



# mbudsman Newsletter



Ombudsman Recommends Full Compensation for Teacher Wrongfully Retired by TSC on Public Interest Claim



Ombudsman Partners with GIZ to Undertake Public Awareness and Education in Kirinyaga and Kakamega Counties



KMPDC Backs Ombudsman, Directs City Hospital and Funeral Home to Release Unlawfully Held Bodies



**Commission on Administrative Justice  
(Office of the Ombudsman)**  
*Hata Mnyonge ana Haki*

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**The Ombudsman Newsletter****Commission Chairperson:**

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**Standing With You: Stories of Courage, Hope, and Justice for Every Kenyan**

This edition captures a quarter defined by courage, collaboration, and conviction, three qualities that continue to shape the Commission on Administrative Justice's mission to protect the dignity of every Kenyan. Across counties and institutions, our work this period reaffirmed a foundational truth: justice is not abstract; it is lived, felt, and demanded in the everyday experiences of our people.

From life-altering interventions for teachers unfairly dismissed or reduced to destitution, to restoring the rights of families whose final moments of grief were compounded by unlawful detention of bodies, the Ombudsman has remained a steadfast guardian where public systems faltered. These stories remind us that administrative justice is not only about correcting paperwork; it is about restoring livelihoods, healing communities, and upholding the dignity protected by our Constitution.

This quarter also marked significant strides in advancing the right of access to information. Through decisive enforcement actions targeting institutions that withheld, delayed, or selectively disclosed information, the Commission dismantled barriers of opacity that too often shield maladministration. Whether compelling KRA, KPLC, CBK, or county entities to release critical records, our message was consistent and unmistakable: transparency is a right, not a favour.

Equally inspiring were the partnerships and outreach initiatives that brought the Ombudsman closer to the people. Under the Ombudsman Mashinani banner, supported by dedicated partners such as GIZ, we engaged thousands of citizens, sensitized thousands of National Government Administration Officers, and collaborated with county governments across Kirinyaga, Kakamega, Makueni, and beyond. Our progress on the State of Openness Report and the ADR Manual further signals our commitment to building systems that are not only responsive, but also preventive and citizen centred.

This edition carries stories of heartbreak turned to hope, silence turned to truth, and despair turned into dignity. It also honours the memory of national heroes, reminding us that justice is inseparable from the broader struggle for democracy and good governance.

As you read through these pages, may you be reminded that the Ombudsman remains your institution, an ally, a shield, and a voice for every Kenyan navigating the complexities of public administration.

We move forward with renewed resolve:

- To act boldly.
- To innovate continuously.
- To enforce transparency relentlessly.

And above all, to ensure that Hata Mnyonge Ana Haki, even the smallest voice is heard, protected, and empowered.

**Thank you for walking this journey of justice with us**

**Osman Mohammed**  
Director – Public Education, Advocacy & Corporate Communications.



## MESSAGE FROM THE CS/CEO

**Strengthening Accountability and Restoring Dignity: A Quarter of Impactful Service**

**Mr. D. M. Karomo**  
**Ag. Commission Secretary/CEO**

This quarter has reaffirmed the vital role of the Commission on Administrative Justice as a defender of fairness, dignity, and accountability across the nation. Through our interventions, partnerships and sustained public engagement, we continued to demonstrate that administrative justice is not an abstract principle, but a lived promise to every Kenyan who seeks redress, truth, or a responsive public service.

Across the country, our teams were present where citizens needed us most. Through Ombudsman Mashinani activities in Kirinyaga and Kakamega, conducted in partnership with GIZ under the Strengthening Good Governance Programme, we took our services directly to the grassroots. Hundreds of residents engaged with the Commission, lodged complaints, sought legal aid, and learned about their rights under the Access to Information Act. These activities were strengthened by the support of National Government Administrative Officers, who mobilized communities and amplified our messages on accountability and public service responsiveness.

Our courtesy calls to the County Commissioners of Kirinyaga and Kakamega, as well as engagements with county leadership, underscored a shared commitment to collaboration for improved governance. We discussed pending complaints, reinforced the importance of transparency, and deepened practical partnerships, particularly with counties such as Kakamega which continue to be a model in sustaining a functional County Office of the Ombudsman. Such county-level cooperation is essential to building a future where citizens can access justice seamlessly and without barriers.

This quarter also highlighted the power of the right to information in restoring dignity and enabling citizens to meaningfully participate in governance. Through our interventions, institutions released key public records that were unlawfully withheld. Whether compelling the Equalisation Fund Advisory Board to issue detailed information on project implementation and allocations, or ensuring that teachers, students, and grieving families received documentation essential to their wellbeing and closure, the Commission proved once again that access to information is a transformative right. It empowers citizens to challenge misinformation, expose irregularities, and seek justice with confidence.

We also resolved cases that touched directly on the lives and futures of individuals. Teachers facing unfair labour practices received justice through reinstatement and corrective action. Errors affecting the professional identity of public officers were rectified. Students who were previously denied clarity on financial obligations finally received the information they needed to continue their education. In cases where delays threatened life itself, such as a Kenyan urgently needing passports for a life-saving medical procedure, the Commission's intervention brought swift and decisive relief. These stories reflect our unwavering dedication to addressing both the systemic and human dimensions of maladministration.

We also continued our technical leadership in advancing openness. Through a multi-agency workshop to develop Kenya's State of Openness Report, we worked with partners including UNODC, KNBS, Article 19, and Mzalendo to design tools that will assess the nation's compliance with the Access to Information Act. This work is a cornerstone of a more transparent and accountable public service.

At community, county, national, and continental levels, our message has remained clear. Justice must be accessible, public institutions must be accountable, and the dignity of every Kenyan must be protected.

As we close the quarter, I extend my appreciation to our staff, partners, government institutions, and the citizens who continue to entrust us with their grievances. Your courage, collaboration, and commitment make our work possible.

We move forward with renewed resolve to widen access to justice, strengthen transparency, and uphold the promise that every voice, no matter how small, deserves to be heard.

## ADVISORY OPINION

Hata Mnyonge Ana Haki.

**The Commission Calls for Urgent Enactment of Whistleblower Protection Bill**



The Commission on Administrative Justice (Office of the Ombudsman) is recommending that all public institutions, oversight bodies, and policymakers urgently strengthen legal, institutional, and policy frameworks for whistleblower protection in line with Kenya's constitutional order and international obligations. The Commission is urging Parliament to prioritize and expedite the enactment of the Whistleblower Protection Bill, 2024, to establish a comprehensive, stand-alone legal framework that aligns with constitutional values and international standards. In the interim, all public institutions are advised to establish **internal whistleblowing policies** that guarantee confidentiality, anonymity, and protection against reprisals for those who disclose wrongdoing in good faith. The Commission is also calling on the **Institutionalization of a whistleblowing culture** as part of Kenya's governance framework, with effective monitoring, evaluation, and reporting structures.

In an advisory opinion, issued on 6<sup>th</sup> November, 2025, the Commission notes that Section **8(1)** of the CAJ Act empowers it to investigate complaints of maladministration or any conduct in state affairs or any act or omission in public administration that is alleged or suspected to be unfair, unlawful, or abusive. Such complaints emanate from any person deprived off efficient, quality and timely public services whose identity may be **protected by the Commission** where necessary with reference to the CAJ Reg 5(4). Moreover, protection of the complaints, is further reinforced by **Section 16 of the**

**Access to Information Act, 2016** which expressly provides that a person shall not be penalized in relation to any employment, profession, voluntary work, contract, membership in an organization, or in any other way, for disclosing information pursuant to the Act in good faith and in the public interest. This statutory protection recognizes whistleblowing as a legitimate exercise of the right to access information under **Article 35 of the Constitution**, and shields whistleblowers from retaliation.

**Legal and Policy Framework**

The protection of whistleblowers in Kenya is anchored primarily in the Constitution of Kenya (2010), which enshrines principles of transparency, accountability, and integrity as binding values of governance under Article 10. These values are further reinforced by Chapter Six on Leadership and Integrity, which obligates State and public officers to act in an honest and accountable manner and to report breaches of integrity. In this way, the Constitution provides a normative foundation that recognizes whistleblowing as an act that advances democratic governance.

The right to disclose wrongdoing and seek protection is also supported by other constitutional guarantees. Article 33 on freedom of expression secures the ability of individuals to make disclosures in the public interest, while Article 35 provides citizens with the right of access to information held by the State and other persons where such information is required for the exercise or protection of a right. Additionally, Article 47 guarantees every person the right to fair administrative action, which extends to whistleblowers who may otherwise face unfair treatment or reprisals for making disclosures. The values of Article 232 on public service—notably accountability for administrative acts and transparency—reinforce the duty of public institutions to create safe spaces for whistleblowing.

At the statutory level, Kenya has several sectoral laws that provide partial protections. The Public Officer Ethics Act (2003) obligates public officers to report acts of corruption and unethical practices, while the Leadership and Integrity Act (2012) obligate State officers to promote integrity and accountability by reporting misconduct. The Bribery Act (2016) further strengthens this duty by shielding persons who report bribery from victimization. **The Access to Information Act (2016) implemented by the Commission complements these laws by ensuring that whistleblowers who**

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## seek to disclose information in the public interest can access and share official information lawfully.

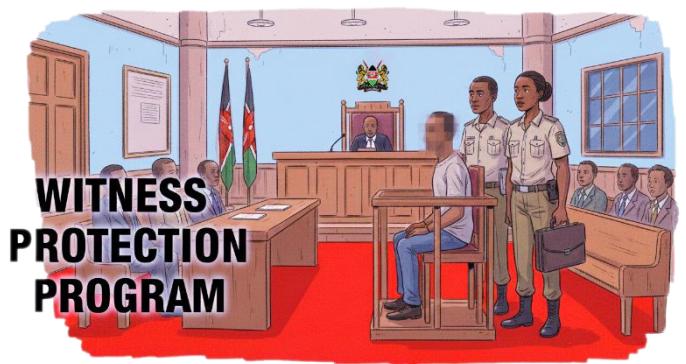
The Witness Protection Act (Cap 79) offers another layer of protection by safeguarding witnesses in criminal and related proceedings. However, its scope is limited, as it primarily protects those already engaged in judicial processes rather than whistleblowers at the point of disclosure. This underscores the absence of a comprehensive statutory framework specifically dedicated to whistleblower protection.

Recognizing this gap, Kenya developed the Whistleblower Protection Bill (2021), which, once enacted, will provide a holistic framework for the receipt, handling, and protection of whistleblowers. The Bill proposes confidential reporting channels, safeguards against retaliation, and the possibility of legal immunity for disclosures made in good faith. The Bill is therefore expected to harmonize and expand existing protections, in line with constitutional values and international best practices.

