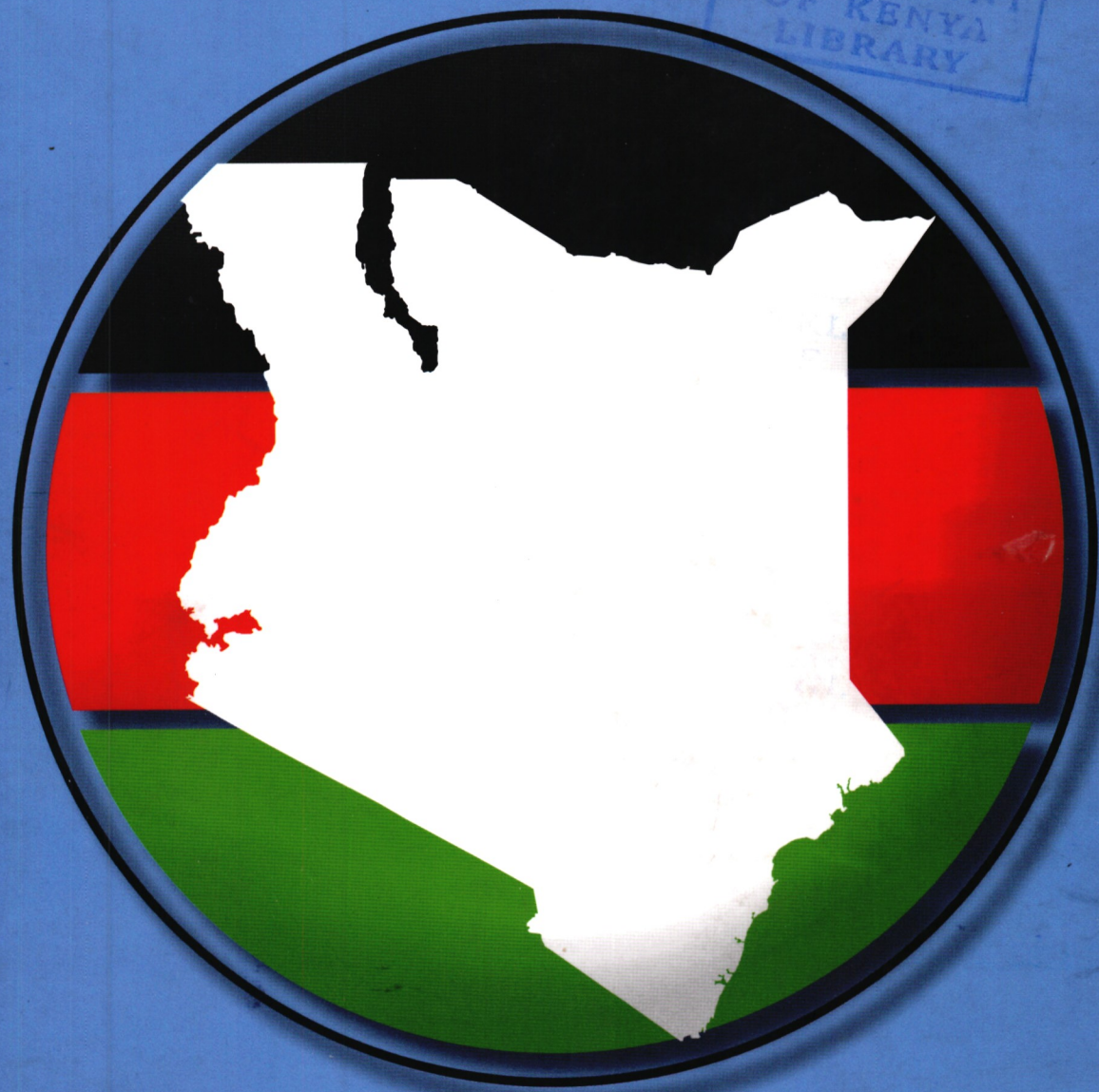


THE COMMISSION ON ADMINISTRATIVE JUSTICE

ANNUAL REPORT 2012

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Prepared and issued in accordance with Article 254(1) of the Constitution and
Section 53(1) of the Commission on Administrative Justice Act, 2011

The Office of the Ombudsman
Hata Mnyonge ana Haki

Vision

To be an effective overseer of responsiveness
and
servant-hood in public offices at national and
county levels.

Mission

To enforce administrative justice and
promote constitutional values by addressing
maladministration through effective complaints
handling and dispute resolution.

Core Values

Fairness, Accountability and Diversity

THE COMMISSION ON ADMINISTRATIVE JUSTICE

ANNUAL REPORT

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The Deputy President's Office Building
6th Floor, Harambee Avenue
P.O. Box 20414 – 00200,
NAIROBI
Tel: +254-20-2270000/ 2303000/ 2603765/ 2441211/ 8030666

Email: info@ombudsman.go.ke (for general inquiries)
complain@ombudsman.go.ke (for complaints)
Website: www.ombudsman.go.ke

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ABBREVIATIONS AND ACRONYMS

AOMA	African Ombudsman and Mediators Association
CAJ	Commission on Administrative Justice
CIC	Commission for the Implementation of the Constitution
EACC	Ethics and Anti-Corruption Commission
ICT	Information, Communication and Technology
IEBC	Independent Electoral and Boundaries Commission
IEC	Information, Education and Communication
IPCRM	Integrated Public Complaints Referral Mechanism
IOI	International Ombudsman Institute
MOU	Memorandum of Understanding
NCAJ	National Council for Administration of Justice
NACCSC	National Anti-Corruption Campaign Steering Committee
NCIC	National Cohesion and Integration Commission
KNCHR	Kenya National Commission on Human Rights
PCSC	Public Complaints Standing Committee
TI	Transparency International
TJRC	Truth Justice and Reconciliation Commission

STATEMENT FROM THE CHAIRPERSON

I am delighted to present the Annual Report of the Commission on Administrative Justice pursuant to Article 254 of the Constitution as read together with Section 53 of the Commission on Administrative Justice Act (CAJ Act). This is the first Annual Report issued under my stewardship of the Commission following my appointment as Chairperson and my two colleagues, Dr. Regina Mwatha and Ms. Saadia Mohamed, as members of the Commission in November 2011. The Report covers the 12 month period between January and December 2012.

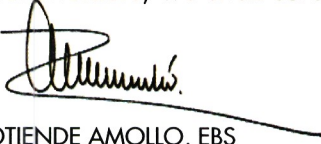
As you may be aware, the Commission is established by the Act pursuant to Article 59(4) of the Constitution. The primary mandate of the Commission is the traditional role of the Office of the Ombudsman as known and practiced in many countries worldwide. This mandate is well captured in the Constitution and the Act where the Commission is mandated to check maladministration on the part of public officers and deal with instances of unreasonable delay, discourtesy, misconduct, incompetence, ineptitude, manifest injustice, unfair treatment and unresponsive conduct by public officers.

Having assumed office in November 2011, we embarked on the process of enhancing complaints management at the Commission, and strengthening the institutional framework to enable the Commission deliver on its mandate. The Commission re-designed ways and means of lodging complaints in order to ensure efficient processing of complaints. This led to the increased number of reports made to the Commission during the reporting period.

During the period under review, the Commission escalated its activities on complaints handling system in the public sector under the Performance Contracting Indicator on Resolution of Public Complaints. This was intended to institutionalize complaints handling in the public sector to promote good governance. We also commenced the process of putting structures in place and building capacity to enable the Commission effectively execute its mandate. In addition, the Commission initiated and nurtured partnerships aimed at deepening co-operation with all public agencies in the promotion of good governance in Kenya.

However, in the discharge of its mandate, the Commission experienced institutional and operational challenges which included low staff capacity, limited presence and accessibility, lethargy, inefficiency and unresponsiveness in the public sector. Despite the challenges, the Commission has experienced tremendous successes and adopted strategies aimed at overcoming those challenges. Part of these strategies included recruitment of competent staff, development of a Strategic Framework, acquisition of requisite infrastructural tools and equipment necessary for the execution of the Commission's mandate and initiation and nurturing of partnerships with stakeholders.

The Commission is determined to deliver on its mandate, and with the support of all the stakeholders, we shall surely succeed.



OTIENDE AMOLLO, EBS
CHAIRPERSON OF THE COMMISSION

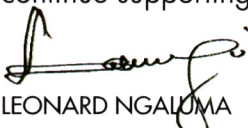
FOREWORD

I am delighted to be part of the Commission on Administrative Justice on the occasion of the presentation of its First Annual Report for 2012. The presentation of this Report marks a milestone in the history of the Commission in particular and the country in general. The Report gives details of the activities of the Commission during the reporting period, achievements, challenges faced and the way forward. The Report is prepared in terms of the key functional areas of the Commission, derived from its mandate under the Constitution of Kenya, 2010 and the Commission on Administrative Justice Act, 2011. More specifically, the Report details an exquisite exposition of the activities of the Commission in the following areas:

- History, mandate and structure of the Commission;
- Complaints and inquiries handled;
- Building of complaints handling capacity in the public sector;
- Public awareness and advocacy on administrative justice;
- Constitutionalism and good governance;
- Partnerships, collaborations and linkages; and
- Institutional capacity building and development.

Overall, the Commission made tremendous progress in the aforementioned areas, which undoubtedly laid foundation for future operation and assessment. This was particularly so, in spite of the institutional and operational challenges encountered by the Commission. The progress would not have been possible without the unrelenting support of the Commissioners who provided strategic direction, leadership and oversight to the Secretariat in the execution of the programmes and activities. The Commission will build on the achievements through institutional strengthening and capacity development in its endeavour to improve service delivery and good governance in Kenya.

I wish to thank all Commissioners and staff of the Commission for their commitment and dedication to the vision of the Commission that saw us set the bar very high. I am grateful to all stakeholders who supported us in various ways during the reporting period. In particular, I thank the Government for their support and the United Nations Development Programme for facilitating the development of this Report. I call upon all stakeholders to continue supporting the Commission in this noble and worthwhile endeavour.



LEONARD NGALOMA
COMMISSION SECRETARY



CAJ Commission Secretary, Mr. Leonard Ngaluma, and CDF CEO, Mr. Yusuf Mbuno, during a spot check by the Commission

EXECUTIVE SUMMARY

This is the first Annual Report of the Commission on Administrative Justice (Office of the Ombudsman) since establishment in November 2011. The Commission is established under Article 59(4) of the Constitution and the Commission of Administrative Justice Act, 2011. It has the status and powers of a Commission under Chapter Fifteen of the Constitution. The Commission is empowered to, among other things, investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government, and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Further, the Commission has a quasi-judicial mandate to deal with maladministration through conciliation, mediation and negotiation where appropriate.

Besides, like other Constitutional Commissions and Independent Offices, the Commission has been bestowed with the responsibility of protecting the sovereignty of Kenyans, promoting constitutionalism and securing the observance of democratic values and principles. In this regard, the Commission is the protector of public interest and acts as the citizen's watchman in the management of public affairs.

In the conduct of its functions, the Commission has powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue summons and require that statements be given under oath, adjudicate on matters relating to administrative justice, obtain relevant information from any person or Governmental authorities and to compel the production of such information.

i.) KEY ACHIEVEMENTS

During the period under review, the Commission made strides in executing its mandate, particularly, in relation to maladministration, constitutionalism and complaints handling in public institutions. Some of the main achievements include the following:

a) Complaints and Inquiries

The Commission handled a total of 4,062 complaints and inquiries which included 2,440 complaints inherited from the Public Complaints Standing Committee, 1,622 new complaints and inquiries, and 14 own motion complaints. The high number of complaints and inquiries was a manifestation of the confidence of the public in the Commission occasioned by, *inter alia*, the Commission's efficient handling of complaints and intensified awareness and advocacy on administrative justice. A total of 1,398 complaints and inquiries were resolved by the Commission during the reporting period. The statistics at the Commission showed that the majority of the complaints and inquiries were against the Ministry of Lands at 11 percent, National Police Service at 10 percent, the Judiciary and Provincial Administration at 8 percent each, State Law Office at 5

percent, Ministry of Labour at 4 percent, and Ministry of Finance and the City Council of Nairobi at 3 percent each. In terms of the categorization, most of the complaints and inquiries related to delay, unresponsive official conduct, unlawful official conduct, administrative injustice, inefficiency and abuse of power among others. The complaints and inquiries enabled the Commission to study the pattern of maladministration in the public sector and put redress intervention measures in place.

In order to enhance its countrywide accessibility, the Commission partnered with other institutions that play an oversight role to establish a mechanism for referral of complaints known as Integrated Public Complaints Referral Mechanism (IPCRM). IPCRM is an electronic based system of referring complaints for resolution by the appropriate institution. The collaborating institutions in the mechanism included the Ethics and Anti-Corruption Commission, Kenya National Commission on Human Rights, National Cohesion and Integration Commission, Transparency International – Kenya and the National Anti-Corruption Campaign Steering Committee. The mechanism, currently in its pilot phase has facilitated efficient and effective access to the agencies' services at devolved levels with a total of 26 complaints being referred to the Commission for action through the system.

b) Building Complaints Handling Capacity in Public Sector

The Commission continued to play an important role in public sector reforms through participation in performance contracting, training of public officers and provision of advisory services. Towards this end, the Commission monitored the implementation of the indicator 'Resolution of Public Complaints' through the assessment and certification of public institutions based on the Guidelines developed by the Commission. The Guidelines encompassed a number of key requirements such as the establishment of internal complaints handling and management infrastructure, submission of quarterly reports by public institutions and the contents of such reports, mode of reporting and the reporting format. This culminated in the certification of 230 public institutions that submitted their quarterly reports to the Commission. The Commission also trained 2,665 public officers drawn from local authorities, Government Ministries, state corporations and tertiary institutions in addition to training 213 representatives of civil society organizations under the aegis of the Kenya Alliance of Residents Association.

c) Public Awareness and Advocacy

The Commission implemented a number of public awareness and advocacy programmes and activities aimed at promoting administrative justice in Kenya. These included holding public forums in 10 counties; media education and advocacy; offering advisory services to persons in custody during prisons' visits; strategic trainings; public education through the Nairobi International Trade Fair platform; and the development and dissemination

of Information, Education and Communication materials. These activities enhanced accountability, performance and responsiveness within the public service, and increased visibility, accessibility and understanding of the Commission's mandate. Furthermore, the Counties' outreach project enabled the Commission to conduct spot checks on some public institutions to determine the extent of observance of the law in respect to service delivery.

d) Constitutionalism and Good Governance

The Commission implemented a number of strategies to promote constitutionalism and good governance in Kenya which included the issuance of advisory opinions and recommendations, mediation and public interest litigation. Specifically, the Commission issued advisories and recommendations on a number of matters of national importance such as the Draft Policy on National Values System, the Truth, Justice and Reconciliation Commission and wealth declaration forms among others. The recommendations in these advisories were later adopted in subsequent actions by relevant public institutions. In addition, the Commission participated in a number of court matters of public interest which included the Supreme Court Advisory Opinion Reference No. 2 of 2012 on the application of the gender principle and the jurisdiction of the Supreme Court in relation to presidential elections; Constitutional Petition No. 284 of 2012 on the constitutionality of sections 14, 16 and 23 of the Supreme Court Act, 2011; and Constitutional Petition No. 21 of 2012 on the application of the leadership and integrity provisions of the Constitution in relation to certain candidates who were facing charges at the International Criminal Court.

In addition, the Commission initiated measures to enforce compliance with leadership and integrity provisions in the Constitution. Notably, the Commission forwarded a list of 35 individuals to the Independent Electoral and Boundaries Commission recommending that they ought not to hold any public or elective offices based on their unsuitability; certification of judges and magistrates under the Vetting of Judges and Magistrates Act, 2011 and those seeking judicial appointments through the Judicial Service Commission; and certification of persons seeking appointive and elective offices. Furthermore, the Commission initiated a number of mediations to resolve disputes amicably in line with Article 252 of the Constitution and Section 8(f) of the Commission on Administrative Justice Act, 2011.

e) Partnerships and Linkages

The Commission initiated a number of local and international partnerships and coalitions aimed at promoting good governance. This was achieved mainly through the Forum of

Chairpersons of Constitutional Commissions and Holders of Independent Offices that crystallized into a Forum for addressing matters of national importance, promotion of constitutionalism and co-ordination of activities of these institutions. The Commission hosted a retreat for Constitutional Commissions and Independent Offices that made a number of resolutions to foster administrative justice and human rights. The Commission also hosted a public forum in which the former members of the Committee of Experts on Constitutional Review discussed the progress in implementation of the Constitution. In addition, the Commission participated in the National Council for the Administration of Justice that reviewed a number of Bills some of which were enacted into law, and participated in seminars and conferences that focused on administrative justice and good governance. Furthermore, the Commission attended strategic meetings and courtesy calls with key stakeholders that culminated in formal partnership agreements. Similarly, the Commission forged and nurtured partnerships with international Ombudsman Institutions such as the Finnish Parliamentary Ombudsman, South African Public Protector, the Commission for Human Rights and Administrative Justice of Ghana and the Ombudsman of Rwanda. Other key links the Commission has established include the African Ombudsman and Mediators Association and the International Ombudsman Institute.

f) Institutional Development and Growth

The Commission developed its infrastructure and ensured efficient mobilization and prudent utilization of resources to create a robust and effective organization capable of discharging its mandate. Chief among these measures included the development of the organizational structure and recruitment of staff, development of Regulations to fully operationalize the Commission in line with sections 19(2) and 56 of the Act; development of the governance manuals and strategic framework; staff training and development; strengthening of physical and ICT infrastructure; and diversification of resource mobilization as well as prudent use of available resources. Some of the measures taken to ensure proper stewardship included strict adherence to financial management as well as procurement laws. The physical infrastructure included the acquisition of office space for the Head Office and commencement of progressive decentralization through the proposed establishment of regional offices in Kisumu and Mombasa. With regard to ICT infrastructure, the Commission modernised and expanded its ICT infrastructure and revamped its website to make it more interactive and facilitate the dissemination of information and receipt of complaints from the public.

ii.) CHALLENGES

The Commission experienced a number of challenges in the discharge of its mandate during the period under review. The main challenges included inadequate financial and human capital, limited presence at the counties, unresponsiveness by public institutions,

low public knowledge of the Commission's mandate and inadequate mechanisms for enforcing the recommendations and decisions of the Commission.

iii.) FORGING AHEAD

The Commission has adopted a number of strategies to overcome the challenges and ensure full realization of its mandate. Chief among these strategies include strengthening of financial and human capital, acquisition of requisite infrastructural tools and equipment, development and implementation of a Strategic Framework and Regulations, support for public sector reforms and strengthening of partnerships and collaborations.

1.0 HISTORY, MANDATE AND STRUCTURE

1.1 INTRODUCTION

This section details the historical origin of the concept of Ombudsman globally and in Kenya, the establishment, mandate, powers and structure of the Commission. It also covers the vision, mission and core values of the Commission as well as the interpretation of the Commission's logo.

1.2 OMBUDSMAN: HISTORICAL CONCEPT

The word 'Ombudsman' is derived from a Swedish word meaning agent or representative of the people. The evolution of the Ombudsman institution can be traced to the Greek cities of Sparta and Athens when the 'Efloré' in Sparta and the 'Euthynoi' in Athens oversaw the activities of Government employees and Municipal activities between 700 BC and 500 BC¹. This was later adopted by the Roman Empire where an equivalent institution was created around 300 BC to protect and defend fundamental rights. In China, during the Han Dynasty from 3 BC to 220 AD, the Emperor assigned a civil employee, the Yan, to exercise a systematic and permanent control of the imperial administration and its civilian employees. He also received petitions from the public for administrative injustices. These earlier 'Ombudsmen,' however, had limited functions and powers.

The Ombudsman institution as we know it today can be traced to the Ombudsman in Sweden when the *Justitie Ombudsman* was created in 1809 as a representative of Parliament to control the observance of the law by courts and government employees. The Ombudsman was empowered to take action against those who committed illegal acts or failed to do what was expected of them. He also acted as a protector of peoples' rights. The success of the Ombudsman in Sweden led to the establishment of similar institutions across the world with Finland adopting it in 1919, Norway in 1952, Denmark in 1953, New Zealand in 1962, Guyana in 1966, the United Kingdom in 1967 and Tanzania in 1968 among others.

In recent times, the Ombudsman institutions have been established in at least 150 countries to ensure efficient public administration even though they have been christened differently. For example, the Ombudsman institution is known as the 'Public Protector' in South Africa, the 'Comptroller of the State' in Israel, the 'Supplier of Justice' in Portugal, the 'Mediator' in France, 'Civic Defender' in Italy, the 'Parliamentary Commissioner' in the United Kingdom and the 'Defender of the People' in Spain among others.

1. Lorena Gonzalez Volio, 'The Institution of the Ombudsman: The Latin American Experience,' (2003) Revista IIDH, Vol. 37, 220.

The phenomenal expansion of the Ombudsman institution was attributed to its effectiveness in ensuring accountability in public administration as aptly noted by Lorenza thus:²

The Ombudsman is often more effective than the courts in protecting human rights and also has an important complementary role in the resolution of conflicts. The Office of the Ombudsman is able to do this because of its particular characteristics, such as not being subject to formalities or legal restrictions for the handling of cases; being an organization that does not charge fee; and being independent of other state bodies.

The exponential growth was similarly noted by another commentator who observed that:³

In every continent and from all shades of opinion there are calls for an increasingly prominent role for the Ombudsman and for it to be established where it does not yet exist. Both developed and developing countries have embraced the concept regardless of varying levels of socio-economic developments.

The Ombudsman institutions are important instruments for ensuring accountability in public administration worldwide. According to the Human Development Report of 2002 on the theme '*Deepening Democracy in a Fragmented World*,' the establishment of an Ombudsman is an important step to making democracy effective and meaningful for the lives of the ordinary people. The Ombudsman brings all the elements of good governance in administration such as transparency, objectivity, efficiency, accountability, economy and human touch. By striking at the root of maladministration such as injustice, delay, negligence, unreasonableness, improper, discriminatory and unjust action, oppressive behaviour on the part of the administration, the Ombudsman promotes good governance thereby improving the delivery of public services.

