concerns. A State-owned company was stopped from implementing a project due to community concerns on lack of public participation despite raising their concerns with the company repeatedly.¹⁶ This shows that the companies' grievance mechanisms are not completely effective and responsive.

3.2 Human Resources/Labour

Under this theme, key concerns included employment status, wages and benefits, occupational health and safety, child labor and grievance mechanisms.

(a) Employment contracts for employees

The companies confirmed that every employee signs a contract upon hiring or change in position. Employment contracts/letters have clear terms and conditions-indicating the workstation, working hours (including shifts), department, salary, grade, provision for leave days, and other benefits including medical cover and allowances. The companies stated that in paying salaries, they are guided by the provisions of the Employment Act, human resource policies, and for state owned, they are guidance by the Salaries and Remuneration Commission (SRC). The companies also pay equally for equal work done by both male and female employees. The salary payment is also made on a regular basis as provided for under the employment contract.

(b) Protective and safety standards in operations

The companies stated that they have safety policies, overseen by Safety, Health and Environment departments. Personal Protective Equipment (PPE) including fireproof clothing, appropriate footwear, earmuffs, and gloves among others are also provided to employees depending on their

¹⁶ Koskei, M. (2025) GDC loses battle with Menengai residents over drilling projects. Available at <https://nation.africa/kenya/business/gdc-loses-battle-with-menengai-residents-over-drilling-projects-5218970>

work description on a regular basis. They also provide regular statutory safety trainings on first aid, firefighting, and defensive driving. Furthermore, companies conduct safety briefs to all stakeholders and the community during visits, and when moving rigs. To ensure a healthy and clean environment, the companies provide sanitary facilities in all offices, field sites hosting rigs and camps.

Despite these safety measures, incidents have been reported in energy plants that have led to injuries to workers and threatened lives. A steam pipe burst at a State-owned company led to workers sustaining injuries in 2019.¹⁷ In December 2024, a worker was found dead in one of a geothermal well operated by a State-owned company.¹⁸ These incidents call for concerted efforts in ensuring safety of workers and other stakeholders involved in renewable energy projects.

(c) Child labor

In line with Principle No. 5 of the United Nations Global Compact on abolition of child labor, the companies stressed that they do not employ children. They stated that age verification takes place before interviews on the career portals through the mandatory submission of a national identification card number. Children are not allowed on operation sites unless on guided educational tours.

(d) Grievance mechanism that maintains confidentiality and anonymity

The companies indicated that they have grievance mechanisms that provide for confidential and anonymous complaints reporting to be heard, determined and concluded within a strict timeline. Dissatisfied staff are free to pursue further recourse, including law courts.

A State-owned company has a whistle blowing policy that is intended to encourage and enable employees to raise serious concerns within the company rather than overlooking a problem or

¹⁷ Gitonga, A. (2019) Nine H. Young employees injured at Olkaria Geothermal Plant. Available at <https://www.standardmedia.co.ke/business/rift-valley/article/2001333976/nine-h-young-employees-injured-at-olkaria-power-plant>

¹⁸ Gitonga, A. (2024) KenGen worker found dead in geothermal well. Available at <https://www.standardmedia.co.ke/article/2001508128/kengen-worker-found-dead-in-geothermal-well>

blowing the whistle outside.¹⁹The Policy applies to its staff, officers, temporary employees and other stakeholders. Any aggrieved individual is allowed to use the company's internal reporting mechanism or if dissatisfied/ uncomfortable, to use other external reporting mechanisms including the Kenya National Audit Office, Directorate of Criminal Investigations (DCI) and EACC among others. It assures the reporting individuals of utmost confidentiality, thereby ensuring their protection.

3.3 Community

This theme covered the following concerns: environment, land, security (including that of environmental human rights defenders), and access to remedy.

(a) Compliance with national environmental regulations and industry-specific codes of practice

The companies stated that they comply with national environmental regulations and industry-specific codes of practice as provided for under the Environmental Management and Coordination Act, 1999. The Act's Schedule II identifies projects requiring an ESIA before they can be commissioned or operated. The compliance is realized through the following strategies:

- Registration with NEMA and issuance of licenses and certificates of registration;
- Requiring that every project has an Environmental Social Management Plan (ESMP) and an Environmental Policy in place; and
- Annual allocation of adequate resources and provision of adequate staff to critical departments, including Safety, Health and Environment and Monitoring and Evaluation.

(b) Provision of all relevant environmental information to the authorities and the public

With regards to the disclosure of all relevant environmental information to the authorities (including NEMA) and the public, the companies stated that they do the following:

¹⁹ GDC (2025) Whistle Blowing Policy. Available at <https://www.gdc.co.ke/assets/docs/reports/GDC%20Whistle%20Blowing%20Policy.pdf>

- Conduct at least three (3) public participation forums in Kiswahili and interpreters for local languages provided in project areas;
- Project ESIA reports are publicized on the NEMA website for the public to access and respond to within two weeks;
- Company involvement in the development of Terms for Reference (TORs) for consultants developing ESIA reports. This aims at accurately capturing the socio-economic and cultural attributes of PAPs.

(c) Monitoring and control of company operations and emissions

To ensure that operations and emissions are adequately monitored and controlled, companies have several strategies in place. There exist systems and experts to continually monitor air, soil, and water pollution around the project area, including dust and gases, including Hydrogen Sulfide (H₂S) in geothermal production whose concentration should not exceed the recommended World Health Organization (WHO) hydrogen sulfide concentration for the workplace and the general population²⁰

To halt pollution of water sources, brine (a byproduct of geothermal power generation) is safely disposed into ponds or reinjected back into the wells. The companies also develop environmental audit and project inspection reports; implement environmental management plans as a monitoring tool; sensitize community members on environmental issues; and allocate adequate financial and technical resources to ensure continuous assessment and compliance with environmental standards through regular review and updating of risk registers.

Additional monitoring and control mechanisms include the following:

- Complaint Mechanisms: Effective and well-publicized mechanisms are in place to receive and receive and process complaints from affected persons;
- Waste segregation, labelling, and disposal by NEMA licensed persons;
- Toxicity tests carried out by NEMA accredited laboratories to establish pollution levels; and

²⁰ World Health Organization (WHO), *Environmental Health Criteria 19: Hydrogen Sulfide*, Available at <https://iris.who.int/bitstream/handle/10665/37261/9241540796-eng.pdf>

- Existence of emergency response plans for managing accidents/incidents.

Despite assurance of complying with the environmental requirements, a State-owned company was directed by the National Environmental Complaints Committee (NECC) to conduct a fresh Environmental and Social Impact Assessment (ESIA) for the proposed drilling and exploration in Menengai, Nakuru County. The Committee also ordered the Company to ensure full public participation before applying for an EIA license from NEMA. The Community had also raised concerns with air and noise pollution as a result of the drilling and exploration activities by the company.²¹

(d) Protection of environmental human rights defenders

From their responses, the Companies stated that they collaborate with environmental human rights defenders in the project areas. This is realized through constitution of stakeholder committees that raise any concerns with the community liaison officers. However, the companies do not have specific policy commitments to protect environmental and human rights defenders. Instead, they maintain grievance handling mechanisms for receiving and processing complaints from affected persons. Additionally, the companies stated that they organize trainings programs for stakeholder committees whose members are also keen on environmental protection.

Despite these assurances, some companies have been accused of intimidation of community activists expressing concerns relating to environmental pollution. In 2022, ten community activists protesting against a geothermal project implemented by a State-owned company in Nakuru and its effects on the local community's lives, livelihoods and environment were arrested.²² This therefore shows that some companies retaliate against any environmental concerns raised by human rights and environmental defenders.