Kenya's obligations under international and regional instruments further strengthen the case for whistleblower protection. The country is a State Party to the United Nations Convention against Corruption (UNCAC), which under Article 33 urges States to take measures to protect persons who report corruption from retaliation. Similarly, the African Union Convention on Preventing and Combating Corruption in Article 5(6) calls for the adoption of measures to protect informants and witnesses. Comparative frameworks, including the OECD Principles and Commonwealth recommendations, also emphasize the importance of secure reporting channels and protection from reprisals as essential elements of good governance.

Read together, these constitutional guarantees, statutory provisions, and international obligations provide a normative and legal foundation for whistleblower protection in Kenya. However, they remain fragmented and inconsistent, highlighting the urgent need for a comprehensive and stand-alone legislative framework to consolidate protections and promote a culture of integrity and accountability.

Despite the existence of constitutional guarantees and a patchwork of statutory provisions, the framework for whistleblower protection in Kenya remains inadequate and fragmented.



The absence of a comprehensive and stand-alone law on whistleblower protection has created significant gaps, leaving individuals who disclose wrongdoing exposed to retaliation and without clear legal remedies. While the Constitution enshrines values of transparency, accountability, and access to information, the operationalization of these rights through existing statutes is often inconsistent and incomplete.

The Commission posits that one of the most pressing challenges is the **fragmentation of legal protections**. Provisions scattered across the **Access to Information Act, Public Officer Ethics Act, the Leadership and Integrity Act, the Bribery Act, and the Witness Protection Act** each contain elements of whistleblower protection, but none of them offers a holistic framework. For instance, the Witness Protection Act focuses on individuals already engaged in judicial proceedings, which excludes whistleblowers at the point of disclosure, while the Bribery Act's protections are confined to cases involving corruption offences. This piecemeal approach has created uncertainty for potential whistleblowers and limited the effectiveness of institutional responses.

A second challenge lies in the **institutional arrangements** for receiving and handling whistleblower reports. At present, there is no single authority mandated to manage disclosures across the public and private sectors. Reports are often directed to multiple institutions, such as the **Commission on Administrative Justice (CAJ), Ethics and Anti-Corruption Commission (EACC), the Directorate of Public Prosecutions (DPP)**, or internal departmental mechanisms. This lack of coordination exposes whistleblowers to the risk of compromised confidentiality, bureaucratic delays, and in some cases, outright inaction.

The **fear of reprisals** also remains a significant barrier to effective whistleblowing. Individuals who disclose misconduct frequently face intimidation,

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harassment, suspension, or even loss of employment. For example, in the **Masai Mara University scandal (2019)**, the whistleblower who revealed large-scale misappropriation of funds by senior officials was subjected to threats, isolation, and personal attacks. Similarly, the **SHA whistleblower (2025)**, who exposed irregularities in the procurement and distribution of medical supplies during the COVID-19 pandemic, faced retaliation and professional risks, despite acting in the public interest. These cases illustrate how, in the absence of enforceable guarantees of anonymity and protection, whistleblowers are left vulnerable.

The situation is not new. During the infamous **Goldenberg scandal of the 1990s**, individuals who attempted to expose the fraudulent export compensation scheme faced political pressure and intimidation. The absence of robust protective frameworks at the time silenced many insiders, allowing the scandal to fester and cost the country billions of shillings. These examples underscore the systemic dangers faced by whistleblowers when protective mechanisms are weak or absent.

Another challenge is the **low level of public awareness** about whistleblowing rights and reporting procedures. Many public officers and citizens are unaware of the limited protections that do exist, or of the institutional channels available to them. This lack of awareness contributes to underreporting of wrongdoing and fosters a culture of silence in both the public and private sectors.

Finally, while Kenya has made progress by developing the **Whistleblower Protection Bill (2024)**, its protracted delay in enactment has left the country without a clear, modern legal regime to consolidate protections and align them with international standards. This legislative gap continues to impede the creation of a safe environment in which individuals can report wrongdoing without fear.

In sum, the current framework is hindered by legal fragmentation, weak institutional mechanisms, fear of retaliation, limited awareness, and legislative delays. The experiences of the SHA whistleblower, the Masai Mara University whistleblower, the Goldenberg scandal among others all demonstrate the personal risks and national consequences of failing to adequately protect those who come forward. These challenges not only undermine the protection of whistleblowers but also erode public confidence in the State's ability to safeguard integrity and accountability in governance.

### Commission Summons SHA CEO over Public Complaints on Health Services

The Commission led by the Commissioner in charge of Complaints and Investigations, Hon. Charles Njagua Kanyi, summoned Dr. Mercy Mwangangi, CEO of the Social Health Authority (SHA), on 9 December 2025 in response to persistent public complaints arising from the transition from NHIF to the new SHA framework.



The Commission highlighted ongoing concerns including delays in service delivery, unclear communication on benefit entitlements, unresolved legacy claims, and operational difficulties during the transition. The meeting focused on reviewing the scope of these complaints, clarifying how SHA is addressing grievances carried over from NHIF, securing commitments for timely and transparent resolution of pending cases, and strengthening collaborative mechanisms for more effective complaints management.

Emphasising the statutory duty of public institutions to ensure responsive and accountable service delivery—especially during major structural reforms—the Commission urged improvements to safeguard citizens' access to essential health services.

Dr. Mwangangi affirmed SHA's commitment to enhanced cooperation with the Commission, improved public communication, and strengthened internal systems to prevent recurrence of similar challenges. The Commission will continue to monitor progress and follow up on agreed actions to ensure Kenyans receive the fairness, accountability, and quality service required by law.



## COLLABORATIONS

### Commission Hosts Cameroonian Delegation



On Monday, November 3, 2025, the Commission hosted a delegation from the Office of the Public Independent Conciliator (PIC), North West Region of Cameroon, for a study and benchmarking visit to Kenya. The delegation was led by Head of Mission, Dr. Yang Francis Fombi, accompanied by Dr. Alfred Wuku Kudi, both Research Officers at the PIC. Their purpose was to learn from Kenya's systems and best practices in research, investigations, complaints handling, and access to information mechanisms.

This engagement is part of a broader cooperation and knowledge-exchange framework between the two oversight institutions, aimed at strengthening administrative justice, accountability, and good governance in the region.

The delegation was received by the Director of Public Education, Advocacy, and Corporate Communications, Mr. Osman Mohamed, who welcomed the growing collaboration between the institutions. The benchmarking session was facilitated by the Director of Complaints, Investigations, and Legal Services, Ms. Florence Mumbi, and the Director of Access to Information, Ms. Viola Ochola, alongside other senior officials from the Commission. During the session, the Cameroonian team explored the Commission's data-driven approaches to grievance resolution and digital innovations supporting transparency and accountability in public service delivery.

As the visit concluded on Thursday, November 6, 2025, the delegation paid a courtesy call on the Chairperson of the Commission, Mr. Charles Dulo, and the Vice Chairperson and Commissioner in Charge of Access to Information, Ms. Dorothy

Jemator. Both parties reaffirmed their shared commitment to advancing accountability, transparency, and good governance through collaboration and peer learning among ombudsman institutions across Africa. Mr. Dulo commended the delegation for their dedication to strengthening administrative justice systems, while the Vice Chairperson emphasized the importance of sustained partnerships in enhancing citizens' access to information and effective service delivery.



During their week-long programme, the Commission also facilitated visits for the Cameroonian delegation to other justice-related institutions, including the Independent Policing Oversight Authority (IPOA) and sister commissions such as the National Gender and Equality Commission (NGEC) and the Kenya National Commission on Human Rights (KNCHR). These engagements provided valuable insights into Kenya's multi-agency approach to promoting human rights, equality, and administrative fairness.

The visit marked the successful conclusion of a benchmarking and knowledge exchange mission that strengthened collaboration between the two institutions and laid the foundation for future joint initiatives, capacity building, and regional cooperation in advancing administrative justice.

## COLLABORATIONS

### Commission, State Department for Broadcasting Discuss Areas of Partnership and Collaboration



The Commission Vice Chairperson and Commissioner in Charge of Access to Information, Ms. Dorothy Jemator, on Wednesday, November 6, 2025, paid a courtesy call on the Principal Secretary of the State Department of Broadcasting and Telecommunications, Mr. Stephen Isaboke, to discuss areas of mutual partnership and collaboration between the two institutions.

The discussions focused on finalizing the Access to Information Policy, a critical framework for operationalizing the Access to Information Act. The policy seeks to establish a clear regulatory framework to ensure consistent and effective implementation of the Act across public institutions.

The Commission commended the Principal Secretary for the Government's ongoing efforts to automate its services, noting that the initiative aligns with the Access to Information Act, which requires public entities to digitize their records to enhance access to information.

In his remarks, Mr. Isaboke reaffirmed his commitment to supporting the Commission's awareness creation initiatives aimed at promoting transparency, accountability, and fostering greater public trust in government institutions.

Also present were the Director of Access to Information, Ms. Viola Ochola, Chief Access to Information Officer, Mr. Simon Nzioka, and other technical officers.

### Commission Chairperson Participates in the Launch of Administration of Justice Annual Report 2024/2025 and MEL Guideline Framework



On Monday, November 10, 2025, the Commission Chairperson, Mr. Charles Dulo, joined other stakeholders at the launch of the Administration of Justice in Kenya Annual Report 2024/2025 and the Monitoring, Evaluation, and Learning (MEL) Guiding Framework for the Justice Sector 2025 at Safari Park Hotel, Nairobi. The event highlighted the government's commitment to improving transparency, accountability, and coordination across the justice sector.

The Annual Report offers a comprehensive review of the justice system's performance, showcasing achievements and challenges. The MEL Guiding Framework is designed to enhance data-driven decision-making, policy implementation, and continuous learning within the sector. Speakers emphasized collaboration across government branches to accelerate reforms and improve access to justice for all Kenyans. The initiative aims to build a more efficient, fair, and people-centered justice system aligned with national development goals.

The event was presided over by Hon. Justice Martha Koome, Chief Justice and Chairperson of the National Council on the Administration of Justice.



## DETERMINATIONS

### Ombudsman Recommends Full Compensation for Teacher Wrongfully Retired by TSC on Public Interest Claim



The Commission on Administrative Justice (Office of the Ombudsman) recommends that the Teachers Service Commission (TSC) compensate a teacher fully by paying all monies owed from the date she was removed from the payroll until her rightful retirement date.