The importance of an Ombudsman is derived from the need to provide citizens with an independent institution within the democratic framework which enjoys public confidence and to which citizens can have easy access for the redress of their grievances as captured by Lord Shaw:⁴

The man of substance can deal with these situations. He is near to the establishment; he enjoys the status or possesses the influence which will ensure him the ear of those in authority. He can afford to pursue such legal remedies as may be available. But too often the little man, the ordinary humble citizen, is incapable of asserting himself.

2. L.G. Volio cited above.

3. V. Ayeni (2000) in T. Buck, R. Kirkham & B. Thomson, 'The Ombudsman Enterprise and Administrative Justice, (2010) Ashgate.

4. Justice (British Section of the International Commission of the Jurists, Chairman, Sir John Whyatt), *The Citizen and the Administration: The Redressal of Grievances - A Report*, London: Stevens, 1961, p. xiii.

Globally, the word 'Ombudsman, evokes feelings of security, protection and freedom. The concept of Ombudsman in the contemporary world is, like the independent Judiciary, intrinsically tied to the ideas of democracy, the rule of law and human rights. The Ombudsman promotes good governance by ensuring that public entities operate within the law and respect the rights of citizens. The presence of Ombudsman has a 'tonic effect' on public administration simply because the officials are always careful that rules and regulations, if applied wrongly, their decisions may be questioned. The role of the Ombudsman in modern democratic state has made some commentators to describe it as 'an administrative doctor' and 'auditor-general of human relations accounts.'

1.3 HISTORY OF THE OMBUDSMAN IN KENYA

Since independence, public institutions and officials have constantly been accused of maladministration characterized by wrong application of State power thereby causing injury to the subjects of the State. Winnie Mitullah⁵ notes that public institutions and officers such as the provincial administration, civil servants, ministers and their assistants, members of the police and armed forces and chief executive officers of state corporations very often exercised their powers in ways that caused injury to the public.

There was also the realization that quite a number of institutions had been established to deal with public sector reforms, but issues relating to maladministration remained unattended. Such issues included delay, injustice, incompetence and inattention in service delivery. Therefore, those injured needed to seek the right redress and a process in which to do so. Whereas the judicial process existed, the complexities, technicalities and expenses involved in instituting a suit make some people not pursue the option. The wrongs of State institutions thus went unresolved. The public found itself in a difficult situation of having to put up with inefficiencies in service delivery. A defender of public rights who was flexible and efficient was, therefore, required. It is from the foregoing and other related reasons (for example, success stories of Ombudsman in other countries) that the idea to establish the office of an Ombudsman in Kenya was conceived.

The establishment of the Office of the Ombudsman in Kenya can be traced back to 1971 when the Commission of Inquiry (Public Service Structure and Remuneration Commission), commonly known as the Ndegwa Commission, recommended that the office be established. This was primarily borne out of the need to address poor service delivery in the public sector occasioned by endemic institutional and systemic failures and, poor work ethic. In particular, service delivery in public institutions was characterized by undue delays, abuse of power, discourtesy, inefficiency, corruption, ineptitude, manifest injustice and misbehaviour among others. Although the intention was to improve service delivery by ensuring civil servants do not go against the law, the

5. See Winnie V. Mitullah (1998) "Introduction: Establishing the case for an Ombudsman," in Winnie V. Mitullah, et al, (eds) (1998) *The case for an ombudsman in Kenya.*

proposal was never implemented. The quality of service delivery in the public sector, therefore, continued to deteriorate thereby eroding public confidence and trust in public institutions and public servants.

The need for the establishment of the Ombudsman also featured prominently in a number of public policy documents such as Economic Recovery Strategy Paper for Wealth and Employment Creation, the Constitution of Kenya Review Commission Draft (Bomas Draft Constitution) and Kenya Vision 2030.

It was not until 2007 that the President established the Public Complaints Standing Committee (PCSC) through Gazette Notice Number 5826 of June 2007 as a Department within the Ministry of Justice, National Cohesion and Constitutional Affairs. The establishment of PCSC was an acknowledgement by Government of the deep-seated yearning by Kenyans for the services offered by Ombudsman institutions all over the world, i.e. ensuring the availability, fairness, substantive justice and efficiency of public services. The Government mandated the PCSC to make appropriate legislative and administrative reforms to address specific or systemic maladministration or injustice. Its core mandate was to receive, inquire into, address and deal with complaints against public officers and public institutions concerning maladministration that compromised service delivery. However, this body lacked essential characteristics of the Office of Ombudsman due to the nature of its establishment and independence which affected its operations.

1.4 ESTABLISHMENT OF THE COMMISSION

The Commission on Administrative Justice also referred to as the Office of the Ombudsman is established by the Commission on Administrative Justice Act (No. 23 of 2011) pursuant to Article 59(4) of the Constitution. Article 59 (4) of the Constitution empowers Parliament to enact such legislation that may restructure the Kenya National Human Rights and Equality Commission into two or more separate Commissions. Pursuant to this provision, Parliament created three separate Commissions which included the Commission on Administrative Justice, the Kenya National Commission on Human Rights and the National Gender and Equality Commission. The Commission is, therefore, a Constitutional Commission within the meaning of Chapter 15 of the Constitution and the successor Commission to PCSC. The Commission is comprised of three Commissioners including the Chairperson.



| CAJ Chair, Cmmr Otiende Amollo, addressing inmates at the
| Machakos GK Prison in November 2012

**We are the
people's prefect**

1.5 MANDATE OF THE COMMISSION

The mandate of the Commission is to enforce administrative justice in the public sector by addressing maladministration through effective complaints handling and alternative dispute resolution. In addition, the Commission has a constitutional mandate to safeguard public interest by promoting constitutionalism, securing the observance of democratic values and principles and protecting the sovereignty of the people of Kenya.

The functions of the Commission as spelt out in the Constitution and Section 8 of the CAJ Act are to:

- a.) Investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice;
- b.) Investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;
- c.) Report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- d.) Inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;
- e.) Facilitate the setting up of, and build complaint handling capacity in, the sectors of public service, public offices and state organs;
- f.) Work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- g.) Recommend compensation or other appropriate remedies against persons or bodies to which this Act applies;
- h.) Provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures;
- i.) Publish periodic reports on the status of administrative justice in Kenya;
- j.) Promote public awareness of policies and administrative procedures on matters relating to administrative justice;
- k.) Take appropriate steps in conjunction with other State organs and Commissions responsible for the protection and promotion of human rights to facilitate promotion and protection of the fundamental rights and freedoms of the individual in public administration;

- l.) Work with the Kenya National Commission on Human Rights to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration; and
- m.) Perform such other functions as may be prescribed by the Constitution and any other written law.

1.6 STRUCTURE OF THE COMMISSION

Pursuant to the CAJ Act, 2011, the Commission consists of three Commissioners who provide policy and leadership, and a Secretariat responsible for implementation of the programmes of the Commission.

The members of the Commission are:

- (i) Commissioner Otiende Amollo – Chairperson
- (ii) Commissioner (Dr). Regina Mwatha – Vice-Chairperson
- (iii) Commissioner Saadia Mohamed – Member

The roles of the Chairperson and Commissioners are as follows.

Chairperson:

- Presiding over all meetings of the Commission;
- Spokesperson for the Commission; and
- Supervising and directing the work of the Commission.

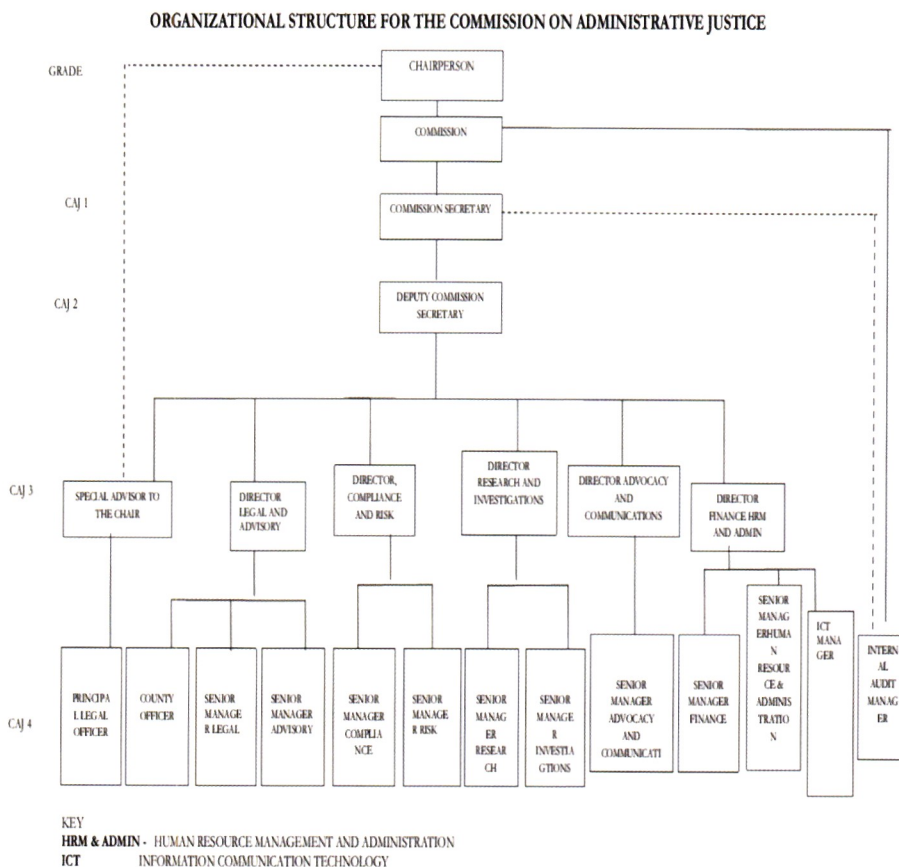
Members of the Commission:

- Formulating policies to achieve the Commission's mandates;
- Providing strategic direction, leadership and oversight to the Secretariat; and
- Undertaking such other activities as may be necessary for the discharge of the Commission's functions and the exercise of its powers.

On the other hand, the Commission Secretariat consists of the Office of the Commission Secretary and six Directorates responsible for the day-to-day operations and administrative functions of the Commission. The Directorates are:

- a) Legal and Advisory Services
- b) Advocacy and Communications
- c) Compliance and Risk
- d) Research and Investigations

- e) Finance, Human Resource and Administration
- f) Office of the Special Advisor to the Chair



1.7 VISION, MISSION AND CORE VALUES

1.7.1 Vision

To be an effective overseer of responsiveness and servant-hood in public offices at national and county levels.

1.7.2 Mission

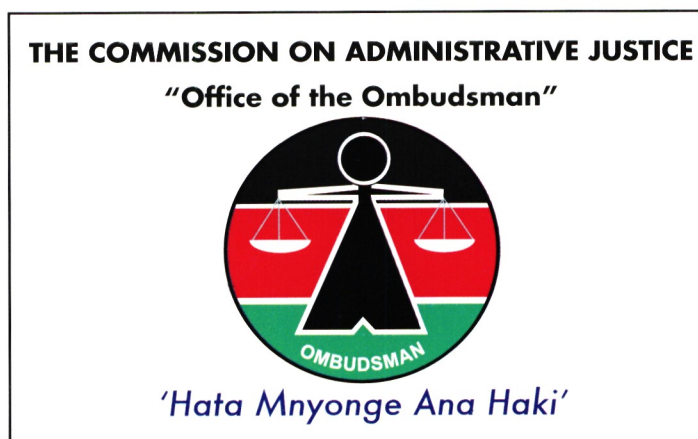
To enforce administrative justice and promote constitutional values by addressing maladministration through effective complaints handling and dispute resolution.

1.7.3 Core Values

Values are an integral part of an organization's culture and create a sense of identity, belonging and purpose. The following are core values of the Commission:

- **Fairness:** The quality of treating people with equality in a way that is reasonable. It includes courtesy, impartiality, justice and equity.
- **Accountability :** The obligation of a public officer or public institution to act with integrity, account for activities, accept responsibility for them and disclose results in a transparent manner.
- **Diversity:** The commitment to recognize and appreciate individual uniqueness such as age, cognitive style, culture, disability (mental, learning, physical), economic background, education, ethnicity, gender, geographic background, language, marital status, physical appearance, political affiliation, race or religious beliefs. Diversity refers to acceptance, respect and recognition of individual differences.

1.8 MEANING OF THE LOGO OF THE COMMISSION



The Commission's Logo captures four essential features:

1. The background depicts the colours of the flag of Kenya. Nothing perhaps represents unity and patriotism of Kenyans more than the flag. Thus, the flag stands for sovereignty. Our logo, therefore, captures the sovereignty of the people of Kenya for whom the Commission was established.
2. Astride the flag is *Mwananchi*, the enduring personification of the ordinary citizens. The citizens, irrespective of gender, are central to the work of the Commission. A responsive and accountable public service is the right of *Mwananchi*, and the Office of the Ombudsman is mandated to enforce it.

3. The Scale of Justice has since time immemorial represented the objectivity and neutrality of justice as balanced between competing claims. The "Administrative Justice" mandate of the Commission requires careful balancing of competing rights, as viewed from the *Mwananchi's* (citizen's) perspective. In other words, "Mwananchi's Justice", hence *Mwananchi* is shown balancing the scale of justice.

4. The Logo is circumscribed in one perfect "O", representing the word 'Ombudsman'. All over the world, the office of the Ombudsman, as originally developed in Scandinavian countries, deals with maladministration in all its forms, from the highest ranked public officer (head of government), to the lowest level officers. Thus, the easiest way to understand the work of the Commission is to understand the workings of the office of the Ombudsman in various jurisdictions.

Commission Chair, Otiende Amollo, (Centre) with Vice-Chair Dr. Regina Mwatha (Left) and Commission Member, Saadia Mohamed, (Right) during the launch of Commission on Administrative Justice Logo on 18th January 2012



1.9 THE COMMISSION SLOGAN: 'Hata Mnyonge ana Haki'

The CAJ slogan is, 'Hata Mnyonge ana Haki' (the weak or disadvantaged have rights too). The slogan is the opposite of the Swahili adage of old that says, "Mnyonge hana Haki" (loosely translated to mean "the weak have no rights"). This is not so under the Constitution of Kenya, 2010 which bestows all sovereign power to the people of Kenya. With such kind of "people power" it is, therefore, right to say "Hata Mnyonge ana Haki" ("even the weak have rights"). The Commission is the foremost Constitutional Commission whose primary function is to ensure public officers and public institutions respect sovereignty of the people.

2.0 TACKLING MALADMINISTRATION IN THE PUBLIC SECTOR

2.1 INTRODUCTION

The primary responsibility of the Commission is the traditional role of an office of the Ombudsman as known in many countries. This is expressly captured under Article 59(2)(h)&(k) of the Constitution and Section 8(a-d) of the Act which mandate the Commission to deal with maladministration on the part of Public Offices and Public Officers. To this end, the Commission is empowered to receive, inquire and investigate instances of maladministration such as unreasonable delay, administrative injustice, discourtesy or misconduct, incompetence or ineptitude, misbehavior in public administration, improper or prejudicial conduct, manifest injustice, abuse of power, unlawful, oppressive, unfair treatment or unresponsive official conduct and failure to adhere to the constitutional principles that all sovereign authority of the state is drawn from the people. The overall goal of the Commission in this regard is to nurture a public service that is responsive, accountable, efficient and fair in service delivery. The primary redress mechanism employed by the Commission in addressing maladministration in Kenya is through complaints handling. In performing this function, the Commission provides oversight across the entire public sector, acting as a check on processes, systems and procedures involved in service delivery.

2.2 COMPLAINTS HANDLING PROCEDURE

Below is the Commission's complaints handling process.

Level I

- a) Complainant fills in Complaint Form
- b) Complaint is assessed for compliance with Mandate
- c) If within mandate, CAJ commences inquiries and complainant is issued with copy of communication – CAJ 2.
- d) If NOT within CAJ mandate, Complainant is advised accordingly and/or referred to appropriate agencies.
- e) If a response is not received from the respondent after 14 working days, CAJ sends a first reminder giving the respondent 7 days to comply.
- f) If no response is received after this, a final reminder of 7 days is sent.
- g) If there is still no response after 28 days, summonses are issued to the respondent in line with Sec. 27(a) of the CAJ Act.

Level II

- a) Proceed to determine the complaint in the absence of the Respondent;
- b) Institute legal proceedings against the respondent [Sec. 52];
- c) Cite the respondent as an unresponsive State or Public Office or Officer, and/or declare such State or Public Officer to be unfit to serve in the Public Service;

Level III

In resolving a complaint, the Commission may:

- a) Conduct investigations [A.59 (2)(i)] [Sec 8 b)] [A.252(1)(g)] [Sec. 53 (1)].
- b) Demand and obtain information or documents [S.26 (d)]
- c) Conduct an inquiry [A.252(1)(g)]
- d) Undertake mediation, negotiation and conciliation [A.252 (1) (b)].
- e) Constitute a hearing panel
- f) Invite or summon any person or persons to attend to the Commission [S.26 (f)].
- g) Obtain warrants of arrest for breach of any summons or orders of the Commission
- h) Obtain orders from the Court authorizing Searches or Seizures [Sec.26 (e)].

Level IV

The Commission may:

- a) Make a formal determination that the Respondent is in breach of the Constitution, the Commission on Administrative Justice Act 2011 or any other legislation;
- b) Declare the Respondent to be a person ineligible to hold a public office;
- c) Enter the name of the Respondent in the Commission's Citation Register which shall be signed and sealed by the Chairperson and shall include the nature of the complaint and the determination made.

Level V

In resolving the Complaint, the Commission may:-

- a) Recommend an appropriate remedy;
- b) Award appropriate compensation to the Complainant;
- c) Recommend the removal of the respondent from public office;

- d) Issue a formal caution or warning to the Respondent;
- e) Publish the action taken in the Commission's Statutory Report [A.254 (1)] [A.253 (2) & (3)] [A.253 (2) & (3)].



CAJ Legal Assistant, Robert Olwande (right) engaging a client during one of the County outreach events. The Commission receives complaints of maladministration through a number of ways including walk-in clients, letters, telephone and e-mail.

2.3 COMPLAINTS IN PERSPECTIVE

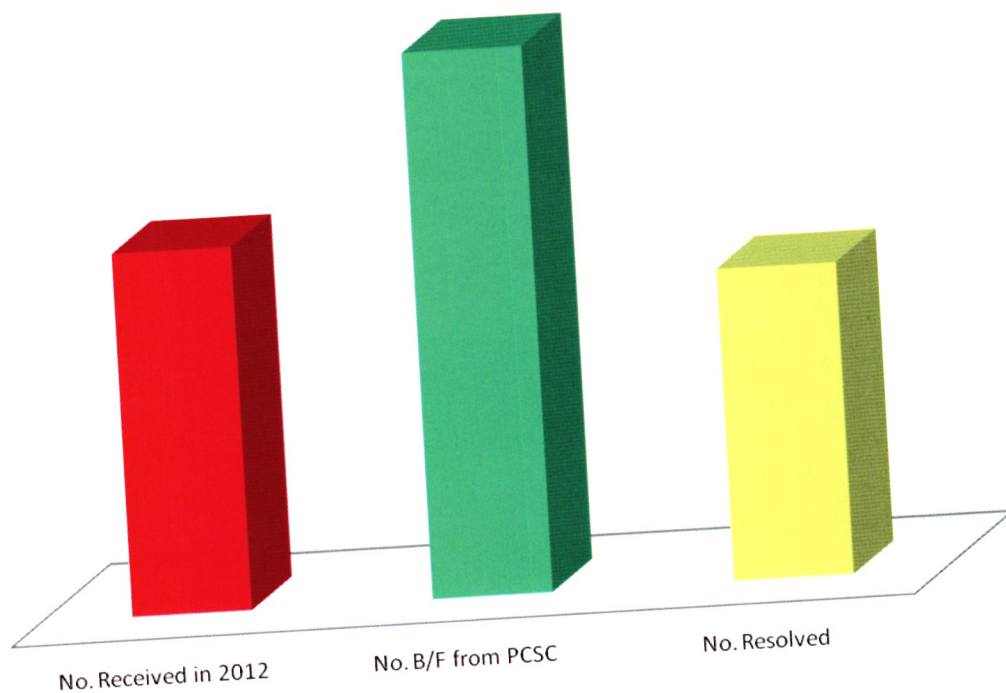
2.3.1 Complaints and inquiries handled

The Commission handled a total of 4,062 complaints and inquiries which included 2,440 complaints inherited from the Public Complaints Standing Committee, 1,622 new complaints and inquiries, and 14 own motion complaints in accordance with Article 251(1)(a) of the Constitution and Section 29(1) of the Act. The high number of complaints and inquiries was a manifestation of the confidence of the public in the Commission occasioned by, *inter alia*, the Commission's efficient handling of complaints and intensified awareness and advocacy on administrative justice. A total of 1,398 complaints and inquiries were resolved by the Commission out of the total number of complaints handled during the reporting period. The Table below provides a summary of complaints and inquiries handled in 2012.

Table 1: Summary of complaints statistics for 2012

Item	No.
New complaints received by the Commission	1,622
Complaints initiated under own motion	14
Complaints handed over to the Commission by PCSC	2,440
Total active complaints	4,062
Total resolved complaints	1,398

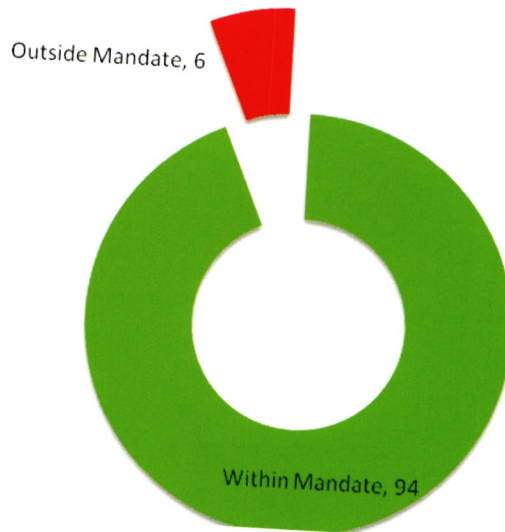
Graph 1: Summary of complaints statistics for 2012



Of the 1,622 new complaints and inquiries handled during the reporting period, 94% were admissible (within the Commission's mandate) while a meager 6% were outside the Commission mandate.