²¹ Koskei, M (2025) GDC loses battle with Menengai residents over drilling projects. Available at

<https://nation.africa/kenya/business/gdc-loses-battle-with-menengai-residents-over-drilling-projects-5218970>

²² Sguazzin, A. & Herbling, D. (2022) Kenya's Green Power Push Marred by Human Rights Breaches, Report Says.

Available at <https://www.bloomberg.com/news/articles/2022-06-14/kenya-s-green-power-push-marred-by-rights-breaches-report-says>

(e) Recognition of indigenous peoples

Article 260 of the Constitution of Kenya states that an indigenous community means a community that has retained and maintained traditional lifestyle and livelihood based on a hunter or gatherer economy, or pastoralism. While there is no universally accepted definition of the term 'indigenous peoples', they are characterized by self-identification as indigenous peoples, strong link to territories and surrounding natural resources, distinct social, economic or political systems, and distinct language, culture and beliefs.²³ The companies stated that they recognize indigenous peoples, including the Maasai in Olkaria, and their socio-economic and cultural attributes in their areas of operation. A private company's Human Rights and Labor Policy is guided by among others, the principles contained in the International Labor Organization's (ILO) eight core labor conventions including the ILO Convention 169 on Indigenous Peoples, and the UN Declaration on the Rights of Indigenous Peoples.²⁴

A State-owned company's Community Relations Policy recognizes Indigenous Peoples and commits to respect the dignity, human rights, aspirations, culture and natural resource, and the livelihoods of indigenous people in the company project areas. The company also maps out cultural and heritage sites as identified by communities and the National Museums and Heritage Act, 2006; avoids such areas and puts mitigation measures to protect the sites.²⁵ The company will work with the communities to promote and conserve indigenous culture. Furthermore, the company also develops Indigenous Peoples Plans (IPPs). The IPPs outline how the company shall engage the indigenous peoples to ensure that their interests are protected in the project implementation. In acquisition of land for their projects, companies respect the cultural attributes of the local communities through demarcating sacred sites such as ritual sites, religious sites and burial grounds.

²³ United Nations Permanent Forum on Indigenous Issues, *Who are Indigenous Peoples?* Available at https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

²⁴ Ormat (2025) Human Rights and Labor Policy. Available at <https://www.ormat.com/Warehouse/userUploadFiles/Image/Ormat%20Human%20Rights%20Policy.pdf>

²⁵ Geothermal Development Company (2025). Community Relations Policy on record.

Despite the commitment to recognize indigenous peoples, companies have been accused by indigenous peoples of discrimination, and lack of meaningful participation in project conceptualization and implementation. For example, a State-owned company was accused by the El Molo indigenous community of failing to provide sufficient information regarding a proposed wind project.²⁶ This shows indifference towards indigenous peoples and their concerns towards geothermal projects in their ancestral lands.

During our one-on-one discussions with the company representatives, a private company mentioned that they do not recognize indigenous peoples because to them the inhabitants in their project area are not indigenous. This is despite the fact that Maasais who are predominant inhabitants of their project sites have always identified as indigenous peoples.

(f) Respect for land rights

The companies mentioned that they undertake due diligence to ensure that before a project is implemented, land ownership is ascertained. This is guided by the relevant legislation including the Land Act, Land Registration Act, Community Land Act and their attendant regulations. The provisions of the company's land policies also provide guidelines on due diligence, resettlement, compensation and community engagement. Official land title searches are done at the Ministry of Lands and valuation done by the National Land Commission (NLC) before acquisition.

A State-owned company has a Land Acquisition and Resettlement Policy that seeks to, among others, ensure a systematic, legally sound and cost-effective approach to land acquisition; ensure fair compensation for land voluntarily acquired; and to avoid or minimize involuntary resettlement.

Companies also hold community forums to notify communities of the intention to acquire land. Among other guiding principles, a State-owned company's Community Relations Policy includes Free Prior and Informed Consent (FPIC) underpinning its approach to community engagement. It endeavors to ensure FPIC for communities of interest before acquiring land. In a move worth

²⁶ BHHRC (2023) Kenya: Indigenous El-Molo community claims KenGen has failed to provide sufficient information regarding proposed wind energy project; company did not respond. Available at <https://www.business-humanrights.org/en/latest-news/kenya-indigenous-el-molo-community-claims-kengen-has-failed-to-provide-sufficient-information-regarding-proposed-geothermal-project-company-did-not-respond/#:~:text=Timeline,exploration%20on%20their%20ancestral%20land>

emulating by other companies, it also forms all-inclusive stakeholder engagement committees with representation from the youth, Persons with Disabilities (PWDs), indigenous people and gender balance for different project focus areas. These include Land Management Committees and Group Ranch Committees.

Despite commitment to respect land rights, several companies have been embroiled in land disputes with the host communities. A State-owned company has met resistance from local communities in Nakuru²⁷ over lack of public participation, environmental concerns and compensation for land acquired for purposes of geothermal exploration and drilling. Another private renewable company faced resistance from the host community over repeated threats of forced evictions, inadequate consultation and compensation.²⁸

(g) Evaluation of potential impacts of company operations on land rights

Through land acquisition impact assessments, the companies stated that they identify those who rely on the land for their livelihood, including farmers, pastoralists, and indigenous groups, and takes measures to avoid or mitigate adverse impacts, including displacement, restricted access to previously accessible resources such as water, pasture, and arable lands.

Evaluation of the potential impact of operations on the users of land is also done during the development of the ESIA reports, and Resettlement Action Plans (RAPs). **As a best practice, a State-owned company mentioned that it had previously supported a land registration process for an indigenous community through facilitating valuation of land and holding community forums before acquisition of land.** This marked the first time land in Kenya was officially documented under the Community Land Act of 2016. The title deeds transformed their property into a documented asset, attracting potential investment and enabling sustainable development. This a commendable move as State-owned enterprises are highly expected to

²⁷ Koskei, M. (2025) GDC loses battle with Menengai residents over drilling projects. Available at <https://nation.africa/kenya/business/gdc-loses-battle-with-menengai-residents-over-drilling-projects-5218970>

²⁸ Hughes, L. and Lepariyo, D (2019) David v Goliath: A small village's struggle with an industrial giant. Available at <https://www.the-star.co.ke/news/2019-11-02-david-v-goliath-a-small-villages-struggle-with-an-industrial-giant>

conform to Pillar 2 of the National Action Plan on Business and Human Rights: corporate responsibility to respect human rights.²⁹

(h) Land restoration upon project decommissioning

During project conceptualization, the companies mentioned that they endeavor not to interfere with the ecological balance/diversity of a project area in the first instance, and where affected, trees are planted to restore natural resource much better than initial state. Once a project has been decommissioned, the companies refill open dug wells/pits that may pose a danger to the surrounding community. They also stated that project decommissioning forms part of all Environmental Management Plans that have action points for implementation to the letter.

(i) Monitoring security arrangements and impact on local communities

The companies stated that they closely monitor how their security arrangements impact their operations and local communities. This involves the establishment of standalone security departments that implement company security policies. They also outsource private security service providers, who undergo rigorous background checks for any criminal records. For locals seeking to be hired as security guards, National Government Administration Officers (NGAOs) including chiefs and community elders are involved in vetting potential candidates before engagement. While engaging private security contractors, human rights aspects are covered in the contracts.