The Commission found that the TSC erred in terminating the teacher's services on the grounds of public interest without following due process. Furthermore, the TSC failed to explain the reasons for her termination or allow the presence of a shop floor union representative during this explanation, as required under Section 41(2) of Cap 226 of the repealed Employment Act, which was the applicable law at the time.

In March 2024, the Commission received a complaint from MJG against TSC alleging that she was unjustifiably retired from her teaching position at Rwika Technical Institute (TSC No. 2\*\*\*\*2) on vague grounds of public interest that were not justified. She also reported unsuccessfully following up on the matter.

By way of inquiry, CAJ wrote to the TSC on 2nd April, 2024, and received a response on 3rd April, 2024, stating that a complaint resolution process had been initiated and that a response would follow once this process was complete. CAJ acknowledged this on 8th April, 2024, and requested an update within 30 days.

On 8th July, 2024, the TSC stated that MJG was retired in the public interest and that her pension and benefits had been processed and paid in 2005. However, MJG, in a rejoinder dated 5th February, 2025, categorically denied any history of mental illness and asserted that TSC did not seek authority from the Medical Board appointed by the Director of Medical Services to confirm any incapacity.

The Commission informed TSC of this rejoinder on 23rd April, 2025, requiring a response within 14 days. TSC replied on 9th May, 2025, providing documents supporting its position that MJG was retired in the public interest.

Based on the submissions, the Commission analysed the following issues:

Whether the complainant was unfairly retired on grounds of public interest.

Whether the grounds of public interest were vague and unjustified.

#### Analysis and Findings

The Commission noted that TSC is an independent commission established under Chapter 13, Article 237 of the Constitution of Kenya (2010). Its functions include registering trained teachers, recruiting and employing registered teachers, assigning teachers to public institutions, promoting and transferring teachers, exercising disciplinary control, and terminating employment.

CAJ observed that the TSC consistently relied on "Public Interest on Medical Grounds" to justify MJG's retirement. However, retirement in the public interest and retirement on medical grounds are distinct modes of retirement recognised under the Teachers Service Commission Code of Regulations.

In *Dk Njagi Marete v Teachers Service Commission eKLR*, the court stated that retirement in the public interest must always be based on objective and demonstrable grounds. The court emphasised:

"When a public employer justifies the premature termination of a contract of employment on the grounds of public interest, such an employer must show that its decision is driven by a public policy objective and that the decision taken is legitimate and justifiable. It is not enough to merely write a letter informing the employee of retirement on

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public interest grounds. There must be valid reasons amounting to public interest to justify the termination. The employer is expected to follow a fair termination procedure before arriving at the decision."

Retirement on public interest or medical grounds is valid only if it is objectively shown that medical issues affected MJG's ability to perform her duties, supported by a conclusive report from a Medical Board appointed by the Director of Medical Services.

The Supreme Court in *Gichuru v Package Insurance Brokers Ltd (Petition 36 of 2019) KESC 12 (KLR)* held:

"The employer is required to demonstrate that medical assessments were conducted which rendered the employee incapable of performing."

The retirement purportedly based on medical grounds did not follow due process. The TSC failed to adhere to Employment Act provisions on termination for incapacity. Section 41(1) of the Employment Act (Cap 226) (now repealed) requires the employer to explain the reasons for considering termination and afford the employee a hearing. This was not done in MJG's case.

Moreover, retirement on medical grounds requires due process, including the constitution of a medical board for assessment and recommendation. No such medical board was constituted in MJG's case.

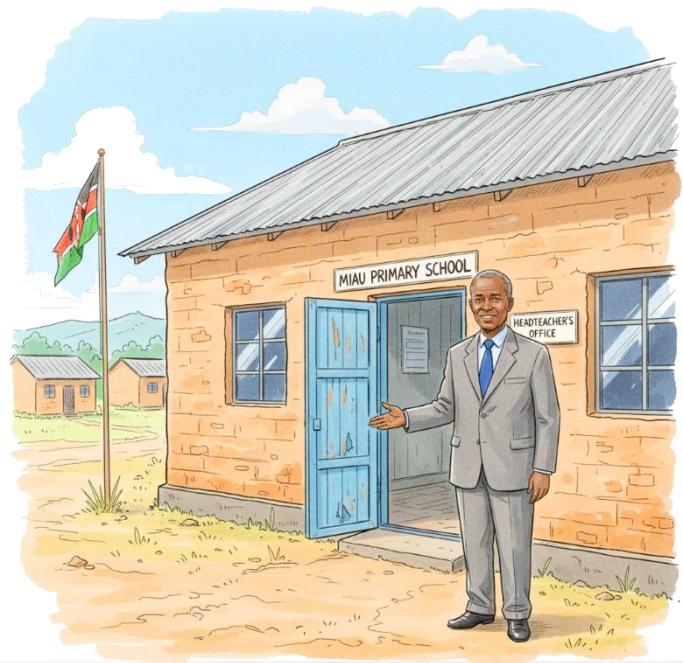
Reliance is placed on *Rosemary Khatonde Mulama v Indu Farm (EPZ) Limited eKLR*, which noted:

"Retirement on medical grounds is preceded by an elaborate procedure where the employee appears before a medical officer or medical board to determine fitness to continue working."

The Commission further noted that a letter from the Ministry of Health dated 18th October, 2004, confirming MJG's admission and discharge does not suffice as a basis for retirement on medical grounds. Therefore, the alleged medical retirement was unprocedural, and MJG is entitled to payment of dues from 2003 to 2025, when she ought to have retired.



### Ombudsman Recommends Reinstatement of Teacher and Refund of Unlawful Salary Deductions



The Commission has recommended that the Teachers' Service Commission (TSC) reinstates a teacher's appointment, remunerate him accordingly, and reimburse all monies deducted from his salary since August, 2021. The Commission also found that the TSC erred in demoting the teacher from headteacher to assistant teacher without following due process. The demotion was unfair and constitutes an unfair labour practice, violating both the Employment Act and the Fair Administrative Action Act, which require prior consultation with the employee and a fair procedure.

Additionally, the Commission found that the TSC failed to consult the teacher regarding changes to the particulars of his employment, particularly the continuous deductions from his salary, as required under Section 10(5) of the Employment Act.

The Commission received a complaint from Mr. MK on 31<sup>st</sup> October, 2024, against the TSC. MK alleged that he was demoted from headteacher to assistant teacher without justification. He currently serves as an assistant teacher at Sakai Primary School (TSC No. 2\*\*\*\*0), where he was transferred to in 2017. Before this, he was headteacher at Mbimbini Primary School from 2014 to 2017.

According to him, the TSC has been deducting KShs 515,847.85 from his salary as alleged overpayment, leaving his total monthly net earnings at only KShs 1.25. He stated that the

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deductions and demotion have caused him immense hardship, making it impossible to sustain himself. MK therefore lodged a complaint urging the Commission to have TSC reinstate him as headteacher and stop the erroneous deductions.

The Commission initiated an inquiry on 29<sup>th</sup> November, 2024. In its response dated 20<sup>th</sup> December, 2024, TSC stated that Mr. MK was deployed as Acting Headteacher from 22<sup>nd</sup> February, 2007, serving at Miau Primary School until 2017. He was transferred to Sakai Primary School as an assistant teacher effective 4<sup>th</sup> April, 2017, after reportedly being chased away by parents and other stakeholders at his previous posting.

The TSC further explained that following the 2017 policy on appointment and deployment of institutional administrators, Mr. MK had been erroneously appointed headteacher (T-Scale 10, Grade C5) and received remuneration for that grade from 2017 to 2021 based on an incorrect designation, which was later corrected. A letter dated 27<sup>th</sup> September, 2021, informed Mr. MK that he ceased being an administrator effective 4<sup>th</sup> April, 2017, with reversal of salary and allowances from 1<sup>st</sup> July, 2017. Mr. MK applied for the position of Senior Teacher II (T-Scale 7, Grade C2) and was appointed effective 22<sup>nd</sup> February, 2024. The TSC maintained they cannot reinstate Mr. MK as headteacher because the initial appointment was an error, and salary overpayment recovery is not refundable.

In his response dated 18<sup>th</sup> August, 2025, Mr. MK reiterated that the TSC demoted him without justification. He further asserted that his appointment as headteacher was not erroneous and that downgrading his salary and the continuous deductions are contrary to labour laws since no consultations were made between TSC and himself.

Based on the submissions, the Commission analysed the following issues:

- Whether the appointment to headteacher and subsequent demotion were erroneous;
- Whether the withdrawal of the appointment was unlawful;
- Whether the respondent (TSC) was required to consult the complainant prior to the demotion and salary deductions; and
- Whether the continuous deductions on his salary are unlawful.

### Analysis and Findings

The Commission noted that TSC is an independent commission established under Chapter 13, Article 237 of the Constitution of Kenya (2010). Its functions include registering trained teachers, recruiting and employing registered teachers, assigning teachers to public institutions, promoting and transferring teachers, exercising disciplinary control, and terminating employment.

CAJ noted that Mr. MK proved his appointment as headteacher by a letter dated 18<sup>th</sup> January, 2014, regarding his transfer from Mukuku Primary School to Mbimbini Primary School. TSC also admitted his headteacher appointment in their letter dated 20<sup>th</sup> December, 2024. However, TSC did not demonstrate the procedure followed in demoting Mr. MK, including adherence to natural justice or giving him an opportunity to be heard. This unilateral demotion was, therefore, unlawful.

TSC did not explain how the error occurred, who was responsible, or what disciplinary action was taken against the originator of the error. Without this explanation, the Commission could not uphold their defence of error. CAJ finds TSC's actions unjustifiable and in violation of fair employment practices.



On whether TSC was required by law to consult Mr. MK, Section 10(5) of the Employment Act is clear regarding changes to employment particulars, stating:

“Where any matter stipulated in subsection (1) changes, the employer shall, in consultation with the employee, revise the contract to reflect the change and notify the employee of the change in writing.”

## DETERMINATIONS

This principle was affirmed in ***Jonker v Wireless Payment Systems CC (J1137/09) ZALC 150; (2010) 31 ILJ 381 (LC) (23 June 2009)***, where the Labour Court held that:

*"Subject to provisions of S 34(1) of the Basic Conditions of Employment Act, that section prohibits an employer from making any deductions from an employee's remuneration unless the employee agrees in writing. It is indeed correct that as a general rule the Basic Conditions Employment Act prohibits deductions from employees' salaries without their prior consent. However, deductions without consent are permitted where they are permitted by the law, a collective bargaining agreement and a court order or arbitration award. In these instances, all that the employer needs to do is to advise the employee of the error in payment and the deduction made or to be made."*

In this case, TSC failed to consult Mr. MK before demoting him and effecting deductions. If the demotion was disciplinary, TSC should have complied with Regulation 139 of the Teachers Service Commission Code of Regulations for Teachers.