Graph 2: Proportion of complaints received by admissibility

% of Complaints received by Mandate



Evidently, a large percentage of complaints lodged were within the ambit of the Commission. This may be attributable to the outreach efforts through county forums, Nairobi International Trade Fair (Nairobi Agricultural Society of Kenya Show), production and dissemination of Information Education and Communication (IEC) materials that have bolstered the CAJ brand and publicized the functions of the Commission and media based advocacy.

a) Analysis of Complaints lodged against Government Ministries, Departments and Agencies

The new complaints handled during the reporting period involved a wide range of public institutions and private entities. The Table below provides synopsis of the number of new complaints handled against various Government Ministries, Departments and Agencies.

Table 2: Number of new complaints and inquiries handled against public institutions

PUBLIC INSTITUTION	NUMBER	PERCENTAGE
Ministry of Lands	105	11
Kenya Police Service	100	10
The Judiciary	83	8
Ministry of State for Provincial Administration and Internal Security	77	8
State Law Office (Office of The Attorney General)	50	5
Ministry of Labour	42	4
Ministry of Finance	34	3
City Council Nairobi	27	3
Ministry of Education	25	3
Teachers Service Commission	22	2
Kenya Revenue Authority	20	2
Ministry of State for Immigration and Registration of Persons	17	2
Ministry of State for Defence	13	1
Ministry of Medical Services	13	1
Kenya Railways Corporation	10	1
Ministry of Water and Irrigation	9	1
Ministry of Environment and Mineral Resources	8	1
Ministry of Housing	8	1
Ministry of Local Government	8	1
Ministry of Public Works	8	1
Constituency Development Fund	8	1
Kenya Power	7	1
Kenya Prisons Service	7	1
Ministry of Co-operative Development and Marketing	7	1
Kenya Defence Forces	6	1
Kenyatta National Hospital	6	1
Ministry of Higher Education	6	1
Office of the Director of Public Prosecutions	6	1
Central Bank of Kenya	5	1
Ministry of Youth Affairs and Sports	5	1
Nairobi Water and Sewerage Company	5	1



PUBLIC INSTITUTION	NUMBER	PERCENTAGE
Public Service Commission	5	1
Kenya National Examinations Council	4	0
Ministry of Foreign Affairs	4	0
Ministry of Forestry and Wildlife	4	0
Ministry of Gender, Children and Social Development	4	0
Ministry of Livestock Development	4	0
Ministry of Transport	4	0
National Social Security Fund	4	0
County Council of Kisumu	3	0
County Council of Kitui	3	0
Energy Regulatory Commission	3	0
Ethics & Anti-Corruption Commission	3	0
Insurance Regulatory Authority	3	0
Ministry of Agriculture	3	0
Office of the Vice President and Ministry of Home Affairs	3	0
Ministry of Industrialization	3	0
Ministry of Information and Communication	3	0
Ministry of Planning, National Development and Vision 2030	3	0
Ministry of Special Programmes	3	0
Municipal Council of Thika	3	0
National Oil Corporation	3	0
Town Council of Maragua	3	0
Business Premises Rent Tribunal	2	0
Co-operative University College of Kenya	2	0
Cotton Development Authority	2	0
Kenya Civil Aviation Authority	2	0
Kenya Forest Service	2	0
Kenya Institute of Special Education	2	0
Kenya Polytechnic University College	2	0
Kenyatta University	2	0
Medical Practitioner's & Dentists Board	2	0
Ministry of Energy	2	0

PUBLIC INSTITUTION	NUMBER	PERCENTAGE
Ministry of Public Health and Sanitation	2	0
Ministry of Roads	2	0
Municipal Council of Kapsabet	2	0
Municipal Council of Kisumu	2	0
Municipal Council of Mumias	2	0
Municipal Council of Nyeri	2	0
National Assembly	2	0
Anti –Counterfeit Agency	1	0
British Army	1	0
Central Organization of Trade Unions	1	0
County Council of Embu	1	0
County Council of Kilifi	1	0
County Council of Kirinyaga	1	0
County Council of Laikipia	1	0
County Council of Meru	1	0
County Council of Nyamira	1	0
County Council of Nyeri	1	0
County Council of Siaya	1	0
County Council of Thika	1	0
County Council of Trans Mara	1	0
County Council of Wajir	1	0
Higher Education Loans Board	1	0
Jomo Kenyatta University of Science and Technology	1	0
Kenya Agricultural Research Institute	1	0
Kenya Broadcasting Corporation	1	0
Kenya Copyright Board	1	0
Kenya Forestry Research Institute	1	0
Kenya Industrial Estates	1	0
Kenya Institute of Education	1	0
Kenya Literature Bureau	1	0
Kenya Maritime Authority	1	0
Kenya Medical Training College	1	0
Kenya National Assurance Company	1	0

PUBLIC INSTITUTION	NUMBER	PERCENTAGE
Kenya National Library Service	1	0
Kenya Pipeline Company	1	0
Kenya Planters Co-operative Union	1	0
Kenya School of Government	1	0
Kenya School of Law	1	0
Kenya Sugar Research Foundation	1	0
Kenya Urban Roads Authority	1	0
Kenya Utalii College	1	0
Kenya Wildlife Service	1	0
Kenyatta International Conference Centre	1	0
Kyeni Water Company	1	0
Lake Basin Development Authority	1	0
Masaku Teachers SACCO	1	0
Maseno University	1	0
Masinde Muliro University of Science and Technology	1	0
Ministry of Medical Services	1	0
Ministry of Forestry & Wildlife	1	0
Ministry of Regional Development Authorities	1	0
Ministry of State for the Development of Northern Kenya and Other Arid Lands	1	0
Ministry of Tourism	1	0
Ministry of Trade	1	0
Ministry of Wildlife	1	0
Moi Teaching & Referral Hospital	1	0
Municipal Council of Garissa	1	0
Municipal Council of Kiambu	1	0
Municipal Council of Kitale	1	0
Municipal Council of Kitui	1	0
Municipal Council of Mavoko	1	0
National Museums of Kenya	1	0
National Cereals and Produce Board	1	0
National Council for Population & Development	1	0
National Environment Management Authority	1	0
Nkubu Youth Polytechnic	1	0

PUBLIC INSTITUTION	NUMBER	PERCENTAGE
Office of the Prime Minister	1	0
Palisho Teachers College	1	0
Postbank	1	0
Registrar of Political Parties	1	0
Rent Restriction Tribunal	1	0
Retirement Benefits Authority	1	0
Rongo Town Council	1	0
Sigalagala Technical Training Institute	1	0
Tea Board of Kenya	1	0
Town Council of Awendo	1	0
Town Council of Chogoria	1	0
Truth, Justice and Reconciliation Commission	1	0
Vision 2030 Delivery Secretariat	1	0
Westlands District Peace Committee	1	0
Private Entity	58	6
Truth, Justice and Reconciliation Commission	1	0
Vision 2030 Delivery Secretariat	1	0
Westlands District Peace Committee	1	0
Private Entity	58	6

The highest number of the complaints was against the Ministry of Lands at 105, which represents 11% of the new complaints handled in 2012. The National Police Service followed closely with 10% while the Judiciary and the Provincial Administration were at 8% each.

The bulk of public complaints received against the Ministry of Lands were on allegations of abuse of power, delay in service delivery and corruption while those against the National Police Service were mainly on allegations of unlawful official conduct, unresponsive official conduct, unfair treatment, abuse of power and unfair dismissal. Delays and inefficiency were some of the allegations reported against the Judiciary while those against the Provincial Administration were unlawful official conduct, unresponsive official conduct, abuse of power, unfair treatment and corruption.

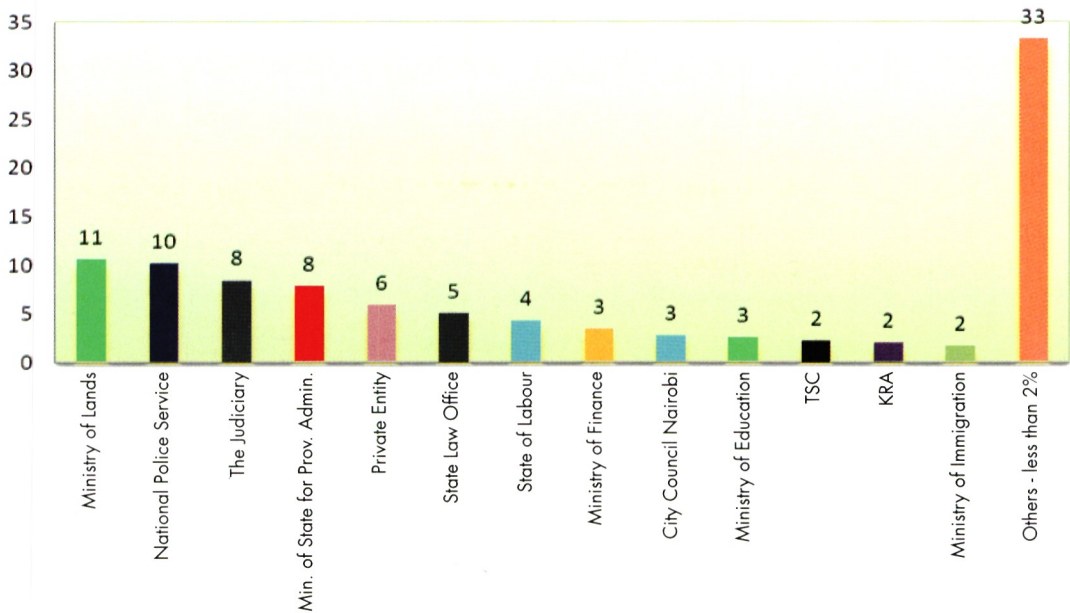
Other notable institutions complained against included the State Law Office at 5%, Ministry of Labour at 4%, Ministry of Finance and the Nairobi City Council at 3% each. Institutions with either 1% or less during the period included the Office of the

Prime Minister, Municipal Council of Kitui, Sigalagala Technical Training Institute and the Vision 2030 Delivery Secretariat among others.

The Commission has taken note of the areas in dire need of its intervention and plans to facilitate the setting up of, and build complaint handling capacity in the identified public institutions through training and performance contracting processes.

Graph 3: Graphical presentation of complaints lodged against public sector institutions

Complaints lodged against Ministries, Departments and Agencies in %



b.) Analysis of Complaints received by service issues

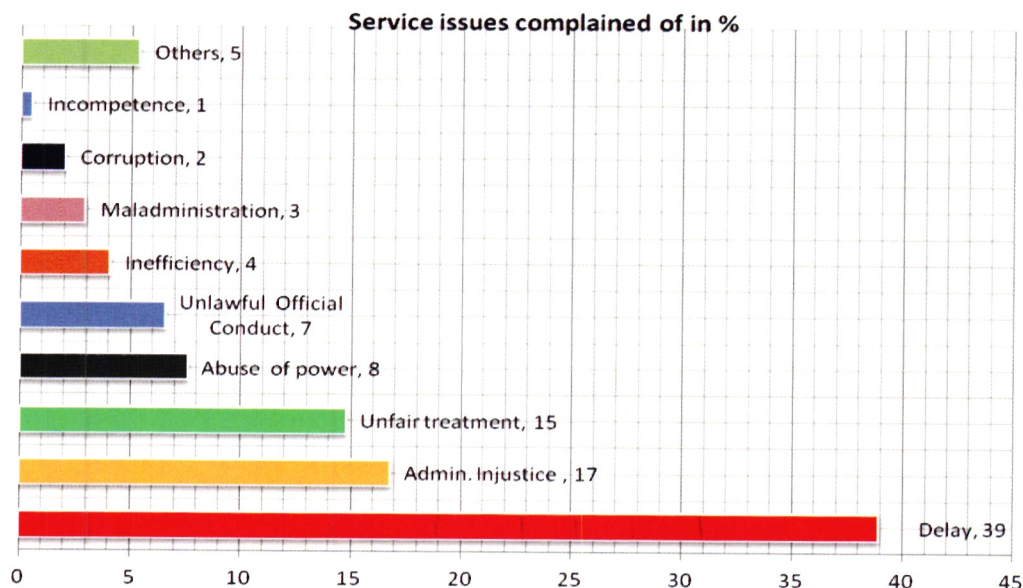
The Table below provides a summary of the categorization of new complaints handled by the Commission during the period under review.

Table 3: Categorization of new complaints handled by service issue

ISSUE	No.	PERCENTAGE
Delay/Unresponsive official conduct	385	39
Administrative injustice	166	17
Unfair treatment	146	15
Delay	385	39
Administrative injustice	166	17
Unfair treatment	146	15
Abuse of power	75	8

ISSUE	No.	PERCENTAGE
Unlawful official conduct	65	7
Inefficiency	40	4
Maladministration	29	3
Corruption	20	2
Incompetence	5	1
Ineptitude	2	0
Misbehaviour	2	0
Others ⁶	53	5

Graph 4: Graphical presentation of service issues reported in 2012



c.) Analysis of complaints received by action taken

During the period under review, the Commission handled 1,622 new complaints and processed them as shown in the Table below.

Table 4: Summary of complaints by action taken

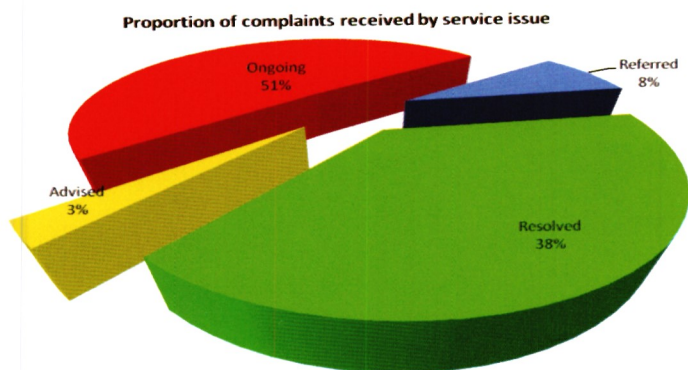
STATUS	NUMBER	PERCENTAGE
Ongoing	830	51
Resolved	617	38
Referred	127	8
Advised	48	3
Total	1,622	100

⁶. These include allegations of breach of contract, succession matters and child maintenance, advisory opinions, judicial matters, criminal acts, disregard of court orders, execution of decrees, fraud, historical injustice, labour matters, legal disputes and private matters among others.

NOTE:

- i.) Resolved** - Means the Commission has dealt with the matter on its merits and closed (concluded) the same.
- ii.) Ongoing** - Means the Commission has initiated an inquiry or investigation, but the same has not yet been concluded.
- iii.) Advised** - Refers to instances where the Commission has directed a complainant to seek an alternative remedy suitable for his/her complaints.
- iv.) Referred** - Means the complaint has been channelled to appropriate Government departments and agencies for action.

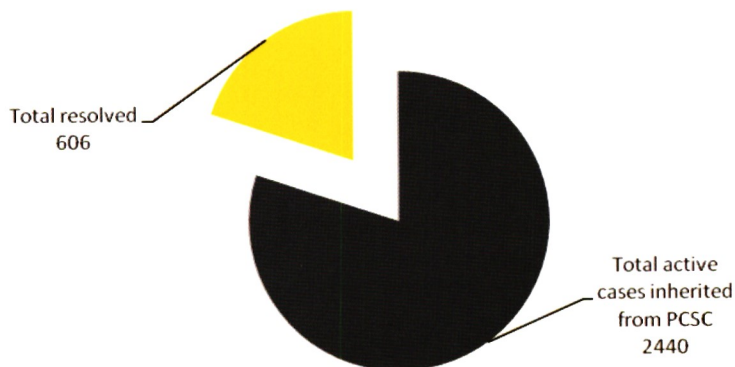
Graph 5: Graphical presentation of service issues reported in 2012



d.) Resolution of complaints inherited from PCSC

The Commission inherited a total of 2,440 complaints from PCSC in November 2011 out of which 606 were concluded as shown in the Graph below.

Graph 6: Graphical presentation of determination of complaints received from PCSC



2.4 INTEGRATED PUBLIC COMPLAINTS REFERRAL MECHANISM

The Commission, jointly with other institutions that play an oversight role, established a mechanism for referral of complaints known as *Integrated Public Complaints Referral Mechanism (IPCRM)*. This was aimed at enhancing the accessibility and capacity of the Commission's complaints handling and also strengthen the partnership amongst the relevant institutions. IPCRM is an electronic based system of referring complaints for resolution by the appropriate institution. Besides the Commission, the other institutions involved in the process include the Ethics and Anti-Corruption Commission, Kenya National Commission on Human Rights, National Cohesion and Integration Commission, Transparency International – Kenya and the National Anti-Corruption Campaign Steering Committee. The mechanism, currently in its pilot phase has facilitated efficient and effective access to the agencies' services at devolved levels with a total of 26 complaints being referred to the Commission for action through the system.