A State-owned company's Community Relations Policy is guided by the World Bank standards and International Financing Corporation's Environmental and Social Performance Standards (PS). The IFC's Performance Standard 4 covers Community Health, Safety and Security. Regarding security personnel, the company is required to assess risks posed by its security arrangements to those within and outside the project site. The company is expected to make reasonable inquiries to ensure that those providing security are not implicated in past abuses; will train them adequately

²⁹ Wamanji, E. (2025) Paka: How GDC Mid-wifed Land Registration For Community. Available at <https://www.gdc.co.ke/blog/paka-how-gdc-mid-wifed-land-registration-for-community/#:~:text=Paka:%20How%20GDC%20Mid%2Dwifed,Latest%20News%20Steam%20Magazine>

in the use of force and appropriate conduct toward Affected Communities. The company is barred from sanctioning any use of force except when used for preventive and defensive purposes in proportion to the nature and extent of the threat. The company is also expected to provide a grievance mechanism for Affected Communities to express concerns about the security arrangements and acts of security personnel.³⁰

Moreover, under Performance Standard 4, the company is expected to consider and, where appropriate, investigate all allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent recurrence, and report unlawful and abusive acts to public authorities. These unlawful and abusive acts include sexual offenses such as harassment, defilement and rape.

In conjunction with local law enforcement and administration officers, the companies stated that they sensitize local communities on their security protocols, and this has improved overall security and reduced negative acts to vulnerable groups in the surrounding areas. Additionally, their security personnel are sensitized on the local communities' cultural beliefs to ensure unnecessary confrontation, including granting access to sacred sites. The companies also ensure gender balance in their security rank and file to halt any potential abuse or discrimination in handling complaints when reported.

(j) Access to remedy

The companies indicated that they have mechanisms in place to address allegations of abuses against the community. This includes a well-publicized grievance handling mechanism where the aggrieved community members can lodge complaints. They also have Community Liaison officers who engage the community on emerging issues for redress. A private company's grievance mechanism is available on its website where aggrieved members of the public can lodge

³⁰ International Finance Corporation (2012) Performance Standards on Environmental and Social Sustainability. Available at <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>

complaints.³¹ A State-owned company allows for complaints reporting through email, toll-free number, website and free fax.³²

Despite companies stating that they have grievance handling mechanisms in place, local communities have had to pursue judicial and non-judicial mechanisms for redress. This is on account of alleged non-responsiveness and non-effectiveness of these mechanisms. Host communities have had to petition Government agencies such as the National Environment Coordination Committee (NECC), NEMA and the KNCHR to address recurring concerns.

3.4 Gender Dimensions

(a) Gender mainstreaming in companies

Gender mainstreaming is an approach to policy-making that takes into consideration both women's and men's interests and concerns in all policies, plans and programs.³³ To ensure gender mainstreaming in the companies, several policies, procedures and processes have been put in place. This includes the existence of gender policies, which express company commitment to mainstream gender in all programs, processes and procedures. To implement the gender policies, the companies have gender mainstreaming committees in place.

The companies also have employee Code of Conduct and sexual and gender-based violence policies detailing procedure on handling sexual harassment at the workplace. The policies are available and disseminated to staff and business partners through sensitization forums on gender sensitivity.

State-owned companies also submit quarterly gender mainstreaming reports to the National Gender and Equality Commission (NGEC).

³¹ Frontier Energy (2025) Complaints & Whistle-Blowing. Available at <https://frontier.dk/complaints-whistle-blowing/>

³² KenGen (2025) Anonymous Reporting. Available at <https://www.kengen.co.ke/index.php/anonymous-report22.html#:~:text=Anonymous%20Reporting,www.tip%2Doffs.com>

³³ Kenya Vision 2030, *Gender Mainstreaming*, Available at <https://vision2030.go.ke/project/gender-mainstreaming-in-policies-and-programmes/>

A private company indicated that it is guided by its parent company's global Code of Conduct as well as harassment and discrimination prevention policy, and equal employment opportunity policy.

(b) Senior management commitment to gender issues

The companies indicated that their senior management teams are committed to leadership on gender issues through several strategies. Firstly, there is the appointment of gender, sexual violence/sexual harassment champions to ensure that gender matters are openly discussed in different forums. Secondly, senior management lead in marking important calendar days such as the International Day of Women (March 8), International Day of Girls and Women in Science (February 11), the International Day for the Elimination of Violence against Women (November 25), among others.

Thirdly, senior management support the funding of gender initiatives and activities through an annual budget. This includes Pink Power group for female employees and Blue Power group for male employees at a State-owned company. The groups provide safe spaces for the employees to ensure individual and collective personal and professional growth.

Fourthly, senior management is intentional in recruitment with consideration given to the needs of persons with disabilities, women and minority groups and enhancing conducive work environment for employee retention. Lastly, companies run mentorship programs for female employees and students in Science, Technology, Engineering, and Mathematics (STEM) to ensure growth and skill development that enables them to rise to senior management roles.

However, through our review of policies and websites, the Commission noted that the Boards of Directors of State-owned renewable energy companies are overwhelmingly dominated by men. As at the time of writing this report, at the GDC, only two women sit on the ten-member board.³⁴ At KENGEN, only two women sit on the fourteen-member board³⁵; and at REREC, only three

³⁴ Geothermal Development Company (2025), *Board of Directors*. Accessible at <https://www.gdc.co.ke/board/>

³⁵ Kenya Electricity Generating Company (2025), *Board of Directors*. Accessible at <https://www.kengen.co.ke/index.php/our-company/leadership/board-of-directors.html>

women sit on the thirteen-member Board.³⁶ This violates Article 27(8) of the Constitution that provides that not more than two thirds of the members of elective or appointive bodies shall be of the same gender.

(c) Consideration of gender and diversity impacts across value chains

The companies stated that they consider gender and diversity impacts across value chains through the following strategies:

- Collection of gender-sensitive data by ensuring that both internal and external attendance/participant sheets have dis-aggregation by sex, age, and disability;
- Overcoming patriarchal norms through male engagement and ally-ship, thereby providing a platform for their inclusion in gender equality conversations;
- Implementation of the gender mainstreaming policies, which are used as a guide in gender matters;
- Allocation of gender responsive budgets;
- Ensuring gender balance in recruitment of casuals from the local community;
- Institution of programs that restore livelihoods for surrounding communities; and
- Training employees on Diversity, Equity, Inclusion, and Belonging (DEIB) and appointing various DEIB champions e.g. sexual harassment, ableism and others at a private company. DEIB is a framework that fosters a more inclusive and equitable environment within organizations, encompassing various aspects of a person's identity and background.

(d) Equal employment processes, wages and benefits

As per their human resource policies, the companies stated that they are equal opportunity employers, recruiting qualified personnel from both genders without discrimination as to age, religion, ethnicity, pregnancy, and/or any other grounds. Female and male employees get maternity leave (90 days) and paternity leave (14 days) respectively. In a progressive move, one private company grants its male employees a paternity leave of 21 days. Female staff, upon resumption of duty after maternity, have access to a lactating room within the company premises.

³⁶ RREC (2025) *Board of Directors*. Accessible at <https://www.rrec.co.ke/team.php>

Child care facilities are provided, including creches. Furthermore, lactating mothers are allowed flexible working hours with the child's medical expenses fully covered under the employee's medical insurance.

In one private company, expectant female employees work from home one (1) month before their Estimated Due Date (EDD) and work until 12 noon until the baby turns nine (9) months. The company also has a nursing room and provides a breast pump to every nursing mother.