Moreover, Regulation 140 enumerates offences warranting disciplinary action, and being chased away by parents is not one of them. Regulation 145 requires complaints of professional misconduct to be lodged in writing, with investigations conducted by the County Director in liaison with the Board of Management. This process was not followed before Mr. MK's demotion.

*"The Commission (TSC) shall upon receiving an allegation touching on a teacher's professional misconduct where an allegation is made against a head of institution have the County Director institute investigations in liaison with the Board of Management."*

This regulation was not adhered to when Mr. MK was demoted based on allegations of being chased away by parents.

CAJ further noted that the Constitution guarantees every person the right to fair labour practices and fair remuneration under Article 41(1,2a). Essentially, the ongoing deductions are unlawful and discriminatory to the complainant's livelihood, violating his right to inherent dignity and the right to have that dignity respected and protected as stipulated under Article 28 of the Constitution.

In ***Kennedy Mutua Mwangangi v Madison Insurance Company (K) Limited eKLR***, the court found salary deductions unlawful where the employer failed to justify them.

Accordingly, there was no erroneous overpayment made. The deductions are unlawful as Mr. MK neither consented to nor was consulted on them. Furthermore, no court order, agreement, or arbitral award validated the TSC's deductions.

Currently, Mr. MK's net salary is KShs 1.25. The Employment Act, 2007 mandates that civil servants must retain at least one-third of their gross salary after deductions to maintain dignity and livelihood.

This "one-third rule" prevents excessive salary deductions, allowing civil servants to live in dignity by retaining at least one-third of their salary for personal use and obligations.

Section 19(3) of the Employment Act on deduction of wages provides:

*"Without prejudice to any right of recovery of any debt due, and notwithstanding the provisions of any other written law, the total amount of all deductions which under the provisions of subsection (1), may be made by an employer from the wages of his employee at any one time shall not exceed two-thirds of such wages or such additional or other amount as may be prescribed by the Minister either generally or in relation to a specified employer or employee or class of employers or employees or any trade or industry."*

TSC is clearly in breach of this provision, as demonstrated by Mr. MK's payslip.

In light of the above, CAJ, exercising its powers under Article 59(2)(j) of the Constitution and Sections 8(g) and 26(g) of the Commission on Administrative Justice Act, finds that:

- a. TSC erred in demoting Mr. MK from headteacher to assistant teacher without following due process;
- b. The demotion was unfair and amounts to unfair labour practice, violating the Employment Act and Fair Administrative Action Act, which require prior consultation and a fair process; and
- c. TSC erred in failing to consult Mr. MK regarding changes to his employment particulars, specifically the continuous salary deductions, contrary to Section 10(5) of the Employment Act.

## STATE OF OPENNESS REPORT

### Foreign Affairs PS Pledges Support for Ombudsman's State of Openness Report

The Commission Vice Chairperson and Commissioner in charge of Access to Information, Ms. Dorothy Jemator, on Monday, October 6, 2025, held a meeting with the Principal Secretary, State Department for Foreign Affairs, Dr. A. Korir Sing'Oei, at his office. The discussions centered on areas of mutual collaboration, with a key focus on the development of the State of Openness Report, a flagship initiative by the Commission aimed at assessing the level of openness among government institutions. The report will examine critical indicators such as the availability and accessibility of public information, citizen engagement, and the overall impact of measures taken by government agencies to promote transparency.



Dr. Sing'Oei reaffirmed the State Department's commitment to supporting the Commission in the development of the report. He emphasized that the State Department for Foreign Affairs (SDFA) will play a pivotal role in advancing this initiative through the Open Government Partnership (OGP) framework, a strategic platform designed to strengthen transparency, accountability, and citizen participation across all levels of government.

The Commission is a co-commitment lead in the Open Government Partnership, together with the Ministry of Foreign and Diaspora Affairs and the

Office of the Prime Cabinet Secretary, under the Balancing Open Government Resiliency Commitment. This commitment aims to integrate OGP principles into governance frameworks in response to challenges such as technological acceleration, eroded citizen trust, and threats to democracy.

Ms. Jemator was accompanied by technical officers from the Access to Information Department and the Resource Mobilisation Unit.

### Commission Convenes Technical Workshop on the Development of the State of Openness Report



The Commission convened a three-day technical workshop on Wednesday, November 19, 2025, to develop Kenya's State of Openness Report. The workshop brought together technical teams to review the draft survey strategy and data collection tools in preparation for a nationwide study assessing Kenya's openness under the Access to Information Act, 2016. The Commission serves as the oversight and enforcement agency for this law.

The technical team included officers from the Commission on Administrative Justice, the State Department for Broadcasting and Telecommunications, the United Nations Office on Drugs and Crime (UNODC), the Kenya National Bureau of Statistics, Article 19 East Africa, and Mzalendo.



The workshop was graced by the Commission Vice Chairperson and Access to Information Commissioner, Ms. Dorothy Jemator, and Mr. Francesco Chechi, Team Lead, UNODC Anti-Corruption Hub for Africa.

## CAJ - GIZ PARTNERSHIP

### Commission and GIZ Partner to Strengthen County Governance Through Capacity-Building Workshops

From 22nd to 24th October 2025, the Commission, in collaboration with GIZ under its Good Governance Programme, conducted a series of consultative and capacity-building workshops for County Governments in Machakos and Nakuru Counties. These workshops provided vital platforms for County Governments to share experiences, exchange best practices, and enhance their capacity to deliver responsive and accountable public services.



The Machakos workshop brought together officials from Kirinyaga, Machakos, Tana River, Kilifi, and Embu Counties to strengthen systems for Complaints Handling, Access to Information (ATI), and Performance Contracting (PC).

The event was officially opened by the Commission Chairperson, Mr. Charles Dulo, who highlighted critical areas needing improvement across counties: poor records management, the need to leverage digitization, and full implementation of the Access to Information Act. He also introduced the upcoming "Pasha Ombudsman" platform—a mobile and web-integrated system designed to enable Kenyans to lodge complaints conveniently via an app or USSD code. This innovation aims to expand access to the Commission's services and bring accountability mechanisms closer to citizens.

Mr. Dulo reaffirmed the Commission's commitment to ongoing partnerships with County Governments through continuous training and capacity building to develop stronger policies and systems for effective service delivery to Wanjiku.



Simultaneously, the Nakuru workshop engaged participants from Baringo, Elgeyo Marakwet, Kakamega, Vihiga, and Turkana Counties. The training focused on equipping County Governments with practical skills to operationalize effective Complaints Resolution Mechanisms and Access to Information processes. The workshop was officially opened by Ms. Viola Ochola, Director in charge of Access to Information, who represented the Commission Secretary/CEO. She emphasized the Commission's support for counties in enhancing governance structures, stressing records management as a cornerstone for effective service delivery and access to information. She urged counties to digitize their records and automate information management systems to improve service accessibility for all citizens.

### Strengthening Citizen-Centred Complaints Resolution Through the Development of the ADR Manual

The Commission, led by the Director of Complaints, Investigations and Legal Services together with the Director of Access to Information, convened a three-day technical workshop to advance the development and review of the draft Alternative Dispute Resolution (ADR) Manual. The exercise marks a significant step in enhancing early, efficient, and citizen-friendly mechanisms for resolving public complaints.

Supported by long-standing partner GIZ, the workshop brought together technical teams from the Complaints and Investigations Directorate, Legal Services, Access to Information, and Regional Offices.

## CAJ - GIZ PARTNERSHIP

The objective was to harmonise approaches and integrate ADR into the Commission's broader complaint-handling framework.

Throughout the sessions, participants examined the practical application of ADR within the public sector, identified gaps and inconsistencies in the draft processes, and mapped out ADR pathways that can strengthen turnaround time, reduce case backlogs, and promote participatory problem-solving. The workshop also focused on aligning ADR procedures with the Constitution, the Commission on Administrative Justice Act, 2011, the Access to Information Act, 2016, and other relevant statutes to ensure coherence and legal soundness.



Participants emphasised the need to embed ADR as a core mechanism for early resolution, improved service delivery, and enhanced accountability across the public sector. GIZ's ongoing support continues to play a critical role in promoting systemic reforms that advance transparency, effective oversight, and efficient complaints management.

Through this initiative, the Commission is strengthening its commitment to building a more efficient, responsive, and citizen-centred complaints resolution system—one in which ADR provides faster, fairer, and more collaborative pathways for addressing public grievances.

### Commission Enhances Capacity for Effective Oversight and Enforcement of Access to Information Law

The Commission, with support from the GIZ Good Governance Programme, on 8<sup>th</sup> to 11<sup>th</sup> December, 2025 convened a workshop for officers drawn from the Access to Information Department at the Headquarters and officers from the Regional Offices at the Semara Hotel, Machakos County.



The workshop aims to strengthen their capacity to process access to information appeals, ensuring a harmonised and consistent approach across the institution. It also focuses on reviewing internal ATI processes, examining emerging trends, and sharing best practices to equip officers with the knowledge required to address complex and evolving ATI issues. The team is led by the Commission Vice Chairperson and Commissioner in Charge of Access to Information, Ms. Dorothy Jemator.

During the workshop, Hon. Justice Chigiti John Mugwimi, SC, facilitated a session on Improving the Quality of ATI Rulings: A Judicial Perspective. The practical session equipped officers with judicial best practices for drafting quasi-judicial rulings under the ATI framework, offering guidance on ruling structure, application of sound reasoning, use of jurisprudence, and alignment of Commission decisions with established judicial standards.

As the oversight and enforcement agency of the Access to Information Act, 2016, the Commission receives appeals from citizens seeking redress for violations of their right of access to information. Applicants may request a review of decisions by public entities or private bodies that refuse access, provide redacted information, purport to grant access without actually doing so, or defer release of information.

Appeals may also challenge the imposition or amount of fees, decisions on fee remission, granting access only to specified individuals, refusal to correct or update personal information, or failure to proactively publish information as legally required. Through these review processes, the Commission may order the release of unlawfully withheld information, recommend compensation, or provide any other lawful remedy to uphold the right of access to information.

Also present at the workshop is the Director in Charge of Access to Information, Ms. Viola Ochola.