Legal Officers receive complains from members of the public

We ensure the resolution of public complaints in Public Service

Table 5: Highlights of sample complaints handled by the Commission

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
1.	Samuel Kimani Mugure	Kiambu Land Registry	Delay and Unresponsive Official Conduct	A complaint of delay and inaction by the Kiambu Land Registry in relation to Kiambaa/Waguthu/2358 allegedly due to a misplaced Green Card.	The Commission initiated an inquiry into the complaint and the matter was resolved with the issuance of Certificate of Official Search.
2.	CAJ/M. LAN/022/449/12	Kenya Copyright Board	Administrative Injustice	A complaint that the Kenya Copyright Board (KECOBO) had unfairly and un-procedurally cancelled her appointment as a Senior Public Communications Officer in February 2012. The Complainant further alleged that the cancellation had affected her since she had to leave her former employment for the KECOBO appointment.	The Commission made an inquiry and concluded that KECOBO's action was unfair. Accordingly, the Complainant was paid Two Months' Salary as compensation and an apology tendered by KECOBO.
3.	Nancy Khisa	Judiciary	Delay	A complaint of delay in processing the retirement benefits for the Complainant due to failure by the Judiciary to forward his file to the Department of Pensions.	An inquiry made and the Complainant's file forwarded to the Department of Pensions for processing of his retirement benefits.
4.	CAJ/ KECOBO/001/464/12	Truth, Justice and Reconciliation Commission	Administrative Injustice	A complaint of unfair dismissal by TJRC without notice. In addition, the Complainant alleged that she was neither paid his retirement benefits nor issued with a Certificate of Service.	Inquiry initiated and the matter resolved amicably as per the recommendations of the Commission.
5.	Ezekiel Lumala	Kenya Power and Lighting Company	Impropriety	A complaint of poor design and lack of consultation in the installation of Consumer Interface Unit by KPLC, Kitui Branch, which the Complainant alleged would be costly and dangerous to him and his property.	Inquiry made and the matter resolved by KPLC changing the design of the Project.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
6.	PCSC/ PEN/000/269/10	Office of the Director of Public Prosecutions	Unresponsive Official Conduct	A complaint that the DPP had failed to respond to a letter by the Complainant to prosecute a person who had received goods from him by false pretence.	The Complainant was referred to ODPP and his complaint was addressed.
7.	Meshack Ombuso	Kenya Agricultural Research Institute	Administrative injustice	A complaint of unfair retirement and failure to pay his retirement benefits.	Upon inquiry, the matter was resolved amicably and the complainant paid.
8.	CAJ/TJRC/026/35/12	Kenya Revenue Authority	Unfair treatment	A complaint that KRA had not conducted a fair and proper tax assessment resulting in demand for excessive taxes, harassment and unfair treatment.	Initiated inquiry which is ongoing. KRA indicated it would hold consultations to resolve the complaint.
9.	Anonymous PCSC/ KPLC/021/25/09	Ministry of Forestry and Wildlife	Unfair treatment	A complaint against the Ministry of Forestry and Wildlife for unfairly terminating the complainant's contract and failing to pay him service dues.	Inquiry was done and the matter resolved and the complainant paid.
10.	Stephen Muchoki Muchina	Kenya Revenue Authority	Unresponsive Official Conduct	A complaint that the Kenya Revenue Authority had failed to issue the complainant with a driving licence or allow him to change his postal address on his application.	Upon inquiry, the matter was resolved and the complainant issued with a driving licence.
11.	CAJ/DPP/027/5/12	Ministry of Lands	Administrative Injustice	A complaint that the Embu District Lands Office had un-procedurally and irregularly allowed a third party to place a caveat on his plot, LR. No. Nthawa/Siakago 1743, without his knowledge.	Inquiry made and the matter resolved by issuance of a title deed to the complainant.
12.	Nathan I. Ayako	Ministry of Medical Services	Administrative injustice	A complaint that he was unfairly and un-procedurally dismissed from service for reporting a case of fraud at Lopding Hospital in Turkana North District.	Inquiry was made and the complainant reinstated to his position.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
13.	CAJ/PCSC/ KARI/014/3/08	Office of the Director of Public Prosecutions	Manifest Injustice	The Complainants alleged that the Office of Director of Public Prosecutions acted unlawfully in Criminal Case No. 255/39/2012 by directing the DCIO Nyeri Central to withdraw the case from court, and advising them to pursue the matter in court through civil proceedings. The matter concerned an alleged fraudulent sale of land where the Complainants alleged that their signatures had been forged.	Inquiry made and the Police took action by arraigning the suspect in Court (CR No. 255/39/2012).
14.	Step-up Holdings (K) Limited	Ministry of Environment and Natural Resources	Delay	A complaint of delay by the Ministry in paying the retirement benefits of the Complainant since retiring in 2005.	Inquiry made and the Complainant paid her retirement benefits by the Ministry.
15.	CAJ/KRA/000/413/12	Chief Public Health Officer - Ministry of Public Health and Sanitation	Unresponsive Official Conduct	A complaint that the Chief Public Health Officer in the Ministry of Public Health and Sanitation (Nairobi) had failed to surrender a vehicle, Toyota Hilux GKA 313Y, to the Nyanza Provincial Director of Public Health after the vehicle had been procured by UNICEF on behalf of the Ministry.	Inquiry initiated and matter resolved and the vehicle was surrendered to the Nyanza Provincial Director of Public Health.
16.	Pasqualine Runji Muchira	Ministry of Planning, National Development and Vision 2030	Unfair Treatment	A complaint that the Complainant had not been paid her money for her role in the Nakuru North District Census Committee during the National Census in 2009.	Initiated an inquiry and the matter resolved with the complainant being paid her money.
17.	CAJ/M.WIL/010/19/09	Department of Immigration	Delay	A complaint of delay by the Department of Immigration in renewing the Complainant's work permit.	Inquiry initiated and the Complainant issued with a work permit.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
18.	Douglas Ntabo Omwansa	Kenya Revenue Authority	Delay	A complaint of delay by KRA in transferring a motor vehicle, 49KA16 into the Complainant's name.	Inquiry made and matter resolved by KRA transferring the motor vehicle into the Complainant's name under new registration, KBR 654S.
19.	CAJ/KRA/000/428/12	Kenya Revenue Authority	Delay	A complaint of delay by KRA to issue a duplicate driving license to the Complainant for over one year in spite of making the requisite payments.	Inquiry made and duplicate driving license issued to the Complainant.
20.	Shadrack N. Nyaga	Department of Pensions	Unresponsive Official Conduct	A complaint that the Department of Pensions had failed to pay the pension of her late husband, Adalla Kassim Mwarora, who served in the Kenya Police Force.	Inquiries made and the Complainant paid her husband's pension.
21.	PCSC/ LAN/022/165/09	Kenya National Assurance Company	Delay	A complaint of delay in making payment for Harry Abok (deceased) a former employee of the Kenya Marine and Fisheries Research Institute, who died in 1995.	Matter resolved and outstanding death claim paid by KEMFRI Trustees on 22nd March 2012.
22.	Michael Zaccharius Ochola	Department of Pensions	Administrative Injustice	A complaint of irregular stoppage of payment of pension under the Widows and Children's Pension Scheme in March 2011.	Inquiry initiated and pension reinstated and arrears paid.
23.	PCSC/M. HEALTH/012/73/10	Kenya Revenue Authority	Delay	A complaint of delay in issuing a driving license to the Complainant despite making an application in October 2010.	Inquiry initiated and driving license issued to the Complainant.
24.	Mary Mumbi Osio and Others	Department of Pensions	Administrative Injustice	A complaint of underpayment of pension for Mr. Reuben M'Mutiga Mutea M'mbwi by the Department of Pensions.	Inquiry made and matter resolved.
25.	CAJ/DPP/027/10/12	Department of Civil Registration	Delay and Unresponsive Official Conduct	A complaint that the Department of Civil Registration had delayed in issuing a birth certificate to the Complainant's child for over six months.	Inquiry made and the Complainant issued with a birth certificate.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
26.	Peris Nyambura Mwangi	Kenya Forestry Research Institute	Unresponsive Official Conduct	A complaint that the Kenya Forestry Research Institute had declined to accept his decision to rescind his earlier resignation from work.	Inquiry made and matter resolved.
27.	PCSC/M. ENV/010/33/10	Ministry of Lands	Unlawful Official Conduct	A complaint that Complainant's land had been illegally occupied by proxies of the former Commissioner of Lands who were trying to attain ownership of the land.	Inquiry initiated and the Complainant issued with a Title Deed.
28.	Ambassador Dennis Awori	Kenya Medical Training College	Administrative Injustice	A complaint against KMTC for making deductions from the Complainant's pay slip despite her vacating KMTC House and giving instructions to the Human Resource Manager to stop the deductions.	Inquiry made and the Complainant refunded the money deducted from her pay slip.
29.	CAJ/P.HLT/012/123/12	National Registration Bureau	Unresponsive Official Conduct	A complaint of delay in processing of the National Identity Card to the Complainant.	Initiated inquiry and the Complainant issued with National Identity Card.
30.	Agnes N. Muya	Kenya Revenue Authority	Delay	A complaint against the Kenya Revenue Authority for delaying to process the Complainant's application for a log book of his motor vehicle.	Initiated inquiry and log book processed and issued to the Complainant.
31.	CAJ/M. PLAN/008/31/10	City Council of Nairobi	Unresponsive Official Conduct	An allegation of unpaid dues by the City Council of Nairobi after dismissing him from service.	Initiated inquiry and the Complainant requested to visit the Human Resource Department to be paid his dues.
32.	Christopher Ikechukwu Obialor	Ministry of Forestry and Wildlife	Delay	A complaint of delay in paying the retirement benefits of Otiende Omamo (deceased) who worked with the Ministry.	Initiated inquiry and the retirement benefits processed and paid to the Complainant.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
33.	CAJ/MIN. IMM/003/42/11	Ministry of Finance	Delay	An allegation of delay in paying the Complainant his retention fee of Kshs. 275,922 upon the completion of the Office Block for the District Children's Office in Ijara District in 2011.	Initiated an inquiry and the Complainant paid the outstanding balance of Kshs. 275,922.
34.	John Wahome	Thika Land Registry	Unresponsive Official Conduct	An allegation of failure to process power of attorney by the Thika Land Registry since August 2011 when the Complainant lodged the application.	Initiated inquiry and the power of attorney processed.
35.	CAJ/KRA/000/363/11	Registrar of Companies	Delay	An allegation of delay in processing of the Complainant's application for Registration of a Business Name.	Inquiry was initiated and the Certificate for Business Name issued.
36.	Nelson Kwaya Aswani	Teachers Service Commission	Unfair Treatment	Allegations regarding unfair recruitment practices at the Rongo District Education Office.	Inquiry initiated and the issue resolved by the Ministry of Education.
37.	CAJ/KRA/000/353/11	Machakos High Court	Delay	A complaint against Machakos High Court regarding delay in the adjudication of his case, HCCC No. 1242/01.	Inquiry made and matter resolved.
38.	Idd Suleiman	Advocates Complaints Commission	Delay	A complaint that the Advocates Complaints Commission had failed to take action against Kagucia & Company Advocates despite the Complainant reporting to them.	Inquiry made and the matter resolved.
39.	CAJ/PEN/000/149/09	Ministry of Home Affairs	Delay	A complaint that the Ministry of Home Affairs had delayed in hearing his appeal against transfer on medical grounds.	Inquiry made and the matter resolved.
40.	Harry Abok	Vihiga District Land Registrar	Unlawful Official Conduct.	A complaint that Vihiga District Land Registrar had colluded with a third party for the sale of the Complainant's plot.	Initiated inquiry and the matter resolved.
41.	CAJ/M. FIN/000/165/09	Mpeketoni Land and Settlement Office	Unresponsive Official Conduct	A complaint that the Mpeketoni Land and Settlement Office had failed to rectify details of the Complainant's title deed.	Initiated inquiry and the matter was resolved

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
42.	Kathumo Mutinda	National Registration Bureau	Delay	An allegation of delay in processing the Complainant's application for a replacement of the National Identity Card.	The Commission initiated inquiries and the client issued with the ID.
43.	CAJ/PEN/000/371/12	Judiciary	Delay	An allegation that the Judiciary had delayed in delivering a Judgment in a case where the Complainant was involved in.	The Complainant referred to the Judiciary Ombudsman and Judgment delivered.
44.	Henry Musungu Kelonye	Ministry of Information and Communication	Unresponsive Official Conduct	A complaint of failure to pay the pension for Mr. Adow Ali, a former employee of Telkom Kenya, by Telposta Provident Fund since December 2011.	Initiated inquiry and Complainant paid his pension benefits.
45.	CAJ/KRA/000/378/12	Meru District Land Adjudication Office	Delay	A complaint of delay by the Meru District Land Adjudication Office in addressing wrongful allocation of land (Land Parcel No. 818 Karengata Adjudication Section).	Initiated inquiry and matter resolved
46.	Faith N. Matea	Nairobi County Labour Office	Delay	A complaint about undue delay by the Nairobi Labour Office in settling a labour dispute for payment of terminal dues	Initiated inquiry and the Complainant paid his terminal benefits.
47.	CAJ/PEN/000/154/09	Ministry of Education	Administrative Injustice	An allegation that the salary of the Complainant was unfairly stopped in October 2006 without any justification.	Inquiry initiated and the Complainant paid his dues.
48.	Kennedy Opande	Judiciary	Delay	A complaint of delay by the Judiciary to conclude the Complainant's case.	The Complainant referred to Judiciary Ombudsman and the matter resolved.
49.	CAJ/IMM/003/43/11	Kwale Law Courts	Inefficiency	The Complainant alleged that Kwale Law Courts did not handle his matter properly in Criminal Case No. 1172/09 and failed to furnish him with certified copies of proceedings.	The Complainant referred to Judiciary Ombudsman and the matter resolved.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
50.	Harrison G. Maina	Ministry of Youth & Sports	Abuse of office	A complaint alleging abuse of office against the Provincial Director of Youth Training Nairobi	Referred to the Permanent Secretary Ministry of Youth and Sports where the matter was resolved.
51.	PCSC/ KEFRI/010/17/09	Judiciary	Inefficiency	A complaint that the court file in Nairobi HCCC No. 1051 of 1996 was missing hence he was unable to execute the decree in his favour.	Inquiry initiated and the file was availed to the complainant.
52.	James Maina Mugo	Ministry of Lands	Unresponsive official conduct	A complaint alleging refusal to accept allotment fees for land by the Ministry whereas the complainant had allotment letters.	Inquiries initiated and the complaint resolved.
53.	PCSC/M. LAN/022/226/08	Nyeri High Court	Inefficiency	A complaint of dissatisfaction with the manner in which the Judiciary handled the Complainant's case in Nyeri Civil Case No. 272/1995.	The Complainant referred to Judiciary Ombudsman and the matter resolved.
54.	Alice Njoki Waugi	Ministry of Education	Unresponsive Official Conduct	An allegation of unresponsiveness by the Ministry of Education to address a complaint that a child had been unprocedurally dismissed from school.	Initiated inquiry and matter resolved.
55.	PCSC/M. HEA/012/36/09	Nakuru High Court	Delay	An allegation of delay in concluding the Complainant's case in Civil Case No. 30/2011.	The Complainant referred to Judiciary Ombudsman and the matter resolved.
56.	Abass Abdirahaman. H. Dahir	Nyeri High Court	Delay	A complaint that the Complainant was not informed about the outcome of his case (Misc. Appl. Cause No. 5 of 2000) in spite of the judgment being delivered earlier and several inquiries to the Court.	The Complainant referred to Judiciary Ombudsman and the matter resolved.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
57.	CAJ/M. IMM/003/47/2012	Nyeri High Court	Inefficiency	The Complainant alleged that the High Court in Nyeri had failed to furnish her with certified proceedings in her case to enable her lodge an appeal.	The Complainant was referred to the Judiciary Ombudsman and the matter was resolved.
58.	Joseph Ndirangu Wangonde	Judiciary	Delay	An allegation of delay in concluding the Complainant's case by the Judiciary.	Initiated inquiry and the case determined.
59.	CAJ/ KRA/000/377/2012	Milimani Commercial Courts	Delay	An allegation of delay in concluding the Complainant's case by the Chief Magistrates Court at Milimani Commercial Courts (CMCC No. 2096/2007).	Initiated inquiry and matter set for hearing.
60.	George Kaugo Mboya	Kayole Police Station	Unresponsive Official Conduct	A complaint against Kayole Police Station for failing to issue the Complainant with a P3 Form.	Initiated inquiries and the Complainant issued with a P3 Form.
61.	CAJ/NCC/005/292/12	Kenya Revenue Authority	Unresponsive Official Conduct	An allegation of unresponsiveness by KRA in rectifying an error in her Personal Identification Number Certificate.	Initiated inquiry and error rectified.
62.	David Otieno Otiende	Watamu Police Post, Malindi	Unresponsive Official Conduct	A complaint of inaction by the Police in investigating a case of defamation reported to them.	Initiated inquiry and matter resolved.
63.	CAJ/M. ENV/038/16/12	Makadara Law Courts	Delay	A complaint of delay by Makadara Law Courts to conclude a criminal matter No. 402/09 involving the Complainant.	Initiated inquiry and the matter resolved.
64.	Abdinafaa Ahmed Ibrahim	Embu Provincial General Hospital	Unresponsive Official Conduct	A complaint that the Embu Provincial General Hospital had failed to pay the Complainant for supplying goods to the Hospital.	Initiated inquiry and the Complainant paid the outstanding money.
65.	CAJ/M. GEN/018/24/12	Ministry of Lands	Maladministration	An allegation of a missing file at the Ministry of Lands which affected the processing of the Complainant's application for title deed.	Initiated inquiry and the Title Deed processed.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
66.	Hanington Chweya Munyasa	Provincial Administration	Unresponsive Official Conduct	A complaint that the provincial administration had refused to issue a letter in a succession matter to ascertain the beneficiaries of the estate.	Initiated inquiry and matter resolved.
67.	CAJ/M. LAN/022/525/12	Ministry of Planning, National Development and Vision 2030	Delay and Inefficiency	A complaint of delay in the payment of terminal dues upon termination of employment.	Initiated inquiry and the matter pending resolution by the Ministry.
68.	Paul Irungu Mwangi	Ministry of Labour	Administrative Injustice	A complaint that the Ministry of Labour had taken long to resolve a labour matter where the Complainant was dismissed by a private security firm without notice and pay.	Initiated inquiry and the matter resolved.
69.	CAJ/AG/001/608/12	Ministry of Lands	Delay	A complaint of delay by the Government to compensate the Complainant for the compulsory acquisition of his land in 1991 for public utility (Ngandori/Manyatta /T.88-124)	An inquiry made with the Ministry which stated that the Complainant would be compensated once Treasury released the funds.
70.	Paul Odhiambo Owiti	Department of Pensions	Unresponsive Official Conduct	A complaint of failure to pay the Complainant's retirement benefits by the Department of Pensions.	Initiated an inquiry and the Complainant paid his pension.
71.	CAJ/M. EDU/013/283/12	Ministry of Livestock	Abuse of Power	An allegation that the Ministry of Livestock had irregularly awarded a contract of employment to the Director of Veterinary Services.	Initiated inquiry with the Ministry of Livestock which undertook to address the issue.
72.	Joseph Wahome Kamau	Provincial Administration & Internal Security	Administrative Injustice	A complaint that the Complainant was unfairly dismissed by the Ministry of State for Provincial Administration and Internal Security contrary to the rules of natural justice.	Initiated inquiry and matter resolved.
73.	CAJ/JUD/001/620/12	Kenya Power & Lighting Company	Delay	A complaint that Kenya Power and Lighting Company had delayed to supply the Complainant with power despite him making the application and requisite payments.	Initiated inquiry and Complainant supplied with power.

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74.	John Nyota Muchunu	Kiambu District Officer and Chief Tinganga Location	Unresponsive Official Conduct	An allegation that the Provincial Administration in Kiambu District was not offering the complainant protection from people who wanted to evict him from his land.	Initiated inquiry and matter resolved.
75.	CAJ/ACC/001/454/12	Private Entity	Injustice	The Complainant alleged that a private land buying company of which he is a member had failed to allocate him a share of the land.	The matter was outside the mandate of the Commission and the Complainant advised to seek judicial redress.
76.	Joram Kiarie Njuguna	Municipal Council of Kapsabet	Corruption	A complaint of fraud, misappropriation of funds and lack of transparency in the use of LASDAP funds by the Municipal Council of Kapsabet.	Matter referred to the Ethics and Anti-Corruption Commission for investigation.
77.	CAJ/M. HAFF/002/27/12	The Public Trustee, Kakamega	Delay	A complaint of delay by the Public Trustee in Kakamega for failing to remit the death gratuity to the late Ronald Omega's mother, Milka Omega since May 2010 for no reasonable grounds.	It was established upon inquiry that there was a pending succession cause in Court which was yet to be concluded for full payment to be made in accordance with the Certificate of Confirmation of Grant.
78.	James M. Kisohole	Kisii Law Courts	Inefficiency	A complaint that the Kisii Law Courts had lost the complainant's camera and its accessories which were being held as exhibits in a case in which he was involved.	Upon inquiry the Judiciary resolved the dispute by paying the Complainant Kshs 45,000/= as compensation.
79.	PCSC/M. LAND/022/406/11	Kenya Utalii College	Administrative Injustice	Allegation of unfair dismissal of the Complainant by the College based on flimsy grounds.	Initiated inquiry which is ongoing.
80.	Anna Njenga	Lamu District Lands Registry	Delay	Alleged delay by the Ministry of Lands in the issuance of a title deed for his parcel of land in Manda Island, Land Parcel No. 161.	Initiated inquiry which is ongoing.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
81.	PCSC/M. LAN/022/403/11	Kenya Forest Service	Unfair Treatment	A complaint against the Kenya Forest Service for allegedly refusing to allow the Complainant to log certain trees in Barget Excision Settlement Scheme in Nakuru County even after payment of the allocation fee.	Initiated inquiry which is ongoing.
82.	Saidi Fondo Kalume	Central Police Station Nairobi	Incompetence	The complaint relates to alleged failure by the police to stop malicious destruction of property which took place in their presence	The matter was referred to IPOA for their action.
83.	CAJ/IMM/003/50/2 012	Kenyatta National Hospital	Unfair Treatment	Allegation of medical misdiagnosis against the Hospital which matter was referred to the Medical Practitioners and Dentists Board for resolution.	The Medical Practitioners and Dentists Board heard and dismissed the complaint at the Preliminary stage for lacking in merit.
84.	John Moko Thuo	Ministry of Tourism, Forestry & Wildlife	Delay and Inefficiency	Allegation of failure by the Ministry to remit his NSSF contributions for the period between 1981 and 1990	Initiated inquiry which is ongoing.
85.	PCSC/JUD/001/11	Thika Land Registry	Delay and Inefficiency	Allegation of loss of Green Card for the complainant and delay in reconstructing the record by Thika District Land Registry	Upon inquiry, the Complainant was required to provide a Clearance Certificate from the land buying company which was the original owner of the land to facilitate reconstruction
86.	Adow Ali Sheikh	Insurance Regulatory Authority	Delay	A complaint alleging that the Insurance Regulatory Authority had delayed to conclude his matter in to facilitate compensation from Invesco Assurance.	Complainant was referred to Invesco who were ready to settle the claim.
87.	CAJ/MIN. INF/023/45/12	Judiciary	Delay	A Complaint alleging delay in hearing and determination of Nakuru High Court Civil Appeal No. 3 of 2011.	Complaint was resolved after complainant was referred to the Judiciary Ombudsman and assisted.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
88.	Joseph Mpeketho	Kenya Police Service	Unfair treatment	A Complaint against the Police Service regarding unfair treatment in handling his deportation in spite of his medical condition.	Inquiry closed since a Court of law had directed the deportation.
89.	CAJ/MIN. LAND/022/519/12	Ministry of Environment and Natural Resources	Unlawful and Unresponsive Official Conduct	Allegation of failure by the Ministry to implement a lawful circular for implementation of a Scheme of Service and adjustment of salaries following a court order in favour of employees of the Meteorological Department	Initiated inquiry which is ongoing.
90.	Robert Wachira	Postbank	Administrative Injustice	A complaint of unfair treatment in undertaking disciplinary action against the complainant for alleged insubordination.	Initiated inquiry which is ongoing.
91.	CAJ/M. LAB/017/316/12	Ethics & Anti-Corruption Commission	Delay	An allegation of delay in conducting an investigation into suspected corruption in the tender for the Kaptama-Kapsokwony-Sirisia Road Project.	Initiated inquiry which is ongoing.
92.	Livershon Mwashuke	Provincial Administration in Nyamarambe Location	Abuse of Power	A complaint of abuse of office against the Senior Chief and Assistant Chief of Nyansore Central Sub-Location in Nyamarambe for allegedly interfering in a succession dispute over land.	Initiated inquiry which is ongoing.
93.	PCSC/M. EDU/013/194/VOL 1	Migori District Land Registry	Unresponsive Official Conduct	A complaint of failure by the District Land Registrar, Migori to open up an access road which had been wrongfully closed by his neighbour.	Initiated inquiry which is ongoing.
94.	David Ogolla Kinyatta	Ministry of Co-operative Development and Marketing	Unresponsive Official Conduct	An allegation of failure by the Ministry to resolve a complaint lodged against the Management of Tugen Hills Co-operative Society of which they were members.	Initiated inquiry which is ongoing.

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95.	CAJ/JUD/001/777/12	Kenya Railways Corporation	Delay	A complaint of delay in the payment of terminal dues to the Complainant on a voluntary retirement scheme.	Initiated inquiry which is ongoing.
96.	Oscar David Ochieng	Energy Regulatory Commission	Unfair Treatment	A complaint on alleged failure by the Energy Regulatory Commission to pay acting allowance for a period of 3 years.	Initiated inquiry which is ongoing.
97.	CAJ/JUD/001/636/12	Ministry of Labour	Administrative Injustice	Allegation that the complainant was wrongfully dismissed by a private company without payment of his terminal dues.	Initiated inquiry which is ongoing.
98.	Michael Wanjahi	Kenya Police Service	Unfair treatment	A complaint on failure by the Police to issue her with a P3 Form	The complainant was referred to the nearest Divisional Police Station where she was assisted and the P3 Form issued and filled.
99.	CAJ/M. YOU/031/26/12	Kenya Prisons Service	Abuse of Power	Allegation that the Commissioner of Prisons had employed his relatives into the Service in violation of the Constitution.	Initiated inquiry which is still ongoing.
100.	Isaiah Oduor Ochanda	National Registration Bureau	Delay	Allegation of delay in the payment of baggage allowance for employees who attended a training course in Nairobi organized by the National Registration Bureau.	Initiated inquiry and the National Registration Bureau committed make payment upon getting budgetary allocation for baggage allowance.
101.	CAJ/JUD/001/641/12	Thika Land Registry	Fraud	A complaint that his parcel of land Title No. Ruiru/Juja East / Block 2/5126 was fraudulently transferred to a third party without his knowledge and consent.	The Complainant was advised to report the suspected fraud to CID for investigation.
102.	Mohammed Juma Khamsur	Ministry of Finance	Unfair Treatment	A complaint against the Ministry of Finance for failing to forward its Report on the Complainant to the Kenya Revenue Authority for action in relation to his disciplinary action.	Initiated inquiry which is ongoing.