A State-owned company's gender strategy for the next four years from 2024 to 2028 outlines strategies to recruit, promote and retain women in the management positions as well as the STEM field. Furthermore, women are enrolled in mentorship programs such as the Federation of Kenya Employers' (FKE) Female Future Leadership and Managing in Heels programs. The Female Future Leadership aims to inspire and empower women to take on higher level leadership roles by emphasizing on leadership development, boardroom competence, rhetoric, network building and facilitating greater visibility. It aims to add to the talent pool for the recruitment of more women to senior executive positions and the boardroom.³⁷

(e) Incorporation of gender considerations in community consultations and community projects

In a commendable step, the FPIC process at a State-owned company is sensitive to gender and respects the cultural traditions of the local community, with a recent FPIC Protocol for a new project outlining a case for gender equity in FPIC adopted. Targeted measures have been deployed including capacity-building for women on livelihood improvements, and gender-balanced representation in committees. However, consultations for both men and women should be meaningful and inclusive given the deeply entrenched patriarchal norms in indigenous communities.

³⁷ Federation of Kenya Employers, (2025) *Female Future Leadership Program*. Accessible at <https://fke-kenya.org/our-services/female-future-leadership-program>

3.5 Review of Company-Specific Policies

The monitoring exercise also aimed at reviewing the policies guiding management, human resources/labor, environment, community and gender dimensions. The companies provided the policies, while other policies were accessed on the respective companies' websites. The policies are discussed below for each of the seven companies.

3.5.1 Barwasim Africa Consulting Ltd (BACL)

The Company has the following policies:

Grievance and Workplace Conduct Policy: It establishes the mechanism for handling grievances, ensuring confidentiality, fairness, and accountability within the shortest time possible. In addition, there is a secure reporting box for complaints, only accessible by a third party or the firm's lawyer.

Sexual Harassment Policy: The policy provides that the Company maintains zero tolerance to sexual harassment. Misconduct attracts penalties including suspension, termination and prosecution in severe cases.

Anti-retaliatory Policy: The Company has an Anti-Retaliatory Policy against whistleblowers, including environmental rights defenders.

Human Rights Policy Commitment: The Company is guided by the relevant Constitutional provisions on health, labor relations, access to information, and freedom of expression. Other guides are the United Nations Guiding Principles on Business and Human Rights, National Action Plan on Business and Human Rights, United Nations Sustainable Development Goals (SDGs), and the International Finance Corporation's (IFC) Performance Standards on Environmental and Social Sustainability. These standards guide the following: labor and working conditions; assessment and management of environmental and social risks and impacts; resource efficiency and pollution prevention; community health, safety, and security; land acquisition and involuntary resettlement; biodiversity

conservation and sustainable management of living natural resources; indigenous peoples; and cultural heritage.³⁸

USAID Guide to Community Engagement for Power Projects in Kenya: Although it has no legal status or effect whatsoever, it remains crucial to the Company's operations. The Guide considers community engagement to be a full suite of communication and direct interaction with impacted communities that, ideally, leads to community consent for a project. Public participation allows individuals and communities to contribute to decision-making processes by expressing concerns, needs, and values.³⁹

Project Sites Operations Policy: It provides that all project sites shall comply with safety, environmental, and labor laws.

Community and Gender Inclusivity Policy: It fosters inclusive development, ensuring that both men and women benefit equitably from the company's projects.

Youth Empowerment Policy: It aims to create internship, mentor-ship, and employment opportunities for young people, especially in regions where the Company operates.

Multilingual Communication Policy: The Policy recognizes linguistic diversity and is committed to ensuring effective communication in all engagements. Where necessary, professional interpreters are engaged to bridge language gaps, ensuring that all stakeholders fully understand project objectives, rights, and responsibilities.

3.5.2 Oserian Development Company Ltd (ODCL)

The company has the following policies:

Human Rights Policy: Enshrines the following principles: respect for fundamental rights; freely-chosen work; no child labor; living wage payment; safe and healthy working conditions; freedom of association and bargaining; non-discrimination and equal opportunity; and

³⁸ IFC (2012) *Performance Standards on Environmental and Social Sustainability*. Accessible at <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>

³⁹ USAID (2018) *Guide to Community Engagement for Power Projects in Kenya*. Accessible at <https://view.publitas.com/pwg/guide-to-community-engagement-for-power-projects-in-kenya/page/1>

grievance mechanism and remedies. The Policy has also been translated to Kiswahili. The Policy is communicated to all workers and managers through induction and display on notice boards. However, it is only available internally and not for the rest of the public.

Environment Policy and Procedures: Contains Standard Operating Procedures (SOPs) such as the Company activities' environmental impacts, energy management, soil management and pumice, water management, pollution prevention and management of air quality.

Environmental Management Plan (EMP) 2017-2025: In it, the Company commits to ensure a better communication/feedback system with the surrounding community regarding chemical drift and wastewater seepages; and provides for worker welfare. The Company commits to monitor air emissions, invest in scrubber technology to scrub out the gases before release, and divert carbon dioxide emitted to green houses for crop use.

Human Resources Policy and Procedures: It covers the following SOPs: recruitment policy and procedures; internal advertisement procedures; employment and induction procedures; reference and background procedures; disciplinary procedure; sexual harassment policy and procedure; management of staff complaints procedure; and work-related injuries procedure amongst others.

In a commendable progressive move worth emulating, with regards to the criteria for General Workers recruitment, and as part of the HR Policy, the Company requires a minimum education – not less than Kenya Certificate of Secondary Education (KCSE) certificate except for the local Maasai community who need not have that qualification for General Worker roles.

The Company also conducted self-assessment scoring itself against the following aspects: Non-discrimination, forced labor, disciplinary measures, child labor, freedom of association and the right to collective bargaining, working hours, compensation, occupational health and safety, and environment.

3.5.3 OrPower 4, Inc.

The Company has the following Policies:

Integrated Quality, Environment, Health and Safety System Policy: The Company aims to conduct business with respect and care for the environment and without compromising health and safety standards, with regard for the interests of the general public, their employees, suppliers, subcontractors, business partners, and customers.

Employee Grievance Handling Process and Guidance (Raising an Employee Concern): It guides on formal grievance procedure; collective grievances; raising issues which are malicious or vexatious; breaches of confidential information; and anonymous grievances. It is subject to monitoring internally every six months to determine if there are any trends in the grievances that are being raised that require a more holistic solution or management approach. A Grievance Resolution Form was also shared by the company. The Policy commenced on 1st November 2024 and is scheduled for review on 30th September 2027.

Harassment and Discrimination Prevention Policy: In keeping with the Company's commitment to maintain a professional work environment for all employees, it does not tolerate harassment or discrimination of its employees by anyone including any supervisor, manager, or by someone not directly connected to the Company (i.e. an outside vendor, consultant or customer). The Company places the obligation to report on the employee.

Human Rights and Labor Policy (December 2023): The Policy sets out the Company's commitments and responsibilities in relation to human rights, and especially those applicable to the business activities and operations, with particular attention for conflict-affected or high-risk contexts. The Company's commitment is guided by various principles and is reviewed annually. Amongst others, the Policy focuses on the following standards:

- Avoiding child labor practices;
- Avoiding forced or compulsory labor practices;
- Acknowledging and respecting employees' right to the freedom of association and collective bargaining;

- Providing and securing all relevant and essential employment rights;
- Working to eliminate discrimination with regards to employment, including all forms of harassment and abuse;
- Ensuring essential health and safety standards and practices in the workplace by developing risk awareness and encouraging responsible behavior among employees;
- Respecting the rights of local communities by promoting free and informed consultation activities, with particular regard for vulnerable communities, such as tribal or indigenous peoples;
- Demonstrating zero tolerance for bribery or corruption, according to the principles outlined in the Company's Anti-Corruption Policy; and
- Respecting the right to privacy of all stakeholders including the correct use of information and data.