## HONOURING BABA's LEGACY

### Commission Leadership Joins CC&IOs in Honouring the Legacy of Rt. Hon. Raila Amollo Odinga



In a solemn act of remembrance, the Commission Chairperson, Mr. Charles Dulo, accompanied by the Vice Chairperson and Commissioner for Access to Information, Ms. Dorothy Jemator, joined Chairpersons and Commissioners of various Constitutional Commissions and Holders of Independent Offices (CCIOs) on Tuesday, November 18, 2025, for a visit to Kang'o Ka Jaramogi.

With quiet reverence, they laid a wreath at the final resting place of the late Rt. Hon. Raila Amollo Odinga, honouring his unwavering courage and monumental contributions as a steadfast champion of democracy, justice, and the rule of law. This gesture reflected the nation's ongoing gratitude and the profound sense of loss felt by those who serve public ideals.



The delegation then proceeded to Opoda Farm, Bondo, for a visit with the Odinga family, where they expressed heartfelt condolences and shared solidarity. Their visit recognized not only the family's profound personal loss but also the country's ongoing reflection on the passing of a leader whose vision and integrity propelled Kenya and Africa forward.



The leaders reflected on Rt. Hon. Odinga's lifelong service—a journey defined by resilience in the face of adversity, an unwavering belief in fairness and accountability, and a tireless push for reforms that safeguarded the rights of all Kenyans. Odinga's legacy endures not only in the institutions he helped build, such as Kenya's modern constitution and expanded civic freedoms, but also in the lived values of democratic governance and social justice that continue to guide their work today.

Special gratitude was extended to Mama Ida Odinga and the entire Odinga family for their enduring strength and partnership throughout Rt. Hon. Odinga's public life. The delegation acknowledged their courage and the far-reaching impact of his vision—a legacy that remains a wellspring of inspiration for pursuing justice, equity, and unity.

As the nation continues to mourn and honor this towering figure, those present recommitted themselves to upholding the ideals he championed: inclusion, responsible leadership, and the transformative power of selfless service.



## AOMA GENERAL ASSEMBLY

### Commission Chairperson Attends AOMA General Assembly in Luanda, Angola



The Commission Chairperson, Mr Charles Dulo, is attending the 8th General Assembly and Lecture Series of the African Ombudsman and Mediators Association (AOMA) in Luanda, Angola, from 1–6 December 2025. The meeting, hosted at the Intercontinental Hotel, brings together ombudsmen, mediators and governance experts from across Africa to deliberate on key legal, policy and administrative justice issues.

The General Assembly provides a high-level platform for AOMA's 46 member institutions to ratify Executive Committee decisions, consider proposed constitutional amendments, and review institutional policies and frameworks that guide the work of ombudsman offices across the continent.



The Assembly featured opening remarks by AOMA leaders and Angolan authorities, followed by themed lecture panels on transparency, equity, access to public services, institutional efficiency and strategic partnerships in the ombudsman sector.

The Lecture Series included plenary and panel discussions on the evolving role of the Ombudsman in promoting good governance. Delegates are engaging under the overarching theme, "The Ombudsman and the Consolidation of

Transparency, Efficiency and Sustainability," with presentations exploring how Ombudsman institutions can promote equity in health, education and social protection, leverage technology for institutional efficiency, and strengthen administrative justice in light of national constitutions and international treaties.

Further sessions examined ways to combat systemic poverty and enhance access to public services, bridge the gap between citizens' rights and duties, and deepen strategic partnerships across the continent to advance accountability and responsive public service delivery.



Mr Dulo's participation underscores CAJ's commitment to strengthening administrative justice, accountability and good governance through regional and international collaboration. His engagement in the Assembly is expected to enhance partnerships, showcase Kenya's experience in public oversight, and contribute to continental strategies that promote citizens' rights and responsive public service delivery.



## HOW WE'VE HELPED

## KMPDC Backs Ombudsman, Directs City Hospital and Funeral Home to Release Unlawfully Held Bodies



The Kenya Medical Practitioners and Dentists Council (KMPDC) has ordered a city hospital and the Kenyatta Memorial Funeral Home to release unlawfully held bodies of deceased persons and thereafter use alternative means to recover the outstanding medical bills from the families. These decisions followed a complaint lodged by two families with the Commission on Administrative Justice.

In the first case, a family alleged that a city hospital based in Westlands, Nairobi, was unlawfully holding the body of their kin MW. According to the family, their kin was admitted to the facility on 19<sup>th</sup> June, 2025, and died on 23<sup>rd</sup> June, 2025, in the course of treatment at the facility. Her body was later transferred to Chiromo Mortuary. At the time of her death, the hospital bill had accrued to **Ksh. 701,501.70** while the mortuary fee is unspecified.

In the second case, the family alleged that Kenyatta Memorial Funeral Home was unlawfully holding the body of their kin who was receiving treatment at Kenyatta University Teaching, Referral and Research Hospital (KUTRRH) and died on 1<sup>st</sup> July, 2025, in the course of treatment at the facility. The outstanding bill at the facility is reported to be Ksh. 596,995 after the Social Health Authority paid Ksh. 622,720. It was further reported that the family had paid Ksh 100,000 but the facility has been adamant and demanded a further payment of Kshs. 266,000 to release the body to the family.

The Commission promptly initiated an inquiry with the Chief Executive Officer/ Registrar/ Council Secretary, KMPDC. In its communication, the Commission underscored constitutional provisions safeguarding human dignity and rights:

"Article 19 of our Constitution unequivocally recognises that the purpose of protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities, promote social justice, and realise the potential of all human beings. These rights belong to every individual; they are not granted by the State and are subject only to the limitations contemplated in the Constitution," the Commission noted.

The inquiry further highlighted:

- **Article 20(1):** Every person shall enjoy rights and freedoms to the greatest extent consistent with the nature of the right.
- **Article 21(1):** The State and all State organs have a fundamental duty to observe, respect, protect, promote, and fulfill these rights, particularly for vulnerable groups.

The Commission emphasised that the **right to dignity extends posthumously under Article 28** of the Constitution. Moreover, **it drew attention to Section 137 of the Penal Code**, which declares:

"Whoever unlawfully hinders the burial of the dead body of any person... is guilty of a misdemeanour."

The Commission also referenced a landmark **legal precedent from the case of Norah Masitza Mamadi & Another v. Mombasa Hospital Association T/A Mombasa Hospital (Unreported, Mombasa H.C.C.C No.153 of 2008)** in which Justice Azangalala firmly stated:

"The deceased's remains are not an asset that the Respondent may hold as lien. The Defendant cannot sell the same to recover its charges. It cannot pledge or otherwise use the remains as security. Indeed, the Defendant acknowledges that there is no property in the remains of the Deceased. So, Respondent has no basis of refusing to release the remains of the deceased at all."

Given the urgency, the Commission urged the CEO to act swiftly:

"Due to the urgency of this matter, please respond to us within forty-eight (48) hours, indicating the actions taken to resolve the complaint. We look forward to your prompt response and swift action," the letter stated.

Following the intervention, the Chief Executive Officer and Registrar of KMPDC ordered the hospital and the funeral home to release the bodies of the deceased and seek alternative means to recover the debt.

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In its letters to the facility and the funeral home, the Council reiterated that **Article 28 of the Constitution** guarantees every person's inherent dignity, and **Section 137 of the Penal Code** criminalises hindering burial without lawful authority.

The Council also referred to rulings in **Mary Nyang'ayi Nyaihero & Another v. Karen Hospital Limited & Another (2016)** and **Ludindi Venant & Another v. Pandya Memorial Hospital**, where Justice Kiplagat Sergon held:

"For it is trite in law there is no property in a dead body. It cannot be offered or held as security for payment of a debt. It cannot be auctioned if there is a default. It cannot be used to earn rental income in a cold-room. In sum, there is no legal basis for detaining it, and it would be callous and sadistic to hold otherwise."

The KMPDC CEO emphasised:

"The position of the law is unequivocal: detaining a deceased body over outstanding bills is illegal. Importantly, releasing the body does not extinguish the hospital's right to recover its debts. You are, therefore, directed to release the body without delay and thereafter pursue alternative lawful means to recover the outstanding amount from the family," read the letter.

### Central Bank of Kenya Releases Information on Financial Standing and Regulatory Compliance of Digital Credit Provider

A law firm representing its client, a company operating a platform offering verified and secured loans from partner non-banking loan providers worldwide, filed a review application with the Commission. This was done under Section 14 and 9(6) of the Access to Information Act, 2016, and Regulation 24 of the Access to Information General Regulations, 2023.

The law firm stated that it wrote to CBK on 9<sup>th</sup> June, 2025, and 8<sup>th</sup> December, 2024, requesting information on the financial standing and regulatory compliance of Jijenge Credit Limited, a licensed digital credit provider incorporated under the Companies Act, 2015. The request arose due to Jijenge Credit Limited's continued failure to honour its buyback obligations to investors on the client's platform for loan arrears exceeding sixty days. This failure constitutes a clear breach of contractual obligations and suggests deeper financial and regulatory concerns. The law firm requested this

information to enable their client to exercise and protect its rights in accordance with Article 35(2) and Section 4 of the Access to Information Act, 2016.

In a letter dated 28<sup>th</sup> July, 2025, the Commission requested an Institutional Report from the Governor of CBK within seven days to guide an appropriate direction to the application.

"The Commission, pursuant to Section 22(23) of the Access to Information Act, 2016, and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby requests your Institutional Report or any further relevant information within seven days to inform appropriate directions on the application. Please note that if no response is received within the indicated timeframe, the Commission may proceed to issue a determination notwithstanding your response," stated the Commission's letter to the Governor of CBK.



In response, the Governor of CBK, in a letter dated 7<sup>th</sup> August, 2025, confirmed that Jijenge is licensed as a Digital Credit Provider by CBK. The Governor further noted receiving a complaint from the law firm dated 9<sup>th</sup> June, 2025, alleging a breach of contract by Jijenge. Following the complaint, CBK sought clarification from Jijenge on 20<sup>th</sup> June, 2025; however, the Digital Credit Provider stated no formal complaint had been received from the requestor or its representatives. CBK then advised the law firm on 10<sup>th</sup> July, 2025, to engage directly with Jijenge Credit to amicably resolve the issue.

Upon reviewing CBK's response, the Commission noted that the information request had not been fully satisfied. Therefore, in a letter dated 26<sup>th</sup> August, 2025, the Commission requested final feedback on the application from CBK within seven days to enable a decision on the application.

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"The Commission acknowledges receipt of your letter dated 7<sup>th</sup> August, 2025. While you have confirmed that Jijenge is licensed as a Digital Credit Provider by CBK, the information sought by the Applicant concerning Jijenge Credit's financial standing and regulatory compliance remains outstanding. We hereby request your final remarks on this matter within seven days of receiving this letter to enable a decision," read the Commission's letter to the Governor.