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
103.	CAJ/M. LAN/022/558/12	Ministry of immigration	Unresponsive official conduct	Allegation that the District Civil Registrar of persons, Kiambu West District, had failed and / or neglected to register the birth of his niece.	The matter was resolved and the complainant issued with the ID card.
104.	James Kariuki Muchiri	Registrar of Companies	Delay	A complaint of delay by the Registrar to issue the Complainant with a business registration certificate.	The matter was resolved and the Complainant issued with the Certificate.
105.	CAJ/JUD/001/683/12	Ministry of Education	Delay	A complaint that the Complainant's salary was stopped by the Ministry from October 2006 to the date of reporting without lawful justification.	The Commission initiated inquiries and the Complainant paid his dues.
106.	Christopher Okengo Oumo	Registrar of Companies	Delay	A complaint of delay in the issuance of a certificate of registration of business name.	The matter was resolved and the complainant issued with the certificate.
107.	CAJ/M. EDU/013/288/12	Kenya Railways Corporation	Unresponsive official conduct	A complaint that the Corporation had refused to forward an official summary of money owed to her to enable Kenindia Insurance Company process and pay her the claim.	The matter was resolved and the complainant paid her money.
108.	Samuel Njiriani Ngabia	Pensions Department	Manifest injustice	A complaint alleging that his late father's pension had not been paid for the past 9 years.	The matter Pensions Department has taken steps to process the pension.
109.	CAJ/JUD/001/628/12	Pensions Department	Delay	A complaint that the pension benefits of her late husband had not been paid since 2006.	Follow-up made and Pensions Department requested for her bank details to facilitate payment.
110.	Charles Karenjo Mwangi	Department of Registration of Persons	Delay	A complaint that he applied for replacement of his lost identity card at Westland's District in Nairobi County but it was not issued.	Initiated inquiry which resulted in issuance of the identity document.
111.	CAJ/JUD/001/639/12	Kenya Power & Lighting Company	Unfair treatment	A complaint that he deposited some money with KPLC when opening an account which had not been refunded.	Money reimbursed upon the intervention of the Commission

No.	COMPLAINANT	RESPONDENT	CLASSIFICATION OF COMPLAINT	SUMMARY OF COMPLAINT	REMEDIAL ACTION
112.	Merioth Nyawira Kariuki	Nyandarua Land Registry	Corruption	A complaint that Nyandarua Land Registry had corruptly transferred parcels of land belonging to Ruora Investments Limited in Ol -Kalau area to third parties without his consent and knowledge.	Initiated inquiry which is ongoing.
113.	CAJ/JUD/001/643/12	Central Bank of Kenya	Unfair Treatment	A complaint of malicious prosecution in Civil Case 8464/95 whose appeal by the Bank was dismissed in 2010. The Complainant was seeking return of his title deeds and compensation by the Bank.	Initiated inquiry and CBK agreed to cause the issuance of duplicate Title Deeds since the original ones could not be traced.
114.	Thomas Odhiambo Oketch CAJ/JUD/001/255/Vol.1	Ministry of Defence	Unfair Treatment	A complaint of non-payment of extraneous allowances to the civilian nurses working for the Ministry, and also use of threats against them for agitating for payment of the same.	Initiated inquiry which is ongoing.
115.	Anthony Mwaniki Nzioki CAJ/JUD/1/115/09	Masinde Muliro University of Science and Technology	Abuse of Power	A complaint that Masinde Muliro University of Science and Technology had entrenched tribalism and nepotism in employment of staff by employing people from the Bukusu Sub-Tribe.	Initiated inquiry which is ongoing.
116.	Gladwel Njeri Maina	Ministry of Lands	Delay	A complaint that the Government had not responded to his offer to sell land No. Maela/ Ndabibi Block 2/64 to the Government in October 2011 for the resettlement of IDPs in Kiambu County.	Initiated inquiry which is ongoing.
117.	CAJ/POL/015/1305/12	Ministry of State for Provincial Administration and Internal Security	Unresponsive Official Conduct	A complaint that the Government, through the Ministry of State for Provincial Administration and Internal Security, had delayed in compensating him for his plot (Mwatate/ Kitivo Plot No. 329) which was compulsorily acquired for public use.	Initiated inquiry which is ongoing.

SAMPLE CASES

CAJ delivers administrative justice to a public servant

The Complainant alleged that she was appointed as a senior public communications officer by the Kenya Copyright Board on 6th February 2012. She took up the appointment and resigned from her previous employment and even reported to her new work station and worked for about two months. She was later informed that her appointment was cancelled on the grounds that the appointment letter was mistakenly sent to her. Upon inquiry, the Board responded and averred that there was a technical error in the human resource department and a letter of offer sent to the complainant by mistake. The Board further maintained that when the error was realized the appointment was revoked.

After assessing the facts of the matter, the Commission held:

- (a) That much as it may be probable that an error may have occurred, it is inconceivable that such a mistake should take months to discover;
- (b) That in any event, the responsibility for such a mistake falls on the Board;
- (c) That in light of the fact that a letter of appointment was issued and accepted by the complainant, a contract of employment had been lawfully created and could only be revoked on justifiable grounds.

The Commission, thus, recommended that since the complainant was on a six-month probation and had been paid a month's salary in lieu of notice, the Board should pay the complainant an equivalent of a two month salary in compensation for the loss she suffered and that in turn the complainant pursues no further action. The Board duly complied and acted in compliance with the Commission's findings. The determination was made on 13th August 2012.

SAMPLE CASES

Addressing Delays in the public sector

The complainant, an elderly woman, complained that the Kenya Pipeline Company had instructed their agents to construct a pipeline that would run through her parcel of land in Kikuyu. She said the events that happened way back in 2006 damaged her crops. She further alleged that despite several appeals to get compensation from the Company, no action was taken. She demanded a compensation of Kshs. 10,500. The Commission intervened and the Company on 1st April 2012 paid off the amount demanded.

Breach of contract

The complainant alleged to have developed a concept paper for the Rt. Hon. Prime Minister to use in his presidential bid in 2007. He alleged that the Prime Minister, despite making use of his concept paper, never paid him. He was advised that his engagement with the Prime Minister, if at all, was a contract between two individuals which in the event of breach the aggrieved party was at liberty to seek civil remedies.

He was advised that the Commission would only intervene if the Prime Minister engaged him in his capacity as a public officer. Indeed the Constitution under Article 59 (h) limits the CAJ jurisdiction to investigate any conduct in state affairs or any act or omission in public administration. A complaint to the Commission ought to be based on an act carried out in the public service or a failure to act in discharge of a public duty. The acts alleged did not amount to this and, thus, not within the Commission's ambit.

SAMPLE CASES

Promoting fair treatment in the public service

The complainant lodged a complaint with the Commission alleging he has worked at the Indonesian Embassy for a period of 11 years before the Embassy terminated his employment on 31st January 2009 without settling his dues. He further indicated he reported the matter to the Ministry of Foreign Affairs, but the employees of the Ministry offered no help, but instead colluded with the Embassy officials to frustrate him.

The Commission has since initiated inquiries into the matter and has advised the Ministry of Foreign Affairs that it should be able to mediate in the dispute to enable the Embassy settle the complainant's terminal dues. The matter is still ongoing.



The CAJ Chair addresses the members of the public during the Isiolo County Visit forum

We promote a service focused culture in the public service

3.0 BUILDING COMPLAINTS HANDLING CAPACITY IN THE PUBLIC SECTOR

3.1 INTRODUCTION

This section of the Report presents the Commission's achievements in relation to its mandate of setting up and strengthening the complaints handling capacity in the public sector. It encompasses the Commission's role in performance contracting, and training of public officers in Ministries, Departments and Agencies.

3.2 BUILDING AND STRENGTHENING COMPLAINTS HANDLING CAPACITY

Section 8(e) requires the Commission to facilitate the setting up of, and build complaint handling capacity. This is part of the public sector reforms geared towards improving efficiency and effectiveness in service delivery in the public sector. Pursuant to this mandate, the Commission implemented a number of activities in the public sector during the reporting period. Notable, in this regard was performance contracting, training of public officers and provision of advisory services.

3.2.1 Performance contracting

The Commission continued playing a significant role in public sector reforms through the performance contracting system. Resolution of public complaints was included in the performance contracting system during the financial year, 2009/2010 as a measure of improving service delivery in the public sector. The inclusion of the resolution of public complaints as an indicator in performance contracting was geared towards enhancing good governance and service delivery in line with the Political Pillar of the Kenya Vision 2030 which envisages a democratic political system that is issue-based, people-centred, result-oriented and accountable to the public.

Results of public complaints together with service delivery charters, customer satisfaction, and service delivery innovations, constitute the determinants of the level of service delivery. Under the system, public institutions are required to work with the Commission in resolving public complaints. The indicator, 'resolution of public complaints' requires all public institutions to promptly address and resolve public complaints referred to them directly or channelled through the Commission. They are also obligated to establish mechanisms of working together with the Commission to address complaints referred to them. To this end, the Commission monitors the implementation of this indicator through

the assessment and certification of public offices based on the established parameters at the beginning of the financial year. During the period under review, the Commission adopted three main strategies to ensure realisation of this objective: review of the guidelines on the implementation of the indicator, training of Ministries, Departments and Agencies, and assessment and certification of public institutions.

3.2.2 Review of the Guidelines

The Commission reviewed the Guidelines for implementing the resolution of public complaints indicator in performance contracts to provide guidance to public institutions on the implementation of this indicator. The Guidelines encompassed a number of key requirements such as the establishment of internal complaints handling and management infrastructure, submission of quarterly reports by public institutions and the contents of such reports, mode of reporting and the reporting format. It also provides details of the contents or ingredients of the Indicator and the parameters of certification by the Commission. More specifically, the Guidelines provide the following parameters for evaluation of public institutions:

- a) Establishment of complaints handling and management infrastructure and submission of the information thereof to the Commission in the prescribed format in the first quarter;
- b) Development of complaints handling procedures;
- c) Development and implementation of service delivery charters;
- d) Conducting capacity building for complaints handling officers and staff;
- e) Creation of awareness on the existence of complaints handling system in the institution; and
- f) Actual resolution of complaints received and submission of quarterly report on the nature and number of and action taken in the prescribed format.

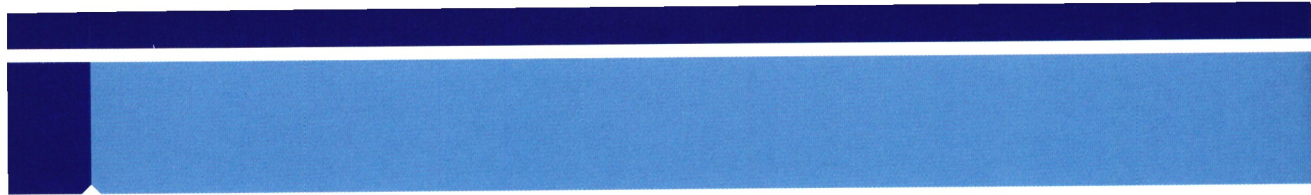
Public institutions are required under the Guidelines to resolve complaints within fifteen (15) working days of receipt thereof. The Guidelines were circulated to all public institutions and posted on the Commission website for adoption by public institutions. The Guidelines have not only enabled the Commission to facilitate the building of complaints handling capacity in the public sector, but have also aided monitoring of the progress on the implementation of the indicator for purposes of certification under performance contracting system.

3.2.3 Training of public officers

The Commission intensified its training of public officers in Ministries, Departments and Agencies on Effective Complaints Handling Mechanism as well as Resolution of Public Complaints Indicator in the Performance Contract. The training also focused on reporting on the indicator '*resolution of public complaints*'. The training was aimed enhancing the knowledge and skills in the aforementioned areas, and also complementing the Commission's other initiatives on capacity building on complaints handling in particular and public sector reforms in general. Towards this end, the Commission trained over 2,665 officers drawn from the local authorities, state corporations, Ministries and tertiary institutions as shown in the Table below.

Table 6: Summary of public institutions trained

No.	Institution	Number of Officers Trained
1.	Local Authorities	700
2.	Egerton University	250
3.	Laikipia University	300
4.	Kenya Civil Aviation Authority	70
5.	Ministry of Livestock	40
6.	Kenya Ports Authority	25
7.	Kenya Medical Supplies Agency	100
8.	Lake Victoria North Water Services Board	10
9.	Athi Water Services Board	25
10.	TARDA	50
11.	Kenya Power	40
12.	Kenya Industrial Property Institute	30
13.	KIRDI	50
14.	New Kenya Co-operative Creameries	35
15.	Ministry of Home Affairs (Nyeri)	40
16.	Kisumu Polytechnic	120
17.	Kenya Airports Authority	75
18.	GTI Embu	20
19.	Kenya Film Commission	20
20.	State Law Office	20
21.	Ministry of Culture	25
22.	National Museums of Kenya	20
23.	Tanathi Water Service Board	20
24.	Ministry of Finance	30
25.	Ministry of Housing	150
26.	Ministry of Higher Education	100
27.	Kenya Medical Research Institute	300
TOTAL		2,665



The training by the Commission gained popularity within and outside the public sector leading to 213 representatives of some civil society organizations under the umbrella of the Kenya Alliance of Residents Association (KARA) being trained upon request.

3.2.4 Assessment of complaints handling indicator

The Commission received and assessed quarterly reports on complaints handling from public institutions during the period under review. A total of 230 public institutions submitted their reports, which were subsequently assessed and certified variously based on their levels of compliance.

3.2.5 Provision of advisory services on complaints handling

One of the strategies that the Commission has adopted in setting up or strengthening complaints handling in the public sector is the provision of advisory services to public institutions on complaints handling upon request. During the period under review, the Commission provided advisory services to public institutions on complaints handling, including the reporting requirements under performance contracting system. Advisory services were also provided during the training to various public institutions.



| Cmmr. Saadia Mohamed gives a presentation during the Kilifi
| County Visit Forum

**We promote public awareness
on administrative justice
policies and standards**

4.0 PUBLIC AWARENESS AND ADVOCACY ON ADMINISTRATIVE JUSTICE

4.1 INTRODUCTION

Pursuant to section 8(j) of the Act, the Commission developed and implemented programmes and activities aimed at promoting public awareness administrative justice in Kenya. These included the outreach programmes, media education and advocacy, advisory services to persons in custody during prison visits, strategic training, public education during the Nairobi International Trade Fair and development and dissemination of Information, Education and Communication materials.

4.2 ADVOCACY AND COMMUNICATION

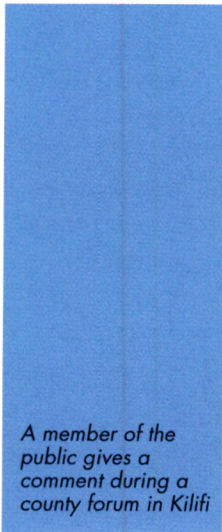
The Commission has prioritized the use of advocacy and communication as key tools in catalysing positive change in the public sector in Kenya. The Commission's approach is to strategically disseminate and manage information and knowledge to change and influence policies and practices with a view to improving administrative justice. The approach aims at contributing to changes in norms, policies and behaviours of both public servants and the public in general, who, as the main beneficiaries of administrative justice, are expected to provide oversight in management of state affairs. The Commission continues to use a broad set of tools that aim to create and mobilize pressure, sensitize communities and build capacities through a combination of advocacy, networking, social mobilization, training and capacity development efforts.

The Commission has engaged in outreach and local level advocacy as a key strategy for change in an environment characterised by weak governance structures, non-responsiveness and limited awareness on administrative justice. The Commission strongly holds that individuals' and communities' desire for transformative leadership, integrity and citizen-focused service delivery is the seed from which change in management of public affairs begins. During the period under review, the awareness and advocacy activities focused on achieving enhanced accountability, improved performance and responsiveness within the public service, and increased visibility, accessibility and understanding of the Commission's mandate.

4.3 COUNTY VISITS

The Commission undertook visits to ten (10) counties to, among other things, create awareness on its mandate, remind public officers of their obligations towards citizens'

service delivery, conduct spot checks on selected public institutions and promote policies and administrative procedures on matters relating to administrative justice. The counties visited included Mombasa, Kilifi, Kisumu, Machakos, Uasin Gishu, Turkana, Nyeri, Kisii, Kakamega, Garissa and Nakuru. The participants of the forums included public officers, representatives of the private and civil society sectors as well as the public drawn from across the respective counties visited. The visits accorded an opportunity to the public at the counties to access the services of the Commission within their environs and also interact with the Commissioners and staff on various topical matters. In order to ensure the success of the visits, the Commission publicised the visits through the media and on its website. During the visits, the Commission held public forums with the participants, received 87 complaints from the public and conducted spot checks on selected local public offices.



A member of the public gives a comment during a county forum in Kilifi



The county visits enhanced the visibility of the Commission in the counties and nationally as the forums received coverage by mainstream media. The direct engagement with members of the public during the forums enabled the Commission to identify areas requiring its intervention. In addition, the outcomes of the visits have informed the programming of the Commission.

4.4 SPOT CHECKS

The Commission conducted spot checks on selected public institutions during the counties' visits to determine the extent of service delivery to the public. Some of the public institutions where the spot checks were conducted included the Judiciary, District Hospitals, Police Stations, District Headquarters, Immigration Department and

Registration of Persons Offices among others. The Commission made a number of observations and interacted with the public and some public officers during the spot checks. Specifically, the Commission observed challenges in punctuality, adherence to service charters, courtesy and responsiveness in the public institutions visited. Based on the observations, the Commission developed intervention mechanisms to address the challenges.

4.5 MEDIA EDUCATION AND ADVOCACY

During the period under review, the Commission implemented a number of media education and advocacy strategies aimed at creating awareness on administrative justice. These included media appearances, press statements and coverage and press conferences. The press statements and conferences dwelt on matters of strategic importance that had the likelihood of impacting negatively on governance and service delivery.

4.5.1 Media appearances

The Commission made appearances in both the mainstream and regional based media stations to create awareness on administrative justice and the Commission in particular. Some of the media stations used included Nation TV, Citizen TV, Citizen Radio, Kenya Broadcasting Corporation TV, KISS TV and Radio Mayienga among others. The Commission also used print media during the county visits to engage with the public on topical issues in Kenya.

4.5.2 Press conferences

The Commission organised a number of press conferences to provide information on topical issues. The press conferences covered a number of activities such as the resolutions of the Chairs' Forum and the list of public officers submitted to the Independent Electoral and Boundaries Commission for consideration on 14th December 2012 among others.

4.5.3 Press releases

These related to a number of topical issues that arose from time to time and included a statement on presidential appointments of Acting Minister of Finance and Head of Public Service and Secretary to the Cabinet on 26th January 2012. The Commission, having analysed the Constitution, found no place for this power and advised that the President should appoint such persons substantively to those positions. In addition, the Commission published various advisory opinions in the print media to inform the Government and the public on the position of the law on a number of matters of importance in public administration in Kenya.

4.6 NAIROBI INTERNATIONAL TRADE FAIR

The Commission participated in the Nairobi International Trade Fair (Nairobi Agricultural Society of Kenya Show) that took place from 1st to 7th October 2012. The Show provided an excellent platform to interact with and receive complaints from the public, disseminate IEC materials and give legal advice to the public on their complaints. It also provided an opportunity to profile and the Commission in the psyche of the public. During the event, the Commission interacted with members of the public who visited its Stand at the Trade Fair and received complaints of alleged maladministration from the public. In addition, the visibility and knowledge of the Commission was enhanced as evidenced by an increment of the number of complaints received after the Trade Fair.

The CAJ Stand at the Nairobi International Trade Fair in October 2012. The Commission used the forum to promote and create awareness of administrative justice.



4.7 DEVELOPMENT AND DISSEMINATION OF IEC MATERIALS

The Commission developed and disseminated IEC materials to sensitize the public on its mandate and matters of administrative justice. The IEC materials developed included brochures, flyers, branded T-shirts and caps, stickers, roll-up banners and branded kikois.

4.8 STRATEGIC TRAINING

The Commission facilitated a number of training to various audiences on matters of administrative justice, good governance and constitutionalism. The audiences were drawn from the public, private and civil society sectors. Most of these training opportunities were requests from other organizations which sought the Commission's facilitation of some sessions during their workshops.

4.9 SPOT CHECKS ON PRISONS

Section 51 of the Act mandates the Commission to correspond with persons in custody for purposes of undertaking its mandate. During the period under review, the Commission activated this mandate and undertook the first spot check at the Machakos GK Prison. The check revealed, among other issues, that the Prison's land had been encroached upon by private developers. The Commission noted that there were private establishments within the precincts of the Prison compound and they were using the main Prison's gate to access their facilities. It was also noted that the residential houses were leased to Prison staff by the developers. The Commission has since written to the Ministry of Lands requesting for documentation that would demonstrate the gazetted acreage of the Prison's land. During the visit, the Commission interacted with prisoners and remandees and received their complaints on various issues including delay in hearing of appeals and unjustified long incarceration of remandees (inmates).



The Commissioner General of Prisons, Mr. Isaiah Osugo is presented with the materials on the mandate and functions of the CAJ during a courtesy call at his office

We promote ethics and integrity in public service

5.0 PROMOTING CONSTITUTIONALISM AND GOOD GOVERNANCE IN THE PUBLIC SECTOR

5.1 INTRODUCTION

This section details the Commission's achievements in promotion of constitutionalism and good governance in Kenya during the reporting period. The Commission employed a multi-faceted approach focusing on a number of strategies which included advisory opinions and recommendations, mediation and public interest litigation.