The Policy is made public to all the Company's stakeholders.

Equal Employment Opportunity: In order to provide equal employment and advancement opportunities to all individuals, decisions at the Company are based on merit, qualifications and abilities. It does not discriminate in employment opportunities or practices based on ethnicity, color, race, religion, gender, age, disability, marital status or any other characteristic protected by law. This policy governs all aspects of employment including but not limited to recruitment and selection, job assignment, compensation, transfer, promotion, opportunities for advancement, leaves, disciplinary action, termination and access to benefits and training.

Grievance Handling Policy: It aims to settle grievance arising between an employee and the Company as equitably and as quickly as possible. The Policy applies to all employees, including temporary employees while at work or company-owned premises. It also applies to firms doing business within the company premises.

Whistleblower Policy (September 2021): The Policy covers the following aspects: procedures for making complaints; treatment of reports received; results of investigations; and protection of employees.

3.5.4 Renewable Energy and Rural Electrification Corporation (REREC)

The Corporation has the following policies in place:

Human Resource Policy: It guides all aspects of the Corporation's human resources, including hiring, training, remunerating and termination of employment. It is available internally.

Disability Mainstreaming Policy: It aims at mainstreaming the needs and requirements of persons with disabilities across all the Corporation's activities. It is available internally.

Gender Mainstreaming Policy: It is guided by the Kenya National Energy Gender Policy 2019,⁴⁰ whose overall objective is to achieve gender equality and equity within the energy sector in Kenya.

Gender-Based Violence Policy: It stresses zero tolerance to gender-based violence between/among employees and towards stakeholders. It is available internally. The Corporation sensitizes staff on GBV and gender mainstreaming matters on annual basis.

Resettlement Policy Framework:⁴¹ It provides for the eligibility criteria, entitlement, valuation and compensation. The Corporation commits to apply the principles, procedures, and standards incorporated in World Bank Operating Procedures (OP 4.12) if obtaining any sites for project use would cause economic and/or physical displacement.⁴²

Environmental Policy: It mitigates against all environmental impacts of the Corporation's operations, including pollution. The Environmental and Social Management Framework in

⁴⁰ Ministry of Energy (2019) Gender Policy. Accessible at <https://advocacy.energia.org/assets/2021/11/Gender-Policy-in-Energy-Kenya.pdf>

⁴¹ REREC (2024) Updated Resettlement Policy Framework (RPF). Accessible at <https://www.rerec.co.ke/assets/images/publications/Reports/Updated%20Resettlement%20Policy%20Framework%20or%20KOSAP%20-%20September%202024.pdf>

⁴² World Bank (2014) *Operational Manual: OP 4.12 - Involuntary Resettlement*. Accessible at <https://thedocs.worldbank.org/en/doc/b192cc75476bc0d5a54a1e4ceba50776-0290012023/original/OP-4-12-Involuntary-Resettlement.pdf>

place⁴³ provides the guidelines for the preparation of all mitigation plans (Environmental and Social Management Plans and Construction Management Plan) to respond to anticipated project impacts.

Vulnerable and Marginalized Groups Framework (VMGF): It adopts the World Bank's OP 4.10's definition of VMGs, as distinct, vulnerable social and cultural groups with: self-identification as an indigenous group and recognition by others; collective attachment to distinct habitats or ancestral territories and their resources; separate customary cultural, economic, social, or political institutions; and an indigenous language different from the official language of the country or region. These groups must be actively and meaningfully throughout the project's life cycle. The OP 4.10 contributes to the World Bank's mission of poverty reduction and sustainable development by guaranteeing that the development process fully takes due regard to the dignity, human rights and cultures of indigenous people.

Anti-retaliatory Policy: The Corporation's Human Resource Policy guards against retaliation towards whistleblowers.

3.5.5 Geothermal Development Company (GDC)

The Company has the following policies:

Human Resources Policies and Procedures (HRPP): Guide the handling of all aspects of GDC's human resources, from non-discriminatory hiring practices to employee compensation to prevention of sexual and gender-based violence among others. Development of the new HRPP, 2024 had the contribution of staff drawn from many departments within the Company.

Health, Safety and Environment Policy, 2011: The Policy provides for the following: professional conduct; drugs, alcohol and weapons; housekeeping; smoking; adverse weather conditions; security; fire prevention; emergency response and drills; and Personal

⁴³ RREC (2017) *Environmental and Social Management Framework*. Accessible at https://www.rrec.co.ke/images/projects/K-OSAP/K-OSAP_Safeguard_Instruments/KOSAP-ESMF_revised_22-3-17-min.pdf

Protective Equipment (including protection for the head, eye, feet, hand, hearing, and protective clothing). On environment, the Policy provides for assessment of geothermal resources, waste management, community health and safety. A Safety and Health Committee is also appointed by the Company's Chief Executive Officer/Managing Director in line with the Occupational Safety and Health Act, 2007.

Substance Abuse Workplace Policy, 2023: It provides guidelines and a standardized approach for managing employees with various challenges and puts in place interventions for referral, counselling, rehabilitation, and treatment and aftercare services to ensure that the wellbeing of the employee is safeguarded. With a Substance Abuse Prevention Committee in place, the Policy is guided by the following principles: non-discrimination, recognition of substance abuse as a disease, gender equality and responsiveness, confidentiality, social dialogue, Employment Assistance Program (EAP), and continuation of employment relationship. It also establishes a Wellness Champions Program.

The Policy came into effect on September 1, 2023, and is due for review after 2 years. The next review is by September 1, 2025.

Community Relations Policy: This policy seeks to establish and sustain constructive relationships with communities and other stakeholders in project and prospect areas. It outlines the standards by which contractors, suppliers and business partners are expected to conduct themselves when operating within host communities. The Policy provides clarity and a structured basis for community mapping, information disclosure, respect for indigenous peoples, cultural and heritage preservation, sustainable development and community health and safety.

The Policy also establishes the Community Relations Department, which is mandated to: implement the Community Relations Policy; develop project-specific community management plans; collect socio-economic data, undertake statistical analysis and present findings to support management decision making; liaise with National and County Governments; advise on GDC's community engagement model; and conduct periodic social audits and satisfaction surveys.

The Policy's implementation framework includes community mapping, development of a community strategy, establishment of inclusive committees, information disclosure processes, mapping of cultural and heritage sites, recognition and respect for indigenous peoples and creation of a grievance redress mechanism. The Policy is reviewed every three years from the date of approval, or earlier when necessary to align with emerging issues and standards.

The Company's operations are further guided by international standards, including the World Bank Safeguards on environmental and social assessment, labor and working conditions, community health and safety, land acquisition and resettlement, indigenous peoples and cultural heritage, as well as stakeholder engagement and information disclosure. The IFC Performance Standards on Social and Environmental Sustainability and the European Investment Bank Environmental and Social Standards, which emphasize environmental stewardship, human rights, labor rights, responsible business practices, climate change and corporate social responsibility, also inform the Company's approach.⁴⁴

Environmental Policy, 2012: It focuses on the following environmental activities: air quality monitoring and meteorology; waste management; biodiversity and afforestation; rehabilitation of completed civil works; water, effluent, flora and soils quality; regulatory compliance/permits; noise monitoring and assessment; environmental baseline surveys; ESIA audits; and environmental awareness.