In its final response dated 17<sup>th</sup> September, 2025, the Governor of CBK confirmed that Jijenge is licensed and currently compliant with all legal and regulatory requirements. The latest financial statements submitted by Jijenge indicate that its capital position, financial performance, and cash flows are generally adequate to support its business operations.

### Kenya Revenue Authority Releases Personal Information to Former Employee

Kenya Revenue Authority (KRA) has finally released personal information to a former employee of the Authority following the intervention of the Commission under the Access to Information Act, 2016.

The former employee, MAM, made an information request to the Commissioner General, KRA, on 5<sup>th</sup> August, 2025, requesting certified copies of specified documents. The information sought included:

a) Any and all documents related to the individual's employment in the Customs & Excise Department from 1975 to 1998 covering:

- i. Progression in cadres and/or promotions; and
- ii. Disciplinary cases or issues during the entire period of service.

b) Documents that would have been passed on by the Treasury to the Kenya Revenue Authority when the Customs & Excise Department was restructured under the KRA Act of 1995.

The Commission, in a letter dated 5<sup>th</sup> August 2025, took up the matter with the Commissioner General, KRA.

"The Commission is in receipt of an application for review under Section 14(1)(a) of the ATI Act, 2016, lodged by MAM indicating that on 2<sup>nd</sup> May 2025 he sought information/documents from your office relating to his employment in the Customs & Excise



Department from 1975 to 1998. The review application is based on the ground that no response was received from your office as required by the law. Copies of the application for review and the initial request for information dated 5<sup>th</sup> August 2025 and 2<sup>nd</sup> May 2025 attached. The Commission, pursuant to Section 22(23) of the ATI Act, 2016, and Regulation 25(1) of the ATI General Regulations, 2023, requests your Institutional Report or any further relevant information within seven days to inform an appropriate direction on the application," read the letter from the Commission to the Commissioner General, KRA.

In its response to the Commission, the Authority released documents which it could trace from 1987.

The Commission, in a letter dated 5<sup>th</sup> September, 2025, submitted the released information to the Applicant and requested that a rejoinder be made within fourteen days to enable the Commission to make an appropriate decision.

In his response to the Commission in a letter dated 15<sup>th</sup> September, 2025, MAM noted that his application was specific for any and all documents. He further alleged that the Authority selectively chose to disclose less than all the documents; therefore, the Authority effectively blocked, concealed, and prevented disclosure of part of the information entitled to him, which is an offence under Section 18(1) of the ATI Act. He, therefore, sought the maximum punitive action available against KRA so as to serve as a lesson to the Authority and other public bodies entertaining similar unlawful behaviour.

Following the analysis of MAM's response, the Commission noted that KRA had been accused of selectively disclosing information, an offence under Section 18(1) of the Access to Information (ATI) Act, 2016. The Commission references MAM's letter dated 2<sup>nd</sup> May, 2025, in which he requested

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"any and all documents related to his employment from 1975 to 1998," including details on career progression, promotions, and disciplinary issues during that period.

After reviewing MAM's letter dated 15<sup>th</sup> September, 2025, KRA letter dated 28<sup>th</sup> August, 2025, and the original request, the Commission concluded that KRA complied with its obligations under the ATI Act by providing all documents in its custody from 1987 onwards. The Commission forwarded KRA's response to MAM and expected him to identify any specific missing documents by date, reference number, or subject matter. However, MAM's rejoinder reiterated a generalised demand for "all" documents, which the Commission found too broad.

The Commission reminded MAM that Section 8(1) of the ATI Act requires requests to have sufficient detail to enable proper identification and processing of the information request.

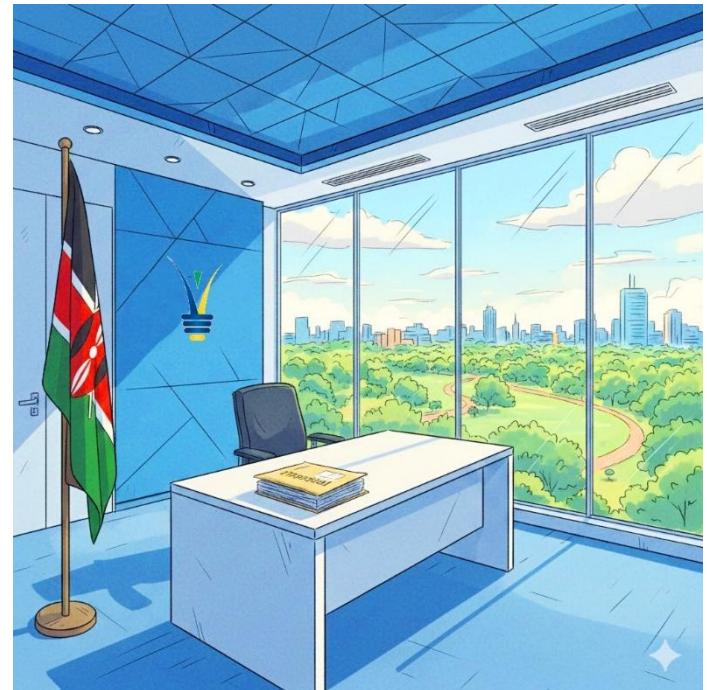
Lastly, the Commission noted that any application for review must be submitted within 30 days after the statutory 21-day deadline passes or upon receipt of the Respondent's decision.

### Kenya Power and Lighting Company Releases Information Following Ombudsman Intervention

Kenya Power and Lighting Company (KPLC) has finally released information to a former employee following the intervention of the Commission under the Access to Information Act, 2016.

A former employee of the company, Mr. CO, made a request for information to the Chief Executive Officer (CEO) of the Company on 23<sup>rd</sup> June, 2025. The information sought included:

- i. A copy of his unpaid mileage claims in custody of Mr. DN for August/September 2019 and June 2020;
- ii. A copy of all the leave days, both pending and approved, from 2016 to June 2020;
- iii. A copy of unpaid five days per diem claims dated 2<sup>nd</sup> March 2020 to 6<sup>th</sup> March 2022;
- iv. A copy of the minutes of his appeal hearing held at Stima Club on 2<sup>nd</sup> September 2020;
- v. A copy of the list of all the panelists at the hearing; and
- vi. A copy of the list of all appeals heard on 2<sup>nd</sup> September 2020 and their outcomes per case.



The CEO did not process his information request within the statutory timelines of twenty-one days, prompting him to lodge an application for review to the Commission on 15<sup>th</sup> July, 2025.

"With reference to the request for information made to KPLC on 23rd June 2025, I wish to bring to your attention that I have not received any response. Please note that this is the fifth time I have requested the information and have never received any feedback. I humbly request that you take over this matter so that this information is released as stipulated in the Access to Information Act, 2016," read his application for review to the Commission.

The Commission, in a letter dated 21<sup>st</sup> July 2025, took up the matter with the CEO of KPLC.

"The Commission is in receipt of an application for review under Section 14(1)(a) of the ATI Act, 2016, lodged by Mr. CO indicating that on 23<sup>rd</sup> June 2025 he sought information/documents from your office. The review application is based on the ground that no response was received from your office as required by law. Copies of the application for review and the initial request for information dated 15<sup>th</sup> July 2025 and 23<sup>rd</sup> June 2025 respectively are attached. The Commission, pursuant to Section 22(23) of the ATI Act, 2016 and Regulation 25(1) of the ATI General Regulations, 2023, requests your Institutional Report or any further relevant information within seven days to inform an

## ACCESS TO INFORMATION

appropriate direction on the application," read the letter from the Commission to the CEO, KPLC.

The Company, in response to the Commission on 6<sup>th</sup> August 2025, released part of the requested information for onward transmission to the Applicant. However, the company noted that they could not provide documentation regarding unpaid mileage and per diems as the database bears no such claims. Additionally, the request for a copy of the list of all appeals heard on 2<sup>nd</sup> September 2020 and the outcomes per case was not granted, with the company citing the provisions of the Data Protection Act.

The Commission, in a letter dated 19<sup>th</sup> August 2025, submitted the released information to the Applicant and requested that a rejoinder be made within 14 days to enable the Commission to make an appropriate decision.

In his rejoinder dated 25<sup>th</sup> August 2025, the applicant indicated that some requests had not been granted:

The Applicant, however, indicated that a copy of the list of all the panelists at the hearing had been provided and that this request for information had been satisfied.

The Commission, in a letter dated 5<sup>th</sup> September 2025 to the CEO of KPLC, forwarded the Applicant's rejoinder and requested the company's final report to enable a decision to be made on the application.

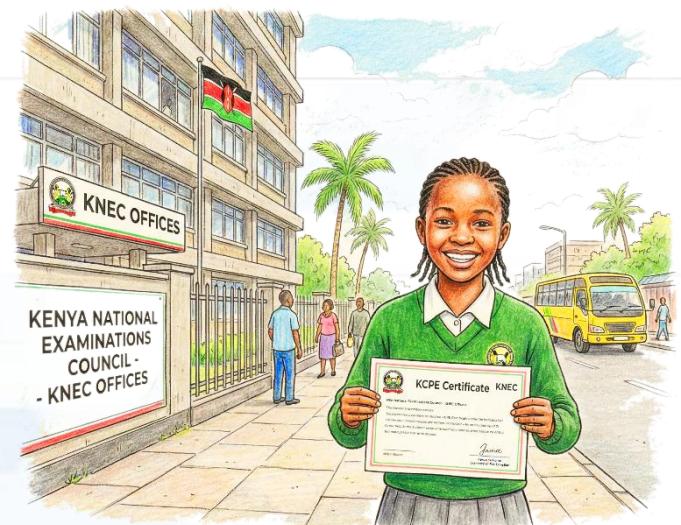
"Reference is made to your letter dated 6th August 2025. The Commission has received a rejoinder from the Applicant in relation to the availed information (copy enclosed). This is therefore to request your final remarks on the Application within seven days of this letter to enable a decision on the application," read the letter from the Commission to the CEO.

In its response to the Commission in a letter dated 11<sup>th</sup> September 2025, Kenya Power addressed the issue of the unsatisfied request. The Company Kenya Power further asserted that most of the applicant's requests were not genuine information requests but ongoing disputes being handled in courts or internal processes arguing that the information supplied was sufficient under the Access to Information Act and requested that the Commission decline to exercise its investigative powers as the complaint did not warrant further

inquiry under Section 34 of the Commission on Administrative Justice Act.