5.2 ROLE OF THE COMMISSION IN CONSTITUTIONALISM AND GOOD GOVERNANCE

The Commission, like other Constitutional Commissions, is mandated under Article 249(1) of the Constitution to safeguard public interest by protecting the sovereignty of the people, securing the observance of democratic values and principles by State Organs and promoting constitutionalism. These functions have been broadened under Articles 59(2)(h)-(k) and 252 of the Constitution as well as Section 8 of the Act. The Commission, therefore, has an oversight role in the governance process in Kenya and buttresses the tripartite configuration of Government as known under the Westminster Model of Government. In this regard, the Commission occupies a special place and plays a key role in the governance process in Kenya. In particular, the Commission plays an important role in ensuring transparent governance, ethical leadership, good public administration and respect for human rights.

5.3 ADVISORY OPINIONS AND RECOMMENDATIONS

Section 8(h) of the CAJ Act mandates the Commission to provide advisory opinions or proposals on the improvement of public administration including review of legislation, codes of conduct, processes and procedures. In furtherance of this function, the Commission issued advisory opinions and recommendations to public institutions on a number of pertinent issues. The advisory opinions were widely disseminated through the media and the Commission's website. Following are some of the advisories issued by the Commission during the reporting period.

5.3.1 Advisory Opinion on the Draft Policy on National Values System for Kenya

The Commission influenced a decision to establish a Statutory Commission on National Values. The Draft Policy on National Values for Kenya spearheaded by the Ministry of Justice, National Cohesion and Constitutional Affairs had recommended the setting up of a "National Values Commission" but the Commission advised that it was unnecessary to set up a statutory Commission to undertake tasks that an existing Constitutional

Commission is mandated to undertake. The Commission advised that insofar as integrity, governance principles and national values go, the Commission had full competence and authority to demand and ensure observance of the principles as much from Government, as from all other Constitutional Commissions and Independent Offices.

5.3.2 Advisory Opinion on Declaration of Wealth Forms

The Commission issued an advisory opinion to the Speaker of the National Assembly regarding declaration of wealth forms. The Commission, upon considering Articles 1,35, 59 (l)(h) and (i), 249 and 252(3), and Chapter Six of the Constitution, read together with Sections 2, 8 and 26 of the Act , advised that it was empowered to act as a single and central depository of all wealth declaration forms from all public officers at the national and county governments; to examine and investigate where necessary and ensure accessibility to the information therein by the public where such a request has been made.

5.3.3 Advisory Opinion on the Truth, Justice and Reconciliation Commission Dispute

The Commission issued an advisory opinion that led to the resolution of the standoff between the Truth, Justice & Reconciliation Commission (TJRC) Chairperson and other Commissioners. The Commission advised as follows:

- That the TJRC Chairperson, Ambassador Bethuel Kiplagat, should be allowed to return to his office in accordance with the previous court orders.
- That having assessed the time left within which the TJRC was required to prepare and submit its report vis-a-vis the time it would take for any appeal filed by the TJRC to be determined, it would be ill advised for the TJRC Commissioners to believe that such determination would be made in time before preparation of their report.
- That Amb. Kiplagat should not participate or interfere with the preparation of the TJRC report since such participation might have a negative effect on the acceptance of the report. He should, however, be given an opportunity to review the report within a short time and to script an addendum to the report wherein he might agree or give his dissenting opinion.
- That Amb. Kiplagat be paid the entire difference in salary for the period in which he had stepped aside since he was on half salary.
- Amb. Bethuel Kiplagat should, however, in a show of good faith waive the costs that had been granted to him by the courts in the judicial processes between him and TJRC.

5.3.4 Advisory Opinion on the issue of County Commissioners

The Commission issued an advisory opinion on the failure of the Ministry of Provincial Administration and Internal Security to comply with orders of the High Court (High Court Petition No. 208 of 2012 and High Court Misc. No. 207 of 2012), and also engage a private lawyer to pursue an appeal on behalf of the Ministry. The Commission lauded the Court for the decision insofar as it underscored the place of the rule of law in Kenya's governance process. Specifically, the Commission advised as follows:

- The Court Orders be respected without let or hindrance and the Office of the President immediately recall the deployed County Commissioners by Gazette Notice;
- While the Attorney-General is the principal advisor to Government, where his advice is not accepted, there lies a residual obligation to, nevertheless, represent the Government in any appellate proceedings; and
- That the appeal was advisable insofar as it provided an opportunity to the country's highest courts to make pronouncements on important matters raised in the petition.

5.4 PUBLIC INTEREST LITIGATION

The Commission participated in various court matters of national importance as a Petitioner, Interested Party or amicus curie (friend of the court). The main aim was to advance constitutionalism and democratic governance in Kenya, particularly, from the administrative justice perspective. Some of the cases are highlighted below.

5.4.1 Supreme Court Advisory Opinion Reference No. 2 of 2012

The Commission was a party to a suit that sought an advisory opinion from the Supreme Court on whether the two thirds gender principle was to be realised progressively or instantaneously during the 4th March 2013 General Elections; and whether an unsuccessful candidate in the first round of presidential election under Article 136 of the Constitution or any other person is entitled to petition the Supreme Court to challenge the outcome of the first round of the said election under Article 140 or any other provision of the Constitution. The Commission submitted that although the gender principle ought to have been realized instantaneously after the General Elections of 4th March 2013, it was not realistic for the same to be achieved at that time. Furthermore, the Commission submitted that the Constitution seemed to provide for progressive realisation of the principle. Accordingly, the Commission urged the Court to find for progressive realization, but provide a timeline of five years for its realization. In relation to the second issue, the Commission submitted that an unsuccessful candidate or any other person could bring a petition before the Supreme Court to challenge the results of the first round of election in case there is no clear simple majority winner. In its opinion delivered on 2nd December 2012, the Supreme Court adopted the position of the Commission on the two issues save for the timeline for achieving the gender principle which the Court stated should be by August 2015.

5.4.2 Constitutional Petition No. 284 of 2012

The Commission filed a petition before the High Court (*Petition No. 284 of 2012, Commission on Administrative Justice vs. Attorney-General*) seeking to impugn the constitutionality of Sections 14, 16 and 23 of the Supreme Court Act, No. 7 of 2011. In particular, the Commission contended that the said sections were unconstitutional since they restricted access to justice and allegedly gave the Supreme Court jurisdiction outside their mandate under the Constitution. The petition is pending before the Court.

5.4.3 Constitutional Petition No. 21 of 2012

The Commission participated in the Constitutional Petition No. 21 of 2012, *Patrick Njuguna and 7 Others vs. Attorney-General and 3 Others*, relating to the eligibility of some of the presidential candidates to contest in the 4th March 2013 General Elections. The petitioners in this case had sought the opinion and interpretation of the High Court relating to the candidacy of Hon. Uhuru Kenyatta and Hon. William Ruto for presidency in the elections on account of their indictment by the International Criminal Court for their alleged involvement in the violence that engulfed Kenya following the General Elections in 2007. In particular, the petitioners sought the court to find that the candidature of the two individuals would be a threat to the Constitution and the rule of law. In addition, they sought the court to issue an injunction permanently restraining the Independent Electoral and Boundaries Commission from accepting the nomination of the two candidates, and of other candidates who might face serious charges under international law or Kenyan law until they are acquitted of the charges. The petition was, however, withdrawn by the petitioners before it could be determined by the Court.

The Commission's participation in the judicial process has contributed to the development of case law as in the case of the Gender Principle Advisory Opinion by the Supreme Court. Additionally, the Commission's place and role in enhancing constitutionalism and democratic governance through judicial process has now been recognized and established.

5.5 LEADERSHIP AND INTEGRITY

The Commission's role in ensuring ethical leadership and integrity by public officers is established under Articles 59(2)(h)-(k) and 249 of the Constitution and Section 8 of the Act. This is a complementary role to the roles of other public institutions in leadership and integrity. Specifically, Article 59(2)(h) of the Constitution and Section 8(d) of the Act empower the Commission 'to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government that is alleged or suspected to be prejudicial or improper or to result in any impropriety or prejudice.' In

addition, the Commission is empowered to investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unresponsive official conduct and misbehavior in public administration. Pursuant to these provisions, the Commission implemented the following activities during the period under review.

5.5.1 Recommendation to the Independent Electoral and Boundaries Commission

On 14th December 2012, the Commission sent a list of 35 serving and former public officers to the Independent Electoral and Boundaries Commission (IEBC) with the recommendation that they were ineligible to run for any elective position. These public officers were found culpable of malfeasance and, therefore, unsuitable to hold public office. The list comprised of three different categories of public officers. In the first category were individuals who had been convicted of abuse of office by the Court, and there were no pending appeals or the appeal mechanisms had been exhausted. This was in line with Article 99(2)(h) of the Constitution and Section 24(2)(h) of the Elections Act, 2011, which provide that public officers convicted of abuse office are not eligible to run for any elective position.

The second category had individuals against whom complaints had been lodged at the Commission and found culpable. In this category were two serving Members of Parliament against whom complaints were lodged and they failed to respond to inquiries made by the Commission. The third and last category were the former Commissioners of the defunct Electoral Commission of Kenya who, according to the findings of the Independent Review Commission (popularly known as the Kriegler Commission), were culpable for the botched General Elections of December 2007. The Commission went further to publicize its recommendation to IEBC in the media for public information. This was a bold step by the Commission which was aimed at ensuring the rule of law and good governance.

5.5.2 Certification of Judges and Magistrates

Pursuant to Section 18(e)(vi) of the Vetting of Judges and Magistrates, 2012, the Commission certified 109 Judges and Magistrates who were subject to the vetting under the said Act. The Commission analyzed the information in its database and gave its feedback to the Vetting of Judges and Magistrates Board for their action. In addition, the Commission received and processed a list of 60 applicants from the Judicial Service Commission for individuals who had applied to be appointed as Judges of the High Court.

5.5.3 Certification of persons seeking appointive and elective offices

The Commission received and processed 258 applications from persons seeking elective

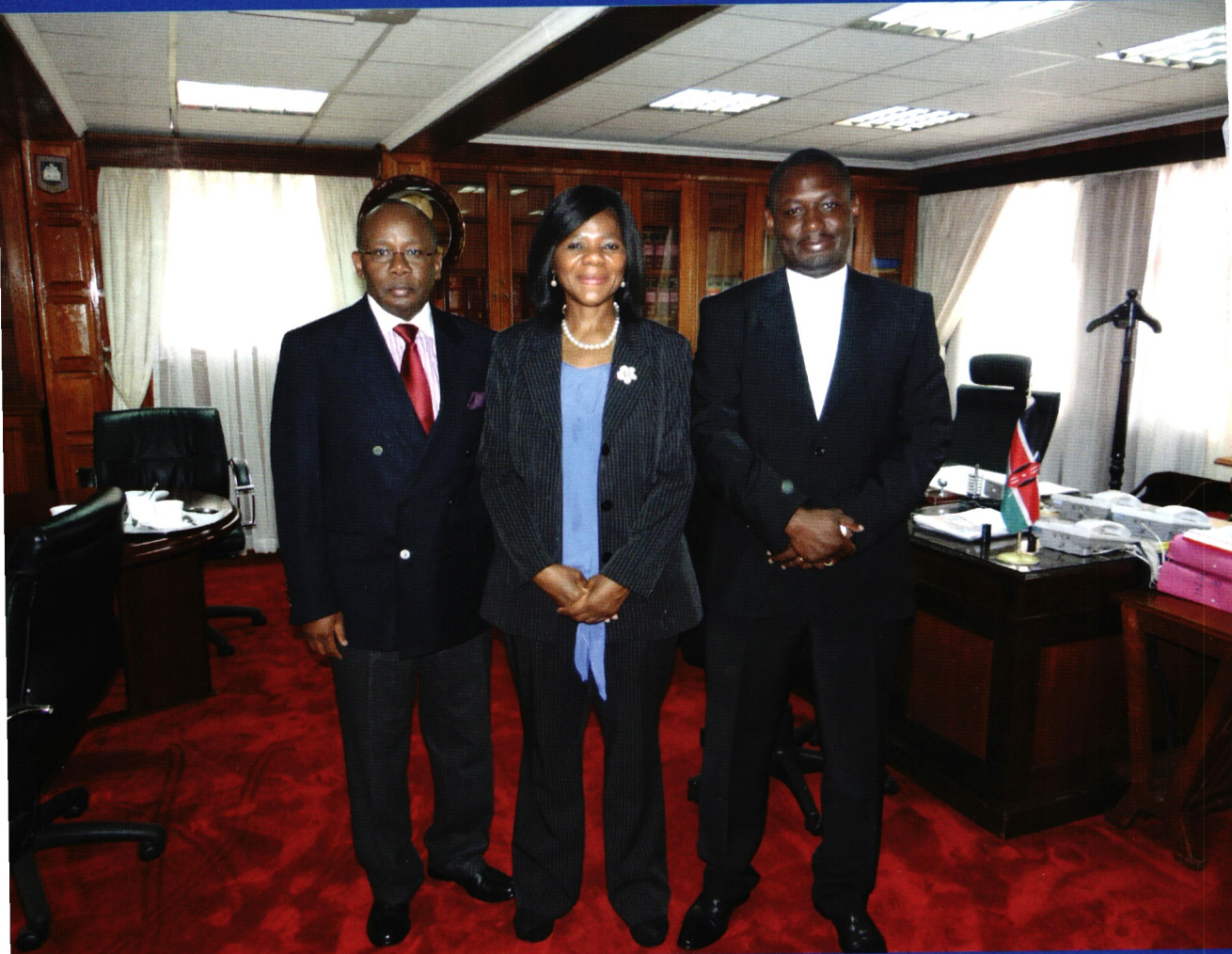
positions for the 4th March 2013 General Elections. The applications were part of the recognition of the role of the Commission by political parties in the leadership and integrity matters in Kenya. The applicants were drawn from across section of candidates ranging from the County Assembly Representatives to the Senators.

5.5.4 Ensuring adherence to the rule of law

Pursuant to its mandate in ensuring adherence to the law, the Commission engaged the Office of the President over the delay in appointing the Chairperson and Members of the National Land Commission as provided by the National Land Commission Act. In particular, the Commission noted that the appointments had not been made despite the dismissal of the matters previously before the High Court. According to the Commission, the failure by the President to make the appointments amounted to breach of the Constitution and the National Land Commission Act, and set a bad precedent in relation to respect for the law. The Commission's joint efforts with other stakeholders eventually bore fruits when the appointments were made to operationalize the Commission.

5.6 PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION METHODS

Pursuant to Article 252 of the Constitution and section 8(f) of the Act, the Commission initiated mediation in certain matters with a view to having amicable settlement of disputes. Notably, the Commission offered mediation services to TJRC following the dispute between the Commissioners and the Chairperson. As a result of these efforts, the parties were reconciled and the Chairperson assumed office. Similarly, the Commission offered mediation services to the National Gender and Equality Commission and the Salaries and Remuneration Commission following a dispute on the determination of interim remuneration and allowances for the full-time and part-time Commissioners of the National Gender and Equality Commission. The Commission also offered to mediate in the dispute between the Attorney General and the Commission for the Implementation of the Constitution. However, this did not materialise since the dispute was resolved later. The Commission will escalate its activities in this area to ensure amicable settlement of disputes.



| Attorney General, Prof. Githu Muigai, South African Public Protector, Adv. Thuli Mandosela and CAJ Chair, Cmmr Otiende Amollo

**We value meaningful local
and international partnerships**

6.0 PARTNERSHIPS, COLLABORATIONS AND LINKAGES

6.1 INTRODUCTION

In order to enhance its capacity and coalitions, the Commission has cultivated collaborations and partnerships with local and international institutions to promote administrative justice and good governance. Through this, the Commission participated in a number of conferences, workshops, seminars and meetings and presented papers on various topical issues relating to administrative justice and good governance. The events also provided an opportunity for the Commission to establish contacts and networks, and nurture collaborations with other institutions and individuals. During the period under review, the Commission participated in a number of activities which included the Chairs' Forum, Annual Conference for Constitutional Commissions and Independent Offices, national and international conferences and workshops, exchange visits and study tours, and memberships to international ombudsman institutions among others.

6.2 CHAIRS' FORUM

The Commission spearheaded the formation of a Forum of Chairpersons of Constitutional Commissions and Holders of Independent Offices (Chairs' Forum). The Forum comprises of the Commission on Administrative Justice, Ethics and Anti-Corruption Commission, Commission for the Implementation of the Constitution, Independent Electoral and Boundaries Commission, National Gender and Equality Commission, Kenya National Commission on Human Rights, Commission on Revenue Allocation, Salaries and Remuneration Commission, Parliamentary Service Commission, Judicial Service Commission, Teachers Service Commission, Public Service Commission, Attorney General, National Cohesion and Integration Commission, Director of Public Prosecution, Auditor General, Independent Policing Oversight Authority, National Land Commission, National Police Service Commission, Transition Authority and the Controller of Budget. During the reporting period, the meetings and activities of Forum were convened by the Commission with the Chairperson, Mr. Otiende Amollo, being elected as the first Chairperson of the Forum for a period of one year. A total of five meetings of the Forum were held during the period under review. The Forum provides a platform for these offices to jointly address matters of national importance, promote constitutionalism and address other issues of commonalities amongst the Commissions and Independent Offices.



Chairpersons of Constitutional Commissions and Holders of Independent Offices address a press conference during one of the past Chairs' Forum Meeting.

The Forum has crystallized into a powerful and effective platform for defining the role and place of the Commissions and Independent Offices, and given them an opportunity to 'speak with one voice' on issues of national interest. For instance, they have used the Forum to define their independence and issue statements on the state of insecurity in the country, preparedness for the March 2013 General Elections, leadership and integrity requirements among other issues. The Forum also provided a platform for benchmarking for Constitutional Commissions and Independent Offices in areas of interest such as annual reporting, salaries and allowances for staff and auditing by the Auditor-General. In addition, the Commissions and Independent Commissions were able to co-ordinate and collaborate in their operations.

6.3 RETREAT FOR CONSTITUTIONAL COMMISSIONS AND INDEPENDENT OFFICES

The Commission organised a retreat for Constitutional Commissions and Independent Offices that made a number of resolutions to foster administration of justice and human rights. The retreat was held in Mombasa from 29th to 30th May 2012, and was attended by 17 Constitutional Commissions and Independent Offices⁷. Some of the key resolutions of the retreat included holding of the annual conference to assess progress in the implementation of the Constitution, collaboration in the execution of their respective mandates, and the establishment of the Chairpersons' Forum to co-ordinate their activities and help resolve any tensions that may arise in areas of shared mandates. The retreat also reiterated the independence of the institutions and their accountability

⁷ The Constitutional Commissions and Independent Offices represented at the retreat included the Commission on Administrative Justice, Commission for the Implementation of the Constitution, Independent Electoral and Boundaries Commission, National Gender and Equality Commission, Kenya National Commission on Human Rights, Commission on Revenue Allocation, Ethics and Anti-Corruption Commission, Salaries and Remuneration Commission, Parliamentary Service Commission, Judicial Service Commission, Teachers Service Commission, Public Service Commission, the Attorney General, National Cohesion and Integration Commission, Director of Public Prosecutions, the Auditor General and the Controller of Budget.

to Kenyans. To this end, they resolved to execute their respective mandates without any fear, favour or bias.

The Commission also organised a public forum where the former members of the Committee of Experts made presentations on the implementation of the Constitution with a bias towards the rule of law.

6.4 NATIONAL COUNCIL FOR THE ADMINISTRATION OF JUSTICE

The Commission participated in the activities of the National Council for the Administration of Justice (NCAJ). NCAJ is headed by the Chief Justice and draws its membership from the institutions in the administration of justice in Kenya such as the Attorney General, Director of Public Prosecutions, Witness Protection Agency, Inspector General of Police (formerly Commissioner of Police) and the Law Reform Commission among others. During the period under review, the Commission participated in the joint review of a number of Bills which included Office of the Director of Public Prosecutions Bill, Office of the Attorney General Bill, Contempt of Court Bill, the National Coroners Service Bill and the Transfer of Prisoners Bill among others. Some of these Bills were enacted into law while others are expected to be enacted into law in the following year. NCAJ provides an opportunity to the Commission to influence policy and action in administration of justice sector thereby improving public administration.

6.5 PARTICIPATION IN LEGISLATIVE DRAFTING AND REVIEW

Besides the activities under NCAJ, the Commission participated in the drafting of other key Constitutional Bills including the Leadership and Integrity Bill, Freedom of Information Bill, Data Protection Bill, National Legal Aid Bill and Consumer Protection Bill among others. Part of this process involved the consultative meetings with other stakeholders on the various laws for consensus building.

6.6 CONFERENCES, SEMINARS AND WORKSHOPS

The Commission attended a number of conferences, workshops and seminars locally and internationally, and made presentations on topical issues with a bias for administrative justice and good governance. These included the following:

- a) A Corporate Social Responsibility seminar for community-based organisations in Nairobi in November 2012
- b) A seminar on public participation organised by CIC to determine the scope and contents of public participation as provided by the Constitution. This was

to further enable CIC and other stakeholders to develop a policy of public participation as required by the Constitution.

- c) A workshop in Harare, Zimbabwe, organised by the Law Society of Zimbabwe on 6th December 2012 where the Commission made a presentation titled 'The Rule of Law and Human Rights' during the workshop.
- d) A conference of the East Africa Law Society held in Kampala, Uganda between 15 and 17th November 2012 where the Commission made a presentation titled 'Reforming Administrative Justice.'
- e) A Workshop held between 13th and 15th May 2012 to review the Supreme Court Rules.
- f) A conference in the United States of America on Shaping the Destiny of Kenya' on 6th October 2012 where the Commission presented a paper titled 'The Role of the Diaspora in Safeguarding the Kenya Constitution.'
- g) A conference in New Zealand organised by the International Ombudsman Institute held in November 2012
- h) A workshop in Arusha, Tanzania organised by the East African Community to develop the East African Community Draft Protocol on Good Governance and the East African Community Plan of Action on Preventing and Combating Corruption.