Community Engagement Strategy (CES), 2022: The Strategy provides for the following: Stakeholders/Community Engagement Committee; communication channels including chief's barazas; proactive community engagement; grievances and complaints handling mechanisms; consideration for marginalized groups; cultural appropriateness in communication; disclosure and access to information; and integrity, transparency and honesty. The Grievance and Complaints Handling Mechanism (GCHM) encompasses frontline office operations; receipt and response to complaints in confidence; receipt of

⁴⁴ European Investment Bank (2022). *Environmental and Social Standards*. Accessible at https://www.eib.org/files/publications/eib_environmental_and_social_standards_en.pdf

complaints via other entities including Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs); keeping of records of complaints; file sharing and case file tracking; review and assessment amongst others.

Other GDC Policies include the **Land Policy** and the **Corporate Social Responsibility (CSR) Policy**.

3.5.6 Akiira Geothermal Ltd. (AGL)

The company has the following policies:

Grievance Redress Mechanism, 2022: It defines the project grievance management procedure, specifically the process of receiving, acknowledging/registering, reviewing, investigating, and resolving grievances submitted by individuals, families, groups and/or communities and other local stakeholders' resident within the project affected area.⁴⁵ The GRM is disseminated through the company website and it is signposted at Naivasha Office and at its project sites. Its main principles include accessibility, confidentiality, predictability, fairness, transparency, feedback and community appropriateness. The Mechanism is also available in Kiswahili, thereby making it accessible by persons not so conversant in English.

Stakeholder Engagement Plan (SEP): It aims to ensure a proactive, well-coordinated and structured approach to community and stakeholder engagement within the project area. It helps to recognize the stakeholders' human rights by allowing them to express their views on the project and how it will impact their lives. Further, it helps in securing a social license to operate a project.⁴⁶ The Plan is also available in Kiswahili language.

Remedial Action Plan: The Plan provides for the process of addressing conflicts based on the nature of grievances, including eligibility criteria for compensation, community engagement and categorization of project affected persons.⁴⁷

⁴⁵Akiira Geothermal Ltd (2022) *Grievance Redress Mechanism*. Available at <https://frontier.dk/wp-content/uploads/2024/08/FINAL-AGL-GRM-VERSION-5.pdf>

⁴⁶ Akiira Geothermal (2025) *Stakeholder Engagement Plan*. Available at <https://frontier.dk/wp-content/uploads/2024/08/STAKEHOLDER-ENGAGEMENT-PLAN-25072024-FINAL.pdf>

⁴⁷ Akiira Geothermal (2025) *Version 2 Remedial Action Plan*. Available at <https://frontier.dk/wp-content/uploads/2024/05/Final-Version-2-RemAP-20240517.pdf>

The Company's other relevant policies include the **Resettlement Policy, Land Use Policy, and the Security Management Plan.**

3.5.7 Kenya Electricity Generating Company (KenGen)

The Company has the following policies:

Conflict of Interest Policy, 2019: The Policy defines conflict of interest, provides guidance for employees, suppliers, consultants and contractors to help avoid and/or deal with real, apparent, or potential conflicts of interest. It also outlines the responsibilities surrounding conflict of interest and spells out the repercussions of violating the policy. In order to ensure widespread accessibility, it is published on the intranet and on the Company's website where stakeholders can easily access it.⁴⁸ The Policy shall be reviewed as and when the need arises.

Environment Sustainability Policy, 2019: The Policy, among other objectives, aims to provide resources to maintain and continually improve its Environmental Management System; identify risks and opportunities, implement pollution control measures and mitigate negative environmental impacts, while at the same time enhancing positive environmental impacts resulting from its activities, products and services; and establish environmental objectives, targets and continually review environmental sustainability and management programs.⁴⁹ It focuses on the following six thematic areas: sustainability planning; pollution control; climate change mitigation and adaptation; ecological enhancement; partnerships and stakeholder engagement; and environmental education and awareness.

Code of Conduct Policy: The Code aims to provide a framework for employee conduct to enhance organizational performance and integrity. It applies to all employees regardless of service terms or duty stations. It also prohibits sexual harassment against a member of

⁴⁸ KENGEN (2025) *Corporate Governance*. Available at <https://www.kengen.co.ke/index.php/about-us/corporate-governance.html>

⁴⁹ Ibid.

the public or fellow employee. It also provides for lodging of complaints and investigations in case of breach of the policy.⁵⁰

Community Engagement Strategy: It defines define the needs of the stakeholders and the day-to-day relations with the stakeholders and the communities neighboring the Company's operational ecosystem. It also establishes Stakeholder Coordination Committees and Community Liaison Officers to deal with issues raised by the community. While the Company has endeavored to focus on enabling manufacturing, it has gone a step further to foster the Universal Healthcare Initiative through the construction of a mega Level 5 Hospital in Naivasha. The hospital is key in serving the greater Rift Valley Region and contributing towards the attainment of Sustainable Development Goal 3 on good health and wellbeing for all.

Human Resource Policy: It ensures employee rights are protected and proper benefits provided for their work. The policy aims at addressing complaints, problems, and grievances. This is in line with the United Nations Global Compact (UNGC) Principle 10.4: 'Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.' However, a 2025 report found the State entity in violation of UNGC Principle 6 on the elimination of discrimination in respect of employment and occupation. It emerged that two ethnic communities occupy nearly half of the jobs at the State Corporation, highlighting inequality in access to employment in Kenya's public sector.⁵¹

The State-owned company also has the following policies in place: **Disability Mainstreaming Policy, Sports Policy, Gender Mainstreaming Policy, Diversity Policy, HIV/AIDS Policy, Health, Safety and Environment Policy.**⁵²

⁵⁰ Ibid

⁵¹ Igadwah, L. (2025) KenGen boss admits two tribes dominate workforce. Available at <https://www.businessdailyafrica.com/bd/corporate/companies/kengen-boss-admits-two-tribes-dominate-workforce-5068882#:~:text=The%20Kenya%20Electricity%20Generating%20Company,employment%20among%20Kenya's%2043%20communities.>

⁵² KENGEN (2021) Communication on Progress Report 2021. Available at <https://www.kengen.co.ke/images/Communication.pdf>

3.6 Conclusion

The review of the company-specific policies shows that indeed companies have frameworks in place to guide human resources/labor relations, environmental matters, community relations, and gender dynamics. Major concerns include inaccessibility of some of the policies by the communities and other stakeholders, delayed review of some policies, and lack of full implementation of the provisions of the policies hence the continuous receipt of complaints by project affected persons, employees and other stakeholders. Therefore, the companies are encouraged to fully implement the policies to the letter.

4. CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

The monitoring exercise established that the companies have made worthy strides in aligning their operations with human rights standards and principles through comprehensive policy frameworks, including human resource policies, gender and disability mainstreaming strategies, safety and environmental guidelines, and grievance mechanisms. However, despite these efforts, gaps remain in areas such as policy accessibility, inclusive implementation, and responsiveness to vulnerable groups including intersex persons, persons with disabilities and indigenous communities. While some companies have strong grievance mechanisms and gender mainstreaming initiatives, a lack of standardized implementation and minimal involvement of external partners diminishes the overall effectiveness of the policies.

Therefore, companies are urged to strengthen transparency, inclusivity, and accountability in their human rights commitments. By adopting more participatory approaches, including translating policies into local languages, integrating overlooked groups into their frameworks and ensuring full implementation of the policies that guide their operations, processes, and programs, they will firmly be on the way to human rights compliance- a win for all, including themselves as businesses.

4.2 Recommendations

Renewable Energy Companies

- (a) Develop and implement standalone human rights policies to align with the United Nations Guiding Principles on Business and Human Rights;
- (b) Develop and implement anti-retaliatory policies for protection of environmental and human rights defenders;
- (c) Make policy commitments to recognize indigenous peoples and their rights to better plan and implement projects located in their lands without infringing on their rights.