The Commission, after its final determination, and following careful analysis of the Applicant's final rejoinder dated 17<sup>th</sup> September, 2025, noted that the request for information had been sufficiently addressed. Additionally, the Commission informed the Applicant that his request for a copy of the list of all appeal cases heard on 2<sup>nd</sup> September 2020 is within the limited scope of exception since disclosure of the information sought is likely to involve the unwarranted invasion of privacy of individuals other than the Applicant and is thus limited from disclosure by Section 6(1)(d) of the Access to Information Act.

### KNEC Issues Corrected Certificate



The Kenya National Examination Council (KNEC) finally issued a corrected certificate following a case involving the correction of personal information.

Mr. AB, on behalf of his daughter ANW, complained to the Commission about a delay by KNEC in correcting a typographical error in her name on her KCPE certificate.

The Commission raised the matter with the CEO of KNEC. When the initial inquiry did not receive a response, the Commission issued two reminders. The Council later responded, confirming that they had issued an amended certificate, thereby resolving the issue.

## TRIBUTE

## What If We Celebrated Raila Odinga When He Was Alive?

By Edward Opany



In the familiar theatre of Kenyan politics, we are once again witnesses to a scene that feels both grand and tragic. The nation is draped in mourning, the air heavy with songs of remembrance, and the roads to Bondo lined with pilgrims: citizens, dignitaries, and leaders from every corner of the globe. They are all coming to pay

homage to a man whose life reshaped Kenya's democratic journey.

Raila Amolo Odinga is gone. His grave in Bondo has become a place of pilgrimage, covered with flowers and national flags, a symbol of love, gratitude, and collective remorse. From heads of state and liberation icons to citizens who once chanted his name in the streets, they continue to stream to his resting place, united by a strange blend of grief, pride, and guilt. For weeks, Kenya has been holding its breath, mourning not only the man but the ideals he embodied.

Yet amid the global tributes, the solemn speeches, and the national thanksgiving services, one question refuses to fade: What if we had celebrated Raila Odinga when he was alive?

## A Nation's Habit of Late Gratitude

Kenya has perfected the ritual of posthumous reverence. We elevate our heroes most enthusiastically when they can no longer hear us. We sculpt their virtues into marble only after years of chipping away at their humanity. With Raila, this tradition has reached its highest crescendo. The same voices that once called him a rebel or obstructionist now praise him as the father of modern democracy. The same media houses that once caricatured his politics now devote endless airtime to his integrity and vision. It is as though death has forced a nation to confront what life would not allow it to admit: that Raila Odinga was not simply a politician, but a historical force who bent the moral arc of Kenya's politics toward justice.

But what if that recognition had come sooner? What if we had celebrated him not as a flawless saint but as the restless, imperfect, and indispensable reformer that he was?



Photo credits – Collins Omondi

## The Courage That Built a Nation

We should have celebrated Raila's courage when he still walked among us. His defiance was not born of bitterness but of conviction. In the 1980s, when many opted for silence or self-preservation, Raila chose resistance. He was detained without trial for years, subjected to torture at Nyayo House, and isolated from his family. Yet every time he was released, he walked back into the storm. He did not seek revenge; he sought reform. His struggle was never for personal gain but for a democratic ideal: that Kenya could be a nation where power was shared, rights were respected, and justice was not the privilege of a few. That kind of courage deserves to be celebrated in life, not only eulogized in death. Courage of that depth shapes nations in quiet, invisible ways. It inspires generations to believe that resistance against injustice is not only necessary but noble.

## The Architect of a New Kenya

We should also have celebrated Raila's tangible contributions to the Kenya we live in today. His fingerprints are etched into the nation's institutional memory. The 2010 Constitution, widely regarded as one of Africa's most progressive, owes much to his persistence. It was his willingness to negotiate, even with those who had wronged him, that saved Kenya from collapse after the 2007 and 2008 post-election crisis.

His decision to share power with President Mwai Kibaki in 2008 was not a concession of defeat.

## TRIBUTE

It was an act of statesmanship that restored stability to a bleeding nation. A decade later, his famous handshake with President Uhuru Kenyatta cooled another period of political tension and opened the door to dialogue and reform. In both moments, Raila demonstrated that true leadership is not about winning power but about preserving peace.

Now, as global leaders from Africa and beyond stand at his graveside in Bondo, laying wreaths and recalling how he steadied their hands during their own political trials, one cannot help but wonder how different Kenya's politics might have been if these same praises had been spoken in his presence.

**"The man who not only dreamt of democracy but was also brave enough to wake up every morning to fight for it."**

**The Voice of the People**

Above all, we should have celebrated Raila Odinga for his unwavering belief in the ordinary Kenyan. Long before "hustler" became a political slogan, Raila spoke the language of the people. He championed the rights of workers, farmers, and young people who had long been denied opportunity. He believed that governance must begin from the bottom up, and he gave the poor and the marginalized not only a voice but dignity.

In life, his rallies were electric. His words, often poetic and sometimes provocative, moved crowds to laughter, tears, and hope. He reminded Kenyans that politics could be about ideas, not just identity. Yet for much of his career, his passion was misinterpreted as stubbornness and his idealism dismissed as impractical. Only now, as mourners fill stadiums and streets, do we realize how deeply he connected with the soul of this nation.

**Mourning as a Mirror**

The mourning of Raila Odinga has become a national mirror. The endless vigils, the songs of sorrow, the weeping mothers, the students holding candles, and the endless convoys to Bondo reveal more than grief; they reveal the emptiness of our civic traditions. The outpouring of emotion shows that Kenya has always known how to feel, but not always how to honour. The stampedes at memorials and the disorder at vigils point to something raw and unresolved: our failure to build meaningful ways to celebrate public service while it is still being rendered. If Kenya had more spaces for recognition, mentorship, and dialogue,

perhaps our mourning today would be more peaceful and purposeful.

**Lessons in Humility and Memory**

There is a moral lesson in Raila's life and death. To celebrate someone in life is to engage with their imperfections, to argue with them, to challenge and still cherish them. Death simplifies. It silences contradictions and allows us to rewrite the story in comforting tones. But democracy, like memory, thrives on complexity.

Celebrating leaders in life is not hero worship. It is civic maturity. It is the ability to recognize greatness while it is still inconvenient. Imagine a Kenya that regularly honoured those who fought for justice and integrity, not only after they are gone but as they live among us. Such a culture would nurture pride without idolatry, gratitude without blindness, and patriotism without pretense.

**Beyond Raila**

Ultimately, this moment is not only about Raila Odinga. It is about who we are as a people. His grave in Bondo has become a national altar, but our real tribute must live in how we change. If we truly wish to honour him, we must learn to celebrate visionaries while they can still guide us, to thank them before they leave us, and to turn our mourning into movement.

When the crowds finally thin, when the flowers wither, and when the cameras leave, what should remain is not only the memory of a great man but the birth of a new tradition. Kenya must become a country that celebrates its heroes not in death, but in the living present.



Raila Amolo Odinga's story will be told for generations. His courage, his resilience, and his boundless hope for a just and united Kenya will remain woven into the nation's soul. The most fitting tribute we can give him is to answer, honestly and humbly, the question his passing leaves behind:

**What if we had celebrated Raila Odinga when he was alive?**

## ACCESS TO INFORMATION

### Equalisation Fund Advisory Board Releases Information

The Equalisation Fund Advisory Board has issued information to a concerned citizen regarding county selection criteria and project implementation, following intervention by the Commission.

A request for information was submitted to the Chairperson of the Board on 14th August, 2025. The information sought included:

- i. A list of counties currently recognised as beneficiaries of the Equalisation Fund and the criteria used for their inclusion;
- ii. Records of total allocations versus actual disbursement per county from 2013 to the present;
- iii. A breakdown of funded projects—completed, ongoing, stalled, or abandoned—indicating contractors involved and corresponding budgets;
- iv. Copies of internal or external audit reports covering the Fund's operations and project evaluations; and
- v. Measures taken by the Board to address cases of mismanagement, corruption, and delayed implementation



The applicant indicated that this information was vital for public engagement, civic oversight, and policy advocacy on behalf of marginalised communities intended to benefit from constitutional provisions.

The Board did not respond within the statutory 21-day timeline, prompting the requester to apply for a review to the Commission under the Access to Information Act, 2016.

The Commission intervened, requesting an Institutional Report from the Board within seven days.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016 and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information regarding the request within seven days to provide appropriate direction on the application," read the Commission's letter to the Chairperson.

Following this intervention, the Board released the requested information for transmission to the Applicant.

In its response, the Board indicated:

#### i. List of beneficiary counties

The Board noted that Article 216(4) mandates the Commission on Revenue Allocation (CRA) to determine, publish, and regularly review policies for identifying marginalised areas for the Equalisation Fund. CRA has published two such policies, both available on its website.

#### ii. Record of total allocations versus disbursement per county from 2013 to present

Article 204(3)(a) stipulates that the national government may utilise the Equalisation Fund only where expenditures have been approved in a Parliamentary Appropriation Bill. As of 30<sup>th</sup> September, 2025, two appropriations—the Equalisation Fund Appropriation Act 2018 and Equalisation Fund Appropriation Act 2023—have been enacted.

#### iii. Breakdown of funded projects

The Equalisation Fund Appropriation Act 2018 was enacted by project and county, while the 2023 Act, implemented as conditional grants to county governments, was enacted by county and ward. Project proposals are submitted for Board approval via County Technical Committees and are considered on a rolling basis.

#### iv. Copies of internal/external audit

## ACCESS TO INFORMATION

Article 209(4)(b) requires the Auditor General to audit and report within six months after each financial year concerning the accounts of all Funds and national and county authorities. Audit reports on Fund operations from FY 2022/23 onward are available on the Auditor General's website.

### v. Measures taken to address mismanagement

The Board collaborates with beneficiary counties to ensure timely project implementation. Article 204(9) ensures that no funds are withdrawn from the Equalisation Fund without approval from the Controller of Budget. Oversight is further provided by the Board, National Treasury, Controller of Budget, Auditor General, the Senate, and the National Assembly.

The Fund additionally advised the applicant to contact County Executive Committee Members (CECMs) responsible for finance in beneficiary counties for further details or clarification.

### Maasai Mara University Corrects Error on Academic Transcript Following Commission's Intervention

Maasai Mara University finally corrected a transcript for a former student following the intervention of the Commission under the Access to Information Act, 2016.

The former student, EKS, made an application for review under the Access to Information Act, 2016, following the failure by the Registrar Academic Affairs to correct erroneous information on his fourth-year transcript.

According to EKS, he brought to the attention of the Registrar an error on his transcript, which reflected the academic year as 2011/2012 instead of the correct academic year, 2014/2015. Since he did not receive the necessary assistance from the University, he sought the intervention of the Commission.