Commissioner Otiende Amollo giving the Keynote Speech on the Rule of Law and Human Rights during a Forum organised by the Zimbabwe Law Society in Harare Zimbabwe on 6th December 2012. The Commission used the Forum to publicise its activities and forge collaborations with other organizations.

6.7 BENCHMARKING WITH OMBUDSMAN INSTITUTIONS

Being a newly created body, the Commission sought to build linkages with similar institutions worldwide for purposes of benchmarking and sharing information. The Commission forged working relationships with, among others, the South Africa's Public

Protector, Finnish Parliamentary Ombudsman, Ombudsman of Rwanda, Ontario's Ombudsman, Commission for Human Rights and Administrative Justice of Ghana as well as the International Ombudsman Institute (IOI) and the African Ombudsman and Mediators Association (AOMA). To this end, the Commission visited the Finnish Parliamentary Ombudsman and the Rwandan Ombudsman for study tours. The tours provided an opportunity to share information and served as a platform for future engagements and collaborations.

CAJ Commissioners and Senior Staff during a session with the Finnish Parliamentary Ombudsman during their visit to Finland in March 2012. The Tours provided an exquisite opportunity for sharing best practices and forging of collaborations.



The Commission successfully applied for membership to AOMA, and at the same time, initiated its application for membership to IOI. The Commission also hosted the South African Public Protector, who had visited Kenya in November 2012 in her capacity as the Executive Secretary of AOMA, to assess the Commission's and Kenya's capacity to host the Fourth General Assembly of AOMA. The visit was significant since it affirmed the Commission's capacity to partner with international bodies in the execution of its mandate. It is worth of noting that AOMA has membership drawn from 27 countries across Africa and promotes information exchange and best practices for advancement of good governance and human rights in Africa. During the visit, the two institutions discussed a number of issues of interest to them including best practices and areas of collaboration such as exchange visits, information sharing and training.

Through these linkages, the Commission was able to share information and replicate best practices in Kenya. The Commission has also participated in training workshops designed for Ombudsman Institutions. Notably, the Commission participated in the 2012 'Sharpening Your Teeth' training programme in Wellington, New Zealand in November 2012. The course was designed to hone the skills of those working with Ombudsman Institutions to forge effectiveness in their work. Some of the areas covered

included conducting effective investigations and effective interviewing methods, retrieval of relevant documentation, how to deal with whistle-blowers, the assessment of evidence and the use of social media networks.

6.8 STRATEGIC MEETINGS, COURTESY CALLS AND COLLABORATION AGREEMENTS

The Commission attended strategic meetings with various stakeholders to discuss matters of importance to them and examine ways of collaboration. Notably, the Commission organised a meeting of Article 59 Commissions in Mombasa on 19th and 20th May 2013 that came up with a number of resolutions that provided basis of future engagements with each other and with relevant Parliamentary Committees. Article 59 Commissions comprise the Commission on Administrative Justice, Kenya National Human Right Commission and the National Gender and Equality Commission. The resolutions included the streamlining of electronic complaints handling and referral mechanisms; way forward in the enforcement of decisions and recommendations of the Commissions; standardization of relevant Regulations, internal policies and processes; issuance of joint statements and advisories where appropriate; bi-annual consultative meetings of the Commissions; mode or reporting to and engaging Parliament; and collaboration with other Constitutional Commissions including the establishment of the Chairpersons' Forum.

The Commission also held a meeting with the Senior Human Rights Advisor of the United Nations High Commissioner for Refugees on 17th April 2012 where areas of collaboration were identified. Similarly, the Commission attended the Special Prime Minister's Roundtable Meeting on the implementation of the Constitution at the Kenyatta International Conference on 27th June 2012.

In addition, the Commission made courtesy calls to various stakeholders to explore ways of co-operation in the execution of their respective mandates. Some of the stakeholders the Commission made courtesy calls to included the Independent Policing Oversight Authority, the Speaker of the National Assembly, Hon. Kenneth Marende, the Minister for Immigration and Registration of Persons, Hon. Gerald Otieno Kajwang', and the Chief Justice, Hon. (Dr.) Willy Mutunga.

The Chairperson of CAJ, Commissioner Otiende Amollo, handing a folder with information on the Commission's mandate to the Hon. Chief Justice Dr. Willy Mutunga during a courtesy call on the Chief Justice at his Supreme Court offices



Similarly, the Commission hosted local and international visitors who made courtesy calls to the Commission. The calls provided an opportunity for the Commission to forge and nurture close working relationships with the stakeholders, particularly, in relation to public administration and good governance with some being formalised into Memorandums of Understanding (MOU). For instance, the Commission developed a draft MOU to formalize its relationship with the Independent Policing Oversight Authority. The Commission also explored formalizing its relationship with other organizations such as the Public Service Commission and Teachers Service Commission.

6.9 INTEGRATED PUBLIC COMPLAINTS REFERRAL MECHANISM

The Commission, jointly with EACC, KNCHR, NACCSC, TI and NCIC, established a mechanism for referral of complaints known as IPCRM. This was aimed at enhancing the accessibility and capacity of the Commission's complaints handling and also strengthening partnerships amongst the relevant institutions. IPCRM is an electronic-based system of referring complaints for resolution by appropriate institutions. The mechanism, currently in its pilot phase, has facilitated efficient and effective access to the agencies' services at devolved levels, with a total of 26 complaints being referred to the Commission for action through the system.



CAJ Vice Chair, Dr. Regina Mwatha, Director Legal and Advisory, Mr. Yuvinalis Angima pay a courtesy to the Turkana County Commissioner, Mr. Julius Mathenge

**We advise the government on
administrative justice matters**

7.0 INSTITUTIONAL CAPACITY BUILDING AND DEVELOPMENT

7.1 INTRODUCTION

This section details the progress made by the Commission in the development of its infrastructure, accessibility and presence, and resource mobilization and utilization. The Commission made a number of measures aimed at creating a robust and effective organization to discharge its mandate under the Constitution and the law.

7.2 DEVELOPMENT OF REGULATIONS

The Commission developed Regulations in line with Sections 19(2) and 56 of the Act to fully operationalize the Commission. The Commission adopted a participatory approach by involving key stakeholders in the development of the Regulations. To this end the Commission held a workshop in Naivasha in September 2012 to discuss the Regulations. Some of the stakeholders represented at the workshop included the State Law Office, Kenya National Commission on Human Rights, Ethics and Anti-Corruption Commission, Law Reform Commission and the Ministry of Justice, National Cohesion and Constitutional Affairs. The Regulations cover a number of areas including complaints handling, inquiry and investigation of complaints, adjudication of complaints before the Commission, awards by the Commission and enforcement of the decisions and orders of Commission. The Regulations were forwarded to the Government Printer and the Attorney-General for publication in the Kenya Gazette.

7.3 DEVELOPMENT OF GOVERNANCE MANUALS

The Commission commenced the development and review of its governance manuals to cultivate positive organizational culture, optimal use of resources and effective execution of its mandate. The manuals included the Code of Conduct and Ethics, Administrative Guidelines, Procurement Manual, ICT Usage and Security, Communication Strategy and Policy, Financial Policy and Human Resources Manual. The Manuals are expected to be finalized in the following Financial Year.

7.4 DEVELOPMENT OF A STRATEGIC FRAMEWORK

During the period under review, the Commission commenced the development of its Strategic Framework to provide guidance and strategic direction to the Commission for the period 2013-2016. The Commission ensured participation of the stakeholders in the process and considered their input. The Framework is expected to bolster the work of the Commission once it is operationalized.

7.5 HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

7.5.1 Organizational structure and staff complement

The Commission envisions establishing a fully capacitated Secretariat capable of implementing its programmes and activities as per the Constitution and the law. To this end, the Commission developed a comprehensive organizational structure with an approved staff establishment of 336 members. The structure takes cognizance of the mandate of the Commission, decentralization of the Commission and respective roles of the Commissioners and the Secretariat.

In order to operationalize the structure, the Commission embarked on the progressive recruitment of staff during the reporting period. The Commission recruited the Commission Secretary, who is the accounting officer and head of the Secretariat, through a transparent and competitive process. In addition, the Commission successfully conducted recruitment of other cadres of staff to effectively discharge its mandate. The staff recruitment process has been further explained in Annex II of this Report. The staff included the directors being the heads of Directorates, senior managers and other officers. The recruitment brought the Commission's staff establishment to 53 representing 23 ethnicities and 29 Counties as shown in the Tables below:

Table 7: In-post staff complement

NO	NAME	GENDER	COUNTY OF ORIGIN	ETHNICITY
1	CMMR. OTIENDE AMOLLO	M	SIAYA	LUO
2	DR. REGINA MWATHA	F	KIAMBU	KIKUYU
3	CMMR. SAADIA MOHAMED	F	ISIOLO	SOMALI
4	MR. LEONARD NGALUMA	M	TAITA -TAVETA	TAVETA
5	YUVINALIS ANGIMA	M	NAKURU	KISII
6	MICAH NGULI	M	MAKUENI	KAMBA
7	BELINDA OCHIEL	F	SIAYA	LUO
8	ISMAEL MAARUF	M	GARISSA	SOMALI
9	EDWARD OKELLO	M	KISUMU	LUO
10	DAN KAROMO	M	KAJIADO	KIKUYU
11	PHOEBE NADUPOI	F	KAJIADO	MAASAI
12	DICK AJELE	M	TURKANA	TURKANA
13	BENARD NYARIKI	M	KISII	KISII
14	ISAAC MUTUNGA	M	MAKUENI	KAMBA
15	SAMANTHA KODHEK	F	NAIROBI	KIKUYU

16	SYLVIA CHELOGOI	F	TRANS-NZOIA	SABAOT
17	FRANKLIN LILAKO	M	KAKAMEGA	BANYORE
18	ROBI SARARA	M	MIGORI	KURIA
19	WINNIE TALLAM	F	BARINGO	TUGEN
20	ESHA MWIJUMA	F	MOMBASA	DURUMA
21	MOHAMED ADAN	M	ISIOLO	BORANA
22	FRANCIS LEKI	M	TAITA -TAVETA	TAVETA
23	PETER CHEPNGETICH	M	KERICHO	KIPSIGIS
24	ROSSLYN KIBAKI	F	NAKURU	KIKUYU
25	MARY KINUTHIA	F	KIAMBU	KIKUYU
26	GLADYS MOKEIRA	F	KISII	KISII
27	HARUN MUNOKO	M	TRANS-NZOIA	BUKUSU
28	JUSTUS MANYASA	M	KAKAMEGA	BATSOTSO
29	TECLA CHEPKEMOI	F	KERICHO	KIPSIGIS
30	SUSAN RUGURU	F	NAKURU	MERU
31	MWANAMISI MUDUDU	F	KWALE	GIRIAMA
32	RUTH MUKUI	F	EMBU	EMBU
33	MAUREEN ATIENO	F	MIGORI	LUO
34	NORA MORAA	F	KISII	KISII
35	NEEMA MKORORI	F	TRANS-NZOIA	TAVETA
36	BIBIAN MUNGAI	F	KIAMBU	KIKUYU
37	ANTHONY MUSUNDI	M	TRANS-NZOIA	BUKUSU
38	JOYCE MATARA	F	NAKURU	KISII
39	ALI MARO	M	TANA RIVER	POKOMO
40	PAMELA OYUGI	F	SIAYA	LUO
41	ALBERT MOGOA	M	KISII	KISII
42	JACKSON CHACHA	M	KILIFI	GIRYAMA
43	JOHN WANYONYI	M	TRANS-NZOIA	BUKUSU
44	PYMAN GEORGE	M	TRANS-NZOIA	BRITISH
45	DANIEL GITAU	M	MURANG'A	KIKUYU
46	WILSON WAINAINA	M	NYANDARUA	KIKUYU
47	MERAB ODAWA	F	KISUMU	LUO
48	WILLIAM NG'ENO	M	BOMET	KIPSIGIS
49	YUSUF SHEIKH	M	WAJIR	SOMALI
50	VINCENT CHAHALE	M	VIHIGA	MARAGOLI
51	RITA NJIRU	F	EMBU	EMBU
52	STEPHEN KIBUGU	M	NYERI	KIKUYU
53	GRACE GOR	F	HOMABAY	LUO
54	MARTIN ORONY	M	KISUMU	LUO

			Table 9: Summary of Ethnic Groups	
	COUNTIES	NO.	ETHNIC GROUPS	NO.
1	Siaya	3	LUO	8
2	Kiambu	2	KIKUYU	9
3	Isiolo	1	SOMALI	3
4	Taita Taveta	2	TAVETA	3
5	Nyandarua	1	POKOMO	1
6	Kisii	4	KISII	6
7	Homabay	1	BUKUSU	2
8	Murang'a	1	SWAHILI	1
9	Embu	2	KURIA	1
10	Vihiga	1	BATSOTSO	1
11	Trans Nzoia	6	GIRIAMA	2
12	Bomet	1	EMBU	2
13	Nyeri	1	KAMBA	2
14	Kilifi	1	KIPSIGIS	2
15	Kwale	1	MERU	1
16	Makueni	2	TUGEN	1
17	Nairobi	1	MAASAI	1
18	Nakuru	4	TURKANA	1
19	Kakamega	1	BANYORE	1
20	Turkana	1	SABAOT	1
21	Tana River	1	BORANA	1
22	Kericho	2	MARAGOLI	1
23	Garissa	2	BRITISH	1
24	Kisumu	2		
25	Migori	2		
26	Mombasa	1		
27	Kajiado	2		
28	Baringo	1		

7.5.2 STAFF TRAINING AND DEVELOPMENT

The Commission conducted training and development for its staff aimed at enhancing their skills and competency to effectively discharge the functions of their offices. This included training on the role of the Ombudsman in improving public service held at the Public Administration International Institute in the United Kingdom from 21st to 25th May 2012 and facilitation of professional training such as the Continuous Legal Education for members of the Law Society of Kenya. Similarly, the Commission facilitated study tours and exchange visits to other Ombudsman institutions outside Kenya that enabled the Commissioners and staff to gain knowledge and skills, benchmark and share best

practices and forge partnerships with other individuals and institutions. In addition, the Commission facilitated activities aimed at forging teamwork, staff well-being and corporate identity which included participation in the ICJ Kenya Uwazi Cup Tournament at the Impala Club on 12th May 2012, and the end year party for the Commissioners and staff at the Parklands Sports Club on 17th December 2012.

7.6 PHYSICAL AND ICT INFRASTRUCTURE

The Commission acquired office space for the Head Office at West End Towers in Westlands to cater for the enhanced staff complement and enable the Commission to serve the public efficiently. The Commission commenced the preparation processes of the office to make it ready for occupation in 2013. Besides the head office, the Commission plans to devolve its services to the county levels to enable citizens at the grassroots level to access its services. Subsequently, the Commission commenced the processing acquiring offices in Mombasa and Kisumu during the reporting period to serve the Coastal and Western regions. The Commission will set up offices in other regions based on the resource allocation.

Before the Commission realizes this goal, it will rely on partnerships with other organizations, particularly, the grassroots' organizations, media (especially the community radio stations) and technology to reach out to the public to obtain feedback. The Commission, for instance, partnered with the National Cohesion and Integration Commission to monitor misuse of public resources during campaigns ahead of the 2013 General Elections. Similarly, the Commission explored the possibilities of partnering with other Article 59 of the Constitution Commissions, that is, the Kenya National Commission on Human Rights and the Gender and Equality Commission who have established offices in some regions.

In addition, the Commission undertook an assessment of the physical and ICT infrastructure and initiated their modernization and expansion. The Commission, for instance, acquired additional vehicles, equipment, furniture and ICT facilities to enhance its infrastructure and capacity to deliver on its mandate. Furthermore, the Commission revamped its website to make it more interactive and facilitate the dissemination of information and receipt of complaints from the public.

7.7 FINANCIAL RESOURCE MOBILIZATION AND UTILIZATION

The period under review fell under two financial years, that is, 2011/2012 and 2012/2013. In the 2011/2012 fiscal year, the Commission's funds were under the Ministry of Justice, National Cohesion and Constitutional Affairs. The Commission, however, got an independent vote in the current financial year and will be reporting

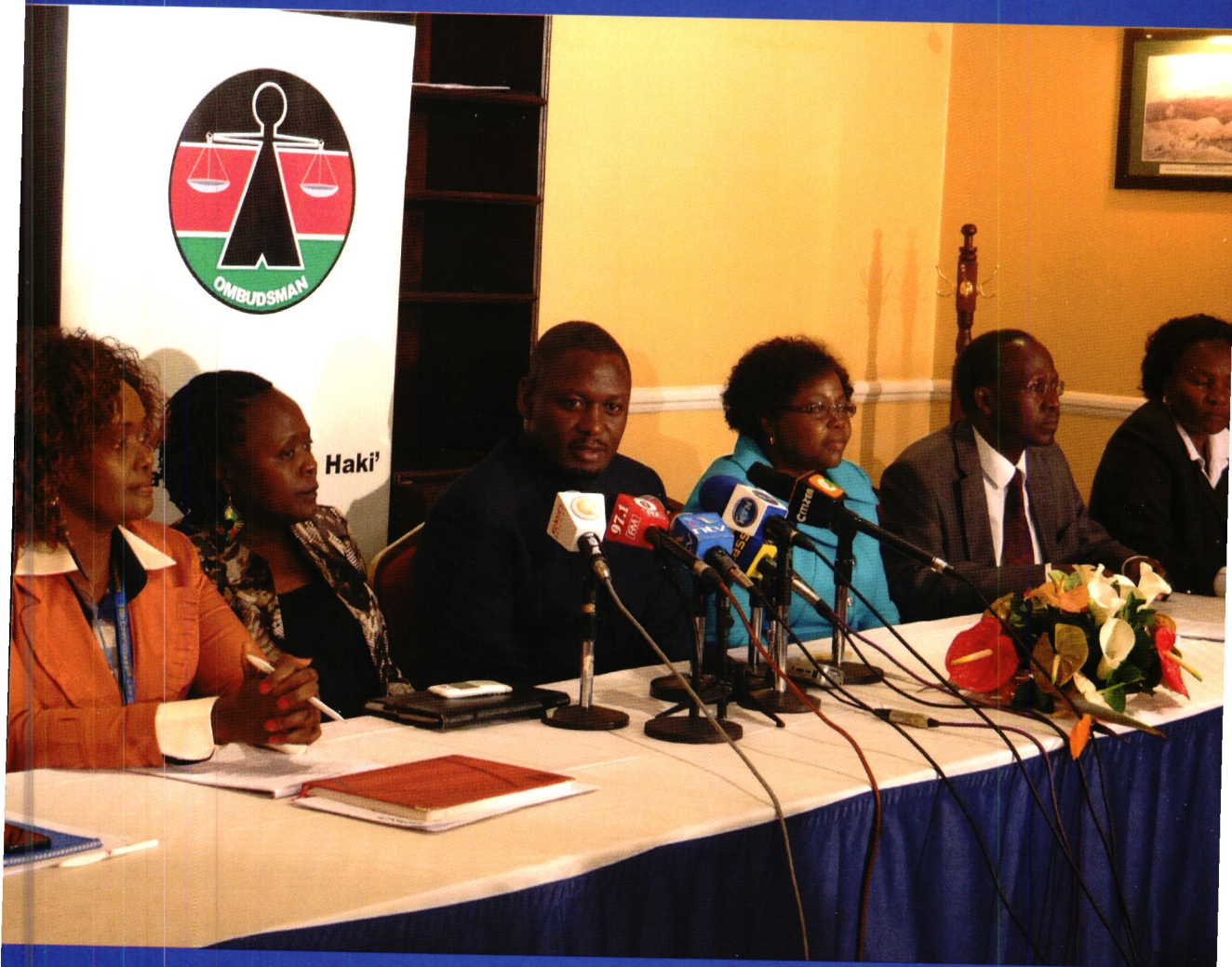
on its expenditure at the end of the financial year. In the current financial year, the Commission was allocated KES 302,978,200 as follows:

Personal emoluments	-	132,912,000
Operations & Maintenance	-	<u>170,066,200</u>
TOTAL	-	<u>302,978,200</u>

As the Commission has developed an organizational structure and is concluding development of a strategic framework that provides a roadmap for implementation of its mandate, it is hoped the Government will enhance its budgetary allocation to be in tandem with its responsibilities.

The Commission has also received support from development partners through the United Nations Development Programme under the project *support to the realization of human rights and access to justice in Kenya*.

To enhance prudent and optimal utilization of resources, the Commission maintained proper books of accounts, adequate financial controls and timely reporting of budget execution in line with the financial laws and Regulations. In addition, the Commission ensured compliance with the Public Procurement and Disposal Act of 2005 and the attendant Regulations of 2006 in the procurement of goods, services and works.



| CAJ Chairs a forum with other Chair Persons of Constitutional Commissions and Holders of Independent Offices

We facilitate resolution of inter governmental conflicts and between public organs through mediation and conciliation

8.0 CHALLENGES AND WAY FORWARD

8.1 CHALLENGES

The Commission encountered the following challenges during the period under review.

8.1.1 Unresponsiveness by public officers

There was general unresponsiveness by some public officers and public institutions on matters of administrative justice. A number of public officers and institutions sometimes failed to promptly respond to inquiries made by the Commission. This is reflected in the number of complaints on unreasonable delays and unresponsive official conduct during the period under review, which constituted 39 percent of the total complaints lodged with the Commission. Unresponsiveness lengthens the period within which the Commission resolves complaints since such resolutions are partly dependent on the responses from the public institutions.

8.1.2 High public expectations

In light of the history of poor governance in Kenya, the Commission experienced high public expectations to quickly move and address all aspects of maladministration lodged with the Commission and sometimes on topical issues that might be outside its mandate. It is important to note that the time taken to resolve a complaint depends on the nature of the complaint lodged and the efficiency of the public institution in question in providing a response to the inquiry by the Commission.

8.1.3 Inadequate Human and Financial capital

The Commission experienced financial and human resources challenges during the period under review. The financial outlay was inadequate for the Commission's activities, and the staffing level was too low to cope with the increased demand for the Commission's services.