- (d) Regularly conduct company-based human rights impacts assessments with clear action plans on how to address gaps identified;
- (e) Review Grievance Redress Mechanisms to make them easily acceptable, accessible and readable in local languages;
- (f) Make company policies public and accessible to all stakeholders to enhance transparency;
- (g) Provide for minimal general worker requirements to accommodate local communities in hiring, including for casual jobs;
- (h) Prioritize self-appraisal/audit on the implementation of policies and invite external oversight for improvement;
- (i) Explore Alternative Dispute Resolution Mechanisms (ADRM), including mediation, in handling disputes with employees and project affected persons;
- (j) Regularly review policies as stipulated to integrate new developments;
- (k) Embrace non-interference with the running of local stakeholder coordination committees to avoid mistrust and conflicts among community members;
- (l) Ensure equal representation between men and women in senior management levels to meet the constitutional provision under Article 27(8); and
- (m) Ensure a diverse workforce at all levels to avoid domination by a section of Kenyans over others.

Regional and International Investors in Renewable Energy

- (a) Require companies to ensure full compliance with human rights throughout the funded projects' life cycles

Project Affected Persons (Communities)

- (a) Actively participate in processes throughout a project's conceptualization, implementation, monitoring and decommissioning. This ensures that they fully demand for accountability from projects implemented in or near their lands.

Kenya National Commission on Human Rights (KNCHR)

- (a) Support companies in development/review of policies to ensure human rights compliance;

- (b) Continue building the capacity of renewable energy companies on compliance to human rights standards;
- (c) Continuously monitor the implementation of recommendations made to the assessed companies.

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6. ANNEXTURE



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

TOOL FOR MONITORING HUMAN RIGHTS COMPLIANCE BY RENEWABLE ENERGY COMPANIES

Objective

To Promote Responsible Business Conduct by Renewable Energy Companies in Kenya

Background

The Kenya National Commission on Human Rights (KNCHR) is an independent National Human Rights Institution (NHRI) established under Article 59 (2) (c) of the Constitution of Kenya, 2010 and operationalized under the KNCHR Act No. 14 of 2011 (revised 2012) with the core mandate of promoting and protecting human rights in Kenya. A key function of the Commission is to promote the protection and observance of human rights in public and private institutions. KNCHR also monitors, investigates and reports on the observance of human rights in all spheres of life in the Republic. This provides the basis for KNCHR's work on business and human rights.

Rationale

The Government, through the Office of the Attorney General and KNCHR, developed a National Action Plan on Business and Human Rights which was approved by Cabinet in 2021, adopted by the National Assembly in 2022 as Sessional Paper No.3 of 2021 and was then officially launched

in 2023. The NAP outlines Government's commitment for addressing adverse business-related human rights impacts by providing comprehensive policy actions for protection against human rights abuses by businesses whether State-owned or private. The Commission sees its role as supporting both government and businesses to quicken uptake of responsibilities under the NAP, as a way of enhancing realization of human rights.

This exercise will specifically be guided by the United Nations Guiding Principles on Business and Human Rights and the National Action Plan on Business and Human Rights. The two frameworks require responsible business conduct based on three pillars: State duty to Protect; Corporate Responsibility to Respect Human Rights; and Access to Remedy. Themes to be covered include human rights policy commitment, human rights due diligence, labor rights, access to remedy, grievance mechanism, environmental protection, land rights, community engagement, security of the person (including that of environmental human rights defenders) and gender dynamics.

Structure of the Tool

The tool is divided into four sections each addressing different thematic concerns;

- Management
- Human Resources/ Labor
- Community
- Gender dimensions (in consideration of the gender differentiated impact of business operations)

General Information

Name of Company:	County:
Ownership (<i>Either State-owned or Private</i>):	Size (<i>in terms of Staffing</i>):
Name(s) of Respondent(s)	Designation(s)
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
KNCHR Team	
1.	
2.	
3.	
4.	
5.	

1. Management

(Pillar II UNGPs: Corporate responsibility to respect human rights)

THEME	QUESTIONS	INDICATORS	YES	NO	NOT SURE	COMMENTS
Policy Commitment	Does the company have a policy commitment to respect human rights throughout its business operations?	<ul style="list-style-type: none"> • Either a stand-alone policy or one which is integrated into other policies or an ESG policy⁵³ • Policy includes express mention of vulnerable groups and women • Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services 				
	Does the company communicate the policy to all stakeholders both internally and externally?	<ul style="list-style-type: none"> • It is publicly available (Get a copy or link to the website) • Personnel are aware and have been trained on it 				
Human Rights Due Diligence	Does the company assess actual and potential human rights impacts with which it is involved?	<ul style="list-style-type: none"> • Has processes in place to identify any negative impact with which it may be involved • Carries out gender assessments to identify the impacts on men and women • Company directly consults those likely to be affected, especially vulnerable groups, to understand their concerns in consideration of language and other potential barriers 				

⁵³ ESG stands for environmental, social, and governance. It's a framework that measures a company's sustainability and ethical practices.

	<p>Does the company integrate and act upon the findings?</p>	<ul style="list-style-type: none"> • Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise • Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts 				
	<p>Does the company track the effectiveness of its responses and communicate how impacts are addressed?</p>	<ul style="list-style-type: none"> • Tracks whether its human rights policies and procedures are being implemented • There is continued improvement as a result of tracking (Give examples) • Company draws feedback from internal and external sources • Formally reports on how severe human rights impacts are addressed (Give examples) • Communication is accessible to intended audience, provides sufficient information to evaluate adequacy and does not pose risks to affected stakeholders 				
<p>Remedy</p>	<p>Does the company provide for or cooperate in a trusted process to remedy adverse impacts its caused or contributed to?</p>	<ul style="list-style-type: none"> • Company has an operational- level grievance mechanism • Has a defined procedure for processing complaints • Information for accessing and using the procedure is published and accessible (Give copy or link) • Employees and workers can access the mechanism without fear of retaliation • It is accessible to the community (Physical and economic accessibility) 				

	• The community feels confident using the mechanism				
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2. Human Resource/ Labour

(Right to fair labour practices; freedom from discrimination; freedom and security of the person; right to access to remedy)

THEME	QUESTIONS	INDICATORS	YES	NO	NOT SURE	COMMENTS
Employment Status	Do employees have written employment contracts?	<ul style="list-style-type: none"> Employees understand their pay and compensation terms 				
Wages and benefits	Does the company provide employees with a minimum wage or a living wage	<ul style="list-style-type: none"> Equal pay for equal work done Compensated for hours worked overtime Wages are paid on time/ regular basis 				
Occupational health and safety	Does the company apply protective and safety standards in its operations?	<ul style="list-style-type: none"> Company guidelines on workplace health and safety? (company requires the same for sub contracted companies) Provide safety training for workers? (require the same for sub contracted companies) Provide personal protective equipment and clothing that are fit for purpose (require the same for sub contracted companies) Workers can access sanitary facilities without restrictions 				
Child Labor	Does the company respect minimum age standards in its hiring practices?	<ul style="list-style-type: none"> Company has a policy or statement against child labour (Company has same requirements for subcontracted companies) 				

		<ul style="list-style-type: none"> There is a mechanism for verifying age of workers (Company has same requirements for subcontracted companies) 				
Grievance Mechanism	Does the company have a grievance mechanism that provides for confidential or anonymous complaints, to report harmful, unsafe or unhealthy working conditions or practices?	<ul style="list-style-type: none"> Grievance mechanism for handling employee complaints Timely investigation and resolution of complaints by management Company has a disciplinary process for personnel accused of sexual exploitation, harassment or abuse (Attach or Give link) 				

3. Community

(Right to a clean and healthy and environment; right to property; freedom and security of the person; right to access to remedy)

THEME	QUESTIONS	INDICATORS	YES	NO	NOT SURE	COMMENTS
Environment	Does the company comply with national environmental regulations and industry specific codes of practice?	<ul style="list-style-type: none"> Company has an environmental policy Company assigns adequate resources to environmental management including staff & financial resources 				
	Does the company provide all relevant environmental	<ul style="list-style-type: none"> Company meets public disclosure requirements relating to environmental information as per the Environmental Management and Coordination Act (EMCA) 				

<p>information to the authorities (NEMA, Ministry) and the public?</p>	<ul style="list-style-type: none"> Engages with potentially affected community members ensuring they have understood potential impact Community has access to Environmental and Social Impact Assessment (EISA) and other expert reports Company makes deliberate effort to simplify ESIA reports to be understood by affected communities Information is disclosed in a timely fashion to allow for affected community feedback 				
<p>Does the Company adequately monitor and control its operations and emissions?</p>	<ul style="list-style-type: none"> Has developed a monitoring system and allocated resources to this Has an effective and publicized mechanism for receiving and processing complaints from affected persons (attach or give link) Takes prompt action to eliminate/ mitigate harm(s) Has emergency procedures to effectively prevent & manage industrial accidents Hazardous and non- hazardous wastes are properly labelled and stored. Company and its direct suppliers have means to handle these. Conducts any test to assess toxicity of local land and water sources (attach or link of any report) 				
<p>Does the company protect environmental human rights defenders</p>	<ul style="list-style-type: none"> Does the company have anti-retaliatory policy against whistleblowers? 				

	Does the company recognize indigenous peoples and their socio-economic and cultural attributes in their areas of operation?	<ul style="list-style-type: none"> Is it clearly mentioned in the human rights policy statement? 				
Land	Does the Company do due diligence to ascertain land owners and rights holders before acquiring land (lease or purchase)?	<ul style="list-style-type: none"> Company policy and procedure includes commitment to identifying and resolving any existing claims as to land title before gaining interest in the land There is a guideline for resettlement or fair and prompt compensation in the event occupants of land must be relocated (provide link or attach) There is consultation with potentially impacted communities (men and women, indigenous). Includes informed consent of women and indigenous peoples prior to acquiring land. 				
	Does the company evaluate the potential impact of its operations on the users of the land or those living on the land and	<ul style="list-style-type: none"> Company identifies those who rely on the land for their livelihood (farmers, pastoralists, indigenous) and takes measures to avoid or mitigate adverse impact (NB: use of land is gender-sensitive) Analysis identifies other access and use rights e.g. right of way, holding ground, cultural site, right to water, grazing land and provides alternative 				

	around the operations site?				
	When the company decommissions land, does it leave it in suitable condition for habitation	<ul style="list-style-type: none"> • Company restores the natural resources on the land before exiting a site • Any contamination or damage on the land is remedied • Before selling the land or lease to a third party, the company offers the community the Right Of First Refusal⁵⁴ (ROFR) 			
Security	Does the company monitor its security arrangements and the impact on local communities?	<ul style="list-style-type: none"> • Undertakes background checks of its security personnel/firm before engagement • There are laid down procedures to monitor security arrangements and the impact on the community especially vulnerable groups • The monitoring includes reporting on the use of force, allegations of abuse, unlawful acts • In the case of private security firms, is there a clause in the contract to respect human rights? • Remedial action is taken where necessary. 			
Remedy	Does the company have mechanisms in place to address allegations of human rights abuses against the community?	<ul style="list-style-type: none"> • There is a policy on handling of human rights abuses • The company has a grievance mechanism to redress human rights violations and abuses • The community is aware of the mechanism and the channels of reporting 			

⁵⁴ A right of first refusal (ROFR) is a legal agreement that gives someone the first chance to buy or lease a property before the owner can negotiate with others

4. Gender Dimensions

THEME	QUESTIONS	INDICATORS	YES	NO	NOT SURE	COMMENTS
Policy commitment	Does the organizational culture, policies, procedures and processes favor or hinder gender mainstreaming ⁵⁵ ? Is gender mainstreaming a priority for management?	<ul style="list-style-type: none"> Express commitment to mainstreaming gender in operations Separate policies or code of conduct on gender sensitivities, sexual harassment etc. (Attach or provide link) Policy documents on gender available and actively disseminated to staff and business relations within the value chain. 				
	Does senior management demonstrate commitment to and leadership on gender issues?	<ul style="list-style-type: none"> Gender-related policies approved by senior management Management takes responsibility for the development and implementation of the gender policy Company has a Gender Champion Gender issues taken seriously and discussed openly in the organization Resources committed to promoting gender equity in the organization Measures in place to recruit, mentor and retain a representative number of women on the Board of Directors 				

⁵⁵ Gender mainstreaming is an approach to policy-making that takes into account both women's and men's interests and concerns.

Human Rights Due Diligence	Does the company consider gender and diversity impacts across its value chain?	<ul style="list-style-type: none"> • Consults men and women, boys and girls in impact and risk assessment • Breaks down data by gender (including intersex persons) • Identifies barriers to participation along gender lines • Takes a proactive approach and adopts innovative means to overcome barriers e.g. patriarchal norms, traditions • Potential gender impacts are considered when developing policies and in operations • Monitoring framework includes gender sensitive indicators • Changes are made to programs as a result of monitoring 				
Employment Processes	Does the company apply equal treatment in its employment processes?	<ul style="list-style-type: none"> • Company has a non- discrimination and equal treatment policy • Provide equal opportunities (hiring, promotion, compensation) • Strategies implemented to recruit or promote women into senior management positions • Policy provides for non- discrimination on the basis of pregnancy, maternity/paternity leave • Women and men directly receive pay for work done 				
Wages and Benefits	Does the company have policies on maternal and paternal benefits and child care?	<ul style="list-style-type: none"> • Paid maternity/ paternity leave • Provision for light/safe duties for pregnant women? • Flexible working hours for new/nursing mothers 				

		<ul style="list-style-type: none"> • Provision of nursing rooms/ creche • Does the human resource policy have a prohibition of dismissal for pregnant workers clause⁵⁶ • Provision of child care facilities on site 				
Training	Does the company train staff in diversity and gender awareness?	<ul style="list-style-type: none"> • Learning materials on gender equality made available to staff and partners • Staff are trained on sexual harassment 				
Grievance Mechanism	Does the company have a gender-responsive grievance mechanism that provides for confidential or anonymous complaints, to report harmful, unsafe or unhealthy working conditions or practices including SGBV?	<ul style="list-style-type: none"> • Company has a gender responsible lead/committee • Gender balance in composition i.e. presence of male and female complaints handling officers • Mechanisms in place to prevent and address sexual exploitation, harassment or abuse • Protection measures and support for employees and victims of harassment? 				
Community	Does the company incorporate gender considerations in community consultations and community projects?	<ul style="list-style-type: none"> • Effort made to ensure men and women community members participate in community consultations (free, prior and informed consent- where indigenous communities are concerned) • Ensure that stakeholders promote women's participation in discussions likely to affect their livelihood • Sex disaggregated data used for planning projects, programs and services • Factors in local cultural traditions and social expectations define gender roles 				

⁵⁶ Article 27(4) provides that the State shall not discriminate directly or indirectly against any person on any ground, including pregnancy.