8.1.4 Limited County presence

The Commission faced the challenge of limited presence at the Counties. However, the Commission commenced the process of progressive establishment regional offices to address this challenge with the plans to open offices in Kisumu and Mombasa in the following year.

8.1.5 Inadequate enforcement mechanisms

There are no adequate mechanisms for the enforcement of the Commission's decisions, determinations and recommendations.

8.2 WAY FORWARD

The Commission will continue to execute its mandate as it seeks to become an effective overseer of responsiveness and servant-hood in public offices in Kenya. The Commission will seek to enforce administrative justice and promote constitutional values by addressing maladministration through effective complaints handling and dispute resolution. Specifically, the CAJ intends to undertake the following.

- Finalise the development of its Strategic Framework
- Publish and operationalize its Regulations
- Recruit more staff to strengthen its capacity to execute its mandate
- Establish regional offices to increase accessibility and presence
- Establish and nurture partnerships and coalitions with local and international stakeholders
- Continue enhancing complaint handling capacity of public institutions
- Escalate training, awareness and advocacy programmes and activities
- Strengthen complaints handling to ensure efficiency and optimal performance
- Enhance physical and ICT infrastructure and widen the funding streams
- Undertake research on systemic issues affecting public administration and make recommendations to relevant institutions

COMMISSION MEMBERS

Commissioner Otiende Amollo, EBS - Chairperson



Cmmr. Otiende Amollo is an Advocate of the High Court of Kenya with over 17 years standing, a Notary Public, a Commissioner for Oaths and a Certified Public Secretary. He holds LL.B (Hons) and LL.M (Public Law) degrees from the University of Nairobi. He also holds a Diploma and Certificate (Human Rights & Humanitarian Law) from the Kenya School of Law and Lund University respectively.

Before his appointment to chair the Commission on Administrative Justice, he served in the Committee of Experts on Constitutional Review as one of the Nine Experts who delivered the Constitution of Kenya 2010. Otiende has served as Chairman, Secretary and Council member of the International Commission of Jurists Kenya Section (9 years), Secretary General, Deputy Secretary General and Council Member of the East Africa Law Society (6 years), Council Member of the Law Society of Kenya (2years), Chairperson and Board Member Action Aid International – Kenya (4 years), served in the Board of Kituo cha Sheria and in Boards of various public and private entities. Otiende has researched, presented and participated in many Human Rights and Constitutional Law discourses in Kenya and abroad for the past decade and has also litigated on various landmark cases on Human Rights and Constitutional Law nationally and internationally. He has also done extensive work in developing national legislation on Land, Insurance, HIV Legislation, Labour Relations and Environmental laws. Otiende was a founding member of the All Africa Human Rights Pressure Group, the Law Forum of the University of Nairobi, and the Kenya Legal Network on HIV/AIDS.

He has undertaken various Observer and Training Missions in various Countries. He was

awarded the 2003 Antony Dzuya Leadership Award, and accorded Recognition by the LSK in 2002, 2006 and 2007 and by the ICJ Kenya in 2004 and 2006. Together with other members of the Committee of Experts on Constitutional Review, he was awarded the 2010 Special Katiba Award by the Kenya National Commission on Human Rights and the Special Mashujaa Award 2010 by the National Council of Community Based Organisations. In the same year, he was accorded the Global Alumni for October by the U.S Government, and awarded the Honour of Elder of The Burning Spear (E.B.S) of the Republic of Kenya on 12th December 2010.

Otiende served as Secretary and key drafter of the Task Force that drafted the HIV and AIDS Control and Management Act and also drafted and successfully moved for adoption of the Rules on Senior Counsel in Kenya. For several years, he served as the Editor of the Advocate and the East African Lawyer, the official journals of Lawyers in Kenya and East Africa respectively. He is a member of the International Bar Association and the Commonwealth Law Association.

Commissioner (Dr.) Regina Mwatha, MBS – Vice Chairperson



Commr. Dr. Mwatha holds a PhD in Sociology from the University of Reading, UK, and has over 16 years' experience on Gender and Development. She has served in the private, public and international organisations in various capacities.

Dr. Mwatha is a Gender Specialist at the Department for Policy Management Forum/ United Nations Economic Commission for Africa UNECA DPMF, President of the Organisation of Social Scientists in Eastern and Southern Africa (OSSREA), gender specialist for International Confederation of Free Trade Unions Africa, (ICFTU-AFRO) and International Labour Organisation (ILO), and a consultant with the East African Community on citizen's rights across the community countries.

Before joining CAJ, Regina served as the Chairperson of the National Gender and Development Commission which later changed to Kenya National Gender and Equality Commission upon the promulgation of the Constitution. As chair of the Commission, she gave it national visibility. Earlier, she also worked as a researcher and a lecturer with the Gender Department of Kenyatta University and later as an administrator the level of registrar administration.

Regina has expertise and experience in gender and equality issues, governance, advocacy and Lobbying, research, community mobilization, training, facilitation, monitoring and evaluation, organizational management, and performance management.

Commissioner Saadia Mohamed, OGW – Member



Cmmr. Saadia Mohamed holds a Master of Science degree from University of Birmingham and a Bachelor of Arts degree from Egerton University. She is a social development specialist with over 15 years' experience. Commissioner Mohamed has extensive knowledge in working with marginalized and pastoralist communities.

The wealth of experience she possesses in building capacities of marginalized people, resource mobilisation, conflict management and resolution and strategic development make her an invaluable asset to the Commission.

Mr. Leonard Ngaluma – Commission Secretary



Mr. Leonard Ngaluma was appointed the Commission Secretary on February 1, 2012. He holds an MBA in Strategic Management from the University of Nairobi and has over 20 years of experience in public service.

Prior to his appointment, he was a Senior Deputy Secretary in the Office of the Prime Minister. He has also served with the Provincial Administration rising through the ranks over the years to the position of Senior District Commissioner.

ANNEX 1: LETTERS OF APPRECIATION

Re: Transfer of ownership of motor vehicle registration number 49KA16

wahome John

04

to: cic@kra.go.ke
Cc: "info@ombudsman.go.ke"
From: wahome John
To: "cic@kra.go.ke" <cic@kra.go.ke>
Cc: "info@ombudsman.go.ke" <info@ombudsman.go.ke>

Please respond to wahome John

Dear Sir,

It is with great pleasure that I do this letter thanking you and confirming the transfer of the said car in my favour as requested.

I have since been issued with reg. KBR 654 S.

Regards
John Wahome

Sent: Thursday, April 19, 2012 11:22 AM

Subject: Complaint regarding delay in the transfer of ownership of motor vehicle registration number 49KA16

John Wahome,

The above complaint was lodged at the office of Commission on Administrative Justice-(The Ombudsman). KRA has so far addressed the complaint and already issued you with new registration number KBR 654S.

Kindly communicate the same to the office of the Ombudsman via their email address info@ombudsman.go.ke and copy to cic@kra.go.ke, to have the case closed. We will appreciate your response and will continue to ensure we deliver quality service to the public.

Regards,

S.N.Sila
KRA Complaints & Information Centre
Times Tower Building, 30th Floor
P. O. Box 48240 – 00100 GPO Nairobi
Tel: (020) 2817700, (020) 2817800 and (020) 343342
Fax: (020) 341342
Email: cic@kra.go.ke, frimbi@kra.go.ke and whistleblower@kra.go.ke
Website: <http://www.kra.go.ke>

Please click on link for K.R.A disclaimer <http://www.kra.go.ke/Disclaimer/>

Call Centre Numbers 4 999 999/0711 099 999

Pastor Christopher Ikechukwu Obialor
And
Christine Nanjira
P.O. Box 359- 80300
Voi -Kenya.

To
Barrester Otiende Amollo
The Chairman Commission on Administrative Justice
6th floor, Harambee Avenue
P.O. Box 20414-00200, Nairobi



Dear Sir,

RE: APPRECIATION

26th March, 2012

On the 18th December ,2011 My wife-Christine Nanjira and I were in office with a complain concerning the manner in which the Ministry of Immigration was handling my residential work permit with no clear explanations why the permit was not issued furthermore the delay on the same matter. We sought for your intervention in your capacity which you and your office responded to immediately, by writing to the Director of Immigration to act as expected.

We are glad to bring to your notice that your efforts were not in vain and the Director of immigration services responded positively to your demands as pertaining to my case. He issued notification of approval of the renewal of permit, subsequently issued the entry permit and finally the endorsement of the permit and re-entry pass on my passport.

In view of this we are very much appreciative and thank you very much for using your office and your mandate as a commission to ensuring that justice prevailed in my issue.

As concerning my registration as a Kenyan Citizen, I made efforts in the immigration department to file in for application but was advised the process has not fully began for dual citizenship. I will immediately file in an application for dual citizenship once it begins.

Copies of this document are attached to this letter to ascertain all that I have been explained in this letter

May the lord Bless and Keep you.

Yours faithfully


Pastor Christopher Obialor

Noted
O.A.
27/3/12

Home Alive Christian Ministry

P. O. Box 359-80300, Voi - Kenya. East Africa Tel:

+254-720-213321'

+254-723416097, +254-72321411, +254-0202354917.

homealivekenya@gmail.com



26th March, 2012

To

**Barrester Otiende Amollo
The Chairman Commission on Administrative Justice
P.O. Box 20414-00200, Nairobi**

Dear Sir,

RE: THANK YOU

Rev. Christopher Ikechukwu Obialor is a Nigerian National working with us in our Ministry in Voi with great dedication to duties he came to your offices and launched a complain concerning all explained reasons why the department of immigration was not issuing him a renewal of resident permit

We noticed with great kin that you and your office immediately picked up the matter and acted in your capacity, in line with your mandate and issued a letter to the Director of Immigration to respond and act accordingly as expected.

This was not undermined by the Director of Immigration rather he acted positively in response to the letter you issued in your capacity from your office.

As a ministry we are saying thank you for intervening in the matter and ensuring that justice prevailed in the whole process. Right now Rev. Obialor has the permit and the re-entry pass both endorsed in his passport which has given him and us relief because now he carries out his work freely with no fears.

Thank you for your continuous co-operation, and may the Almighty God Bless you.

Yours faithfully

Rev. Gabriel Onyango

OVERSEER TAITA- TAVETA COUNTY

*H A C IIA: "Bringing Life & H-o-pe to Families World wiie11.
Raising an End-time Army*

Mandated to:

Establish Churches
Counseling
Prayer & **Deliverance**
Seminars
Crusades Bible
College Establish
Schools
Publishing Christian
Literature
Establish Ophanage
& Rehabilitation
Centres

JOSC:PH WAI\JG\1
P. O. BOX 61
f N[]A fS.tl ? H6
14th September, 2012

TO THE COMMISSIONER THE
COMMISSION ON
ADMINISTRATIVE JUSTICE
OFFICE OF THE OMBUDSMAN
P. O. BOX 20414
NAIROBI

Dear Sir,

RE: LETTER OF APPRECIATION TETU/KABAGE/69.

I wish to express my thanks and appreciation for the assistance I have received from the Commission on Administration Justice to enable me to repossess my land L.R.Tetu/Kabage/69 despite the resistance of the District Land Registrar Nyeri backed by Mr. Ngatia the Chief Land Registrar.

I wish also to thank the Permanent Secretary Ministry of the Land Adhi House, who has pushed the Chief Land Registrar to register my land L.R. Telu/Kabage/69 despite his unwillingness to do so. (copy attached).

I wish to inform the Commission that the Provincial Administration Central Province has assisted me so much to repossess my land despite resistance from District Registrar Nyeri.

It is my prayer that God gives the Commissioners strength and power to help others who are having problems like mine. May God bless you.
Thankyou.d

JOSEPH HARIA
CC: PERMANENT SECRETARY
MINISTRY OF LANDS
P. O. BOX 30450
NAIROBI

PERMANENT SECRETARY
OFFICE OF THE PRESIDENT
P. O. BOX
NAIROBI

PROVINCIAL COMMISSIONER
CENTRAL PROVINCE
P. O. BOX 32
NYERI

ANNEX II: STAFF RECRUITMENT PROCESS

The Chairperson and the Commissioners of the Commission on Administrative Justice were appointed into office in accordance to the constitutional requirements and through the stipulated process after which they were sworn in after a Gazette Notice No. CXIII No. 109 dated 9th November 2011 and commenced work at the Commission.

COMMISSION SECRETARY

A total of 61 applicants were received. 15 (24.6%) of the applicants were female while 46 (75.4%) were male. The short listing was done based on set criteria complying with the Constitution, the Commission on Administrative Justice Act and in consideration of regional balance *vis-a-vis* the serving Commissioners. Seven (7) candidates were shortlisted of which 2 (28.6%) were females and 5 (71%) males. Interviews were conducted on 5th January 2012 with **Mr. Leonard Ngaluma** scoring the highest marks.

PROCUREMENT OFFICER

108 applications were received of which 33 (30.6%) applicants were females and 75 (69.4%) males. Ten (10) candidates were shortlisted – 8 (80%) males and 2 (20%) females. The interviews were conducted on 19th June 2012.

Mr. Dick Ajele came out as the preferred candidate on the basis of the scores and set out criteria.

DEPUTY SECRETARY, OFFICE OF THE CHAIRPERSON

18 applications were received of which 11 (61.1%) were females and (38.85) male applicants. Seven (7) or 38.9% of the candidates were shortlisted - 57.1% females and 28.6% males. The interviews were conducted on 20th June 2012.

Mr. Edward Okello came out as the preferred candidate on the basis of the scores and set out criteria.

DEPUTY SECRETARY, FINANCE & ADMINISTRATION

A total of 56 applications were received of which 17 (12.5%) were females and 39 (69.6%) males. Seven (7) or 12.5% of the candidates were shortlisted for interview consisting of two (2) or 28.6% females and five (5) or 71.4% males. Interviews were conducted on 9th July 2012.

Dan Karomo came out as the preferred candidate on the basis of the scores and set out criteria

DEPUTY SECRETARY, LEGAL & ADVISORY

Sixteen (16) applications were received with six (6) or 37.5% candidates shortlisted for interview. Two (2) or 33.3% of the candidates were females and 66.7% males. The interviews were conducted on 10th July 2012.

Yuvinalis Angima came out as the preferred candidate on the basis of the scores and set out criteria.

DEPUTY SECRETARY, RESEARCH & INVESTIGATION

55 applications were received of which 13 (23.6%) were female applicants and 42 (76.4%) were male. Six (6) or 10.9% of the candidates were shortlisted for interview consisting of two (2) or 33.3% females and four (4) or 66.7% males. The interviews were conducted on 11th July 2012.

Micah Nguli came out as the preferred candidate on the basis of the scores and set out criteria.

DEPUTY SECRETARY, ADVOCACY & COMMUNICATIONS

51 applications were received with 17 (33.3%) being females and 34 (66.7%) males. Six (6) or 11.8% of the candidates were shortlisted for the interview consisting of two (2) or 33.3% females and four (4) or 66.7% males. The Interviews were conducted on 12th July 2012. Three applicants shortlisted and informed of the interview did not attend. It was further proposed to re-advertise for the above position so as to collect a good sample of candidates and a total of 15 candidates applied and four (26.7%) were shortlisted for the interview conducted on 21st August 2012.

Belinda Ochiel came out as the preferred candidate on the basis of the scores and set out criteria.

DEPUTY SECRETARY, COMPLIANCE & RISK

A total of 18 applications were received for this position of which four (4) or 22.2% applicants were females and fourteen (14) or 77.8% males. Seven (7) or 38.9% of the candidates were shortlisted were all male applicants. The interviews were conducted on 13th July 2012.

Maaruf Ismail came out as the preferred candidate on the basis of the scores and set out criteria.

SENIOR MANAGER, ADVOCACY & COMMUNICATION

A total of 51 applications were received for this position of which 6 (11.8%) candidates were shortlisted for interview consisting of five (5) or 83.3% females and one (1) or 16.7% male. The interviews were conducted on 23rd August 2012.

Phoebe Nadupoi came out as the preferred candidate on the basis of the scores and set out criteria.

INTERNAL AUDIT MANAGER

A total of 36 Applications were received with 7 (19.4%) candidates being shortlisted for interview. Six (6) or 85.7% of the candidates were male and one (1) (14.3%) female. The interviews were conducted on 7th December 2012.

Anthony Musundi came out as the preferred candidate on the basis of the scores and set out criteria.

LEGAL OFFICERS

280 applications were received for this position with 23 (8.2%) candidates shortlisted for interview. Nine (9) or 39.1% of the candidates were males and fourteen (14) or 60.9% females. However, two candidates did not appear for the interview despite being informed on time about the interview. The interviews were conducted on 10th and 11th December 2012 respectively.

Esha Mwijuma, Samantha Kodhek, Winnie Tallam, Franklin Lilako, Robi Sarara and Sylvia Chelogoi came out as the preferred candidates on the basis of the scores and set out criteria.

SENIOR EXECUTIVE SECRETARY

222 Applications were received for this position and only 6 (2.7%) candidates were shortlisted for interview with all candidates being females. The interviews were conducted on 13th December 2012.

Susan Ruguru came out as the preferred candidate on the basis of the scores and set out criteria.

FINANCE MANAGER

59 Applications were received, 7 (11.9%) candidates were shortlisted for interviews. Three (3) or 42.8% of the candidates were males and four (4) or 57.2% females. The interviews were conducted on 14th December 2012.

Neema Mkorori came out as the preferred candidate on the basis of the scores and set out criteria.

SENIOR PERSONAL SECRETARY

A total of 294 applications were received with 10 (3.4%) candidates being shortlisted for interviews. Nine (9) or 90% were females and one (1) or 10% was a male. The interviews were conducted on 13th December 2012.

Mwanamisi Mududu and Bibian Mungai came out as the preferred candidates on the basis of the scores and set out criteria.

SENIOR SUPPORT STAFF & SUPPORT STAFF

438 Applications were received for the position of Senior Support staff where only 6 (1.4%) candidates were shortlisted for interviews with 5 (83.3%) being females and 1 (16.7%) male. The interviews for both positions were conducted on 7th January 2013.

Wilson Wainaina came out as the preferred candidate for the position of Senior Support Staff on the basis of the scores and set out criteria.

A total 747 Applications were received where 7 (0.9%) candidates shortlisted for interview with 2 (40%) being males and 5 (60%) females. The interviews were conducted on 7th January 2013.

Merab Atieno and Ali Maro came out as the preferred candidates for the Support Staff position on the basis of their scores and set out criteria.

RECEPTIONIST/TELEPHONE OPERATOR

294 Applications were received for this position with 5 (1.7%) candidates shortlisted for the interview. One (1) or 20% of the candidate was a male and four (4) or 80% were females. The interviews were conducted on 8th January 2013.

Ruth Mukui came out as the preferred candidate on the basis of the scores and set out criteria.

SENIOR DRIVERS

313 applications were received for this position where 13 (4.2%) candidates were shortlisted for interviews with 1 (7.7%) being female and 12 (92.3%) males. The interviews were conducted on 8th January 2013.

William Ng'eno, Jackson Chacha and John Wanyonyi came out as the preferred candidates on the basis of the scores and set out criteria.

SENIOR ACCOUNTANT

283 applications were received where 7 (2.5%) candidates being shortlisted for interviews with 5 (71.4%) being males and 2 (28.6%) females. The interviews were conducted on 9th January 2013.

Benard Nyariki came out as the preferred candidate on the basis of the scores and set out criteria.

SENIOR RECORDS MANAGEMENT OFFICER & RECORDS MANAGEMENT OFFICER

A total of 121 Applications were received for the position of Senior Records Management Officer with 6 (4.9%) candidates shortlisted for interview. Four (4) or 66.7% of the candidates were females and two (2) or 33.3% males. The interviews for both positions were conducted on 10th January 2013.

255 applications were received for the position of Records Management Officer with 6 (2.4%) candidates being shortlisted for interview. Four (4) or 66.7% were males and two (2) or 33.3% females.

Mary Kinuthia and Gladys Mokeira came out as preferred candidates for the two posts based on the scores and set out criteria.

SENIOR COMPLIANCE OFFICER & COMPLIANCE OFFICER

A total of 72 applications were received with 5 (6.9%) candidates shortlisted for interview. All candidates were male. The interviews for both positions were conducted on 11th January 2013.

COMPLIANCE OFFICER

385 Applications were received with 5 (1.3%) shortlisted for the interviews. Two (2) or 40% of the candidates were males and three (3) or 60% females.

Harun Munoko and Rosslyn Kibaki came out as the preferred candidates for the two posts on the basis of their scores and set out criteria.

CHIEF ICT OFFICER

66 applications were received for this position with 5 (7.6%) candidates being shortlisted for interview. All were male candidates. The interviews were conducted on 14th January 2013.

Isaac Mutunga came out as the preferred candidate on the basis of the scores and set out criteria, but could not take the offer and the same was given to **Morgan Keya** who came in second.

PLANNING OFFICER & HUMAN RESOURCE & ADMINISTRATION MANAGER

A total of 2,347 applications were received for the position of Planning Officer with 7 (0.3%) of the candidates shortlisted for interview. Six (6) or 85.7 of the candidates were males and one (1) or 14.3% was female. The interviews for the position of Planning Officer and that of Human Resource & Administration Manager were conducted on 15th January 2013.

111 applications were received with 7 (6.3%) candidates shortlisted for interview. Five (5) or 83.3% of the candidates were females and one (1) or 16.7% being a male.

Mohamed Adan and Pamela Oyugi came out as the preferred candidates for the two posts on the basis of their scores and set out criteria.

CHIEF CLERICAL OFFICER

A total of 1,498 applicants were received where 4 (0.3%) candidates were shortlisted for interview with 3 (75%) being males and 1 (25%) being a female. The interviews were conducted on 15th January 2013.

Justus Manyasa came out as the preferred candidate on the basis of the scores and set out criteria.

RESEARCH & INVESTIGATIONS OFFICER

A total of 620 applications received where 14 (2.3%) candidates were shortlisted for interview with 6 (42.9%) being males and 8 (57.1%) being females. The interviews were conducted on 16th January 2013.

Joyce Matara, Peter Kipngetich and Francis Leki came out as the preferred candidates on the basis of their scores and set out criteria.