The Commission took up the matter with the Registrar Academic Affairs of Maasai Mara University, giving him seven days to provide an institutional report.



"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016 and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information regarding the request for correction within seven days to provide appropriate direction on the application," read a letter from the Commission to the Registrar.

Following the intervention, the University corrected the error in the transcript and requested EKS to present all his Year One to Four transcripts to collect the corrected versions, thus resolving the issue.

### New Kenya Planters Co-Operative Union Releases Information on Coffee Cherry Advance Revolving Fund



The New Kenya Planters Co-Operative Union (NKPCU) has released information on the Coffee Cherry Advance Revolving Fund following the intervention of the Commission under the Access to Information Act, 2016.

A law firm acting on behalf of JM, the appointed representatives of farmers from Muruka Farmers' Co-operative Society Limited, formally requested information from the Managing Director, NKPCU.

## ACCESS TO INFORMATION

The request sought details on the administration and status of the Coffee Cherry Advance Revolving Fund, as well as the contractual arrangements between NKPCU and Muruka Farmers' Co-operative Society Limited.

The specific information requested included:

- i. Confirmation on whether the Cherry Fund is currently available to eligible farmers in Muruka, Kandara Sub-County;
- ii. An explanation as to why members from Muruka have been denied access to Cherry Fund loans, despite evidence of consistent deductions from their accounts;
- iii. A full and itemised reconciliation of all amounts deducted from Muruka farmers' coffee proceeds under the Cherry Fund and the corresponding amounts remitted by Muruka Farmers' Co-operative Society Limited;
- iv. A certified copy of the agreement between NKPCU PLC and Muruka Farmers' Co-operative Society Limited, including:
  - a) The date of execution;
  - b) The total amount advanced under the Cherry Fund;
  - c) Any disbursement records or schedules issued to the Society;
- v. The duration given by NKPCU for the delivery of coffee and the terms agreed upon;
- vi. Clarification on whether any public participation or member consultation was conducted prior to the agreement; and
- vii. Any correspondence or documentation submitted by the Society regarding Cherry Fund advance requests for the 2025/2026 crop season.

The information was sought in public interest and in furtherance of farmers' right to access information affecting their economic interests and cooperative participation.

The Union did not respond within the statutory 21 days, prompting the law firm to apply for a review by the Commission under the Access to Information Act, 2016.

The Commission intervened, requesting an institutional report from the Union within seven days.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016 and Regulation

25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information regarding the request within seven days to provide appropriate direction on the application," read the Commission's letter to the Managing Director, NKPCU.

Following this intervention, NKPCU released the requested information for transmission to the applicant.

### KeNHA Releases Information on Road Design Manuals

The Kenya National Highways Authority (KeNHA) has released the road design manuals used for the Muthaiga–Ndumberi road project.

Mr. BNW, on behalf of the Kiambu County Tenants Welfare Association (KICOTWA), submitted a request for information to the Director General of KeNHA, seeking the road design manuals for roads and bridges along the Muthaiga–Ndumberi road, as well as the official design standard document for the same road. The Director General did not process the request within the statutory timeline of 21 days, prompting Mr. BNW to apply for a review under the Access to Information Act, 2016.



The Commission subsequently engaged the DG of KeNHA, requesting an institutional report within seven days.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016, and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the

## ACCESS TO INFORMATION

application and requests your institutional report or any further relevant information regarding the request within seven days, to provide appropriate direction on the application," the Commission's letter stated.

In response, KeNHA provided the requested information, which included:

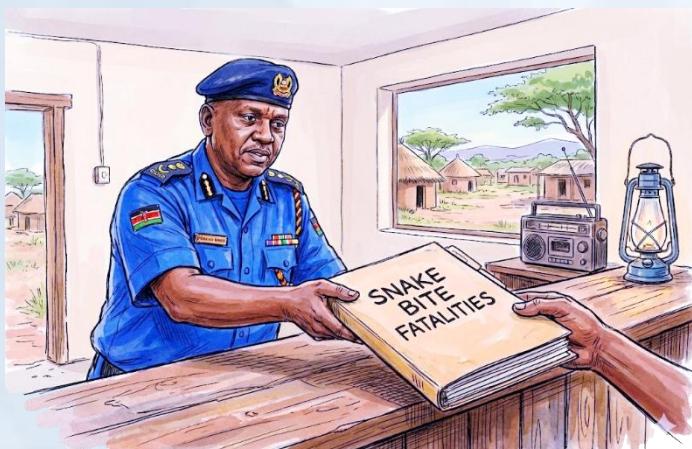
1. **Road Design Manuals Part I – Geometric Design for Rural Roads (1979)**, published by the Ministry of Works, Roads Department.
2. **Road Design Manuals Part III – Material and Pavement Design for New Roads (1989)**, published by the Ministry of Transport and Communications, Roads Department.

The Authority further indicated that during the implementation of the road project, the road design standards will be checked against the recently launched **Road Design Manuals (2025)** to ensure compliance.

### National Police Service Releases Information on Snakebite Fatalities

The National Police Service (NPS) has finally released information on snakebite fatalities following the intervention of the Commission.

An innovator and developer of a new-generation antivenom, Mr. PM, filed a review application with the Commission after the NPS refused to process his information request. Mr. PM had requested data from the Inspector General of Police, NPS, on snakebite fatalities recorded by the service from January 2022 to date. He stated that this information was crucial for a petition on public health and administrative accountability scheduled for a Senate hearing.



The NPS did not respond to his request within the statutory timelines, prompting him to seek the

Commission's intervention under the Access to Information Act, 2016.

The Commission addressed the issue with the IG, NPS, requesting an institutional report within seven days.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016, and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information within seven days to guide appropriate action on the application," read the Commission's letter to the Inspector General.

Following the Commission's intervention, the NPS released the requested information. The data showed that from January 2021 to date, the NPS recorded 220 snakebite cases nationwide, with the Eastern Region reporting the highest number at 88 cases. Of the 220 cases, 41 resulted in fatalities across the country.

### ODPP Releases Information on Defilement Case



The Office of the Director of Public Prosecutions (ODPP) has released information regarding a defilement case involving a 15-year-old minor, following the intervention of the Commission under the Access to Information Act, 2016.

United North Organisation, on behalf of ten civil society organizations (CSOs) in Samburu, submitted a request for information to the ODPP Samburu County office on 27th June 2025 concerning the closure of Case No. OB/\*\*/25/\*\*/25. The case involved the defilement of a 15-year-old minor, reportedly occurring on 23rd May 2025, with the primary suspect being a medical professional. The CSOs sought clear, factual, and comprehensive information regarding the handling and eventual closure of the case. Specifically, they requested:

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- i. A written explanation for the closure of the case despite the existence of a full medical report and an audio recording allegedly containing the suspect's confession.
- ii. Clarification on why no action had been taken following the mother's second formal request to reopen the case.
- iii. An explanation for the delays in the process and the apparent inaction to date.
- iv. Any challenges the office may be facing in pursuing the matter to a just conclusion.
- v. Any other relevant information the office deems necessary to disclose regarding this case.
- vi. Assurance of victim protection and follow-up.
- vii. A request for a case review by an independent prosecutor or oversight body.

The ODPP did not process the information request within the statutory timeline of twenty-one days, prompting the CSOs to apply for a review.

The Commission subsequently engaged the Regional Head of the ODPP in Samburu County.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016, and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information regarding the request within seven days, to provide appropriate direction on the application," the Commission's letter to the ODPP stated.

In response, the Regional Head confirmed that the Samburu County office received the CSOs' letter on 27th July 2025. The police file was forwarded to the Nakuru Regional Office for review and advice. Following directions received, the accused person was formally charged in Maralal Law Courts under Criminal Case SO. E005 of 2005 on 29th August 2025. The case remains active in court.

### Principal Secretary, State Department for Agriculture Ordered to Release Information on Leasing of Sugar Companies

The Commission has ordered the Principal Secretary, State Department for Agriculture to release information on Leasing of Sugar Companies within twenty-one days failure to which the Commission shall recommend criminal prosecution

against the Principal Secretary in line with Section 28 of the Access to Information Act, 2016.

The order arose out of an application for review made by Mr. AO following the failure of the PS to respond to his request for information dated 29<sup>th</sup> July 2025. The specific information he sought included;

- a. The letter of award for the leasing of public sector owned sugar companies specifically; Muhoroni, Nzoia, Chemelil and Sony Sugar Company Limited to private entities and factors considered in the award; and
- b. The Lease Agreement between the lessee and lessor of Muhoroni, Nzoia, Chemelil and Sony Sugar Company Limited.



The Commission took up the matter on 5<sup>th</sup> September 2025 requesting the PS to respond within seven days.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016, and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information within seven days to guide appropriate action on the application," read the Commission's letter to the PS.

Following the failure by the PS to respond to the Commission's letter, the Commission pursuant to Powers granted by Section 22(3)(a)(i) of the Access to Information Act 2016, determined that;

- i. The information requested by Mr. AO in the request for information contained in a letter dated 29<sup>th</sup> July 2025 is held by the State Department for Agriculture
- ii. The information requested by the Mr. AO in the request for information letter dated 29<sup>th</sup> July 2025 may contain information which is subject to limitations under Section 6(1),

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iii. Access to Information Act, 2016. As such, disclosure of a redacted version of the requested information/documents will suffice.

Pursuant to powers granted by Section 23(2)(a) of the Access to Information Act 2016 and Regulation 25(8) of the Access to Information (General) Regulations, 2023, the Commission therefore ordered that;

1. The Principal Secretary, State Department for Agriculture facilitates access to information and records relating to the request for information made by Mr. AO contained in a letter dated 29<sup>th</sup> July 2025 in strict compliance with the law namely: -
  - a. The letter of award for the leasing of public sector owned sugar companies specifically; Muhoroni, Nzoia, Chemelil and Sony Sugar Company Limited to private entities and factors considered in the award; and
  - b. The Lease Agreement between the lessee and lessor of Muhoroni, Nzoia, Chemelil and Sony Sugar Company Limited.
2. The compliance with the above Order be within twenty-one (**21**) days from the date hereof.
3. In the event of non-compliance with the orders above, the Commission shall recommend criminal prosecution against the Principal Secretary in line with Section 28 of the Access to Information Act, 2016.

### State Department for Immigration and Citizen Services Releases Information

The Principal Secretary, State Department for Immigration and Citizen Services, has released information on the number of uncollected identification documents in Kiambu County.

The NGO Bunge Mashinani filed an application for review with the Commission under the Access to Information Act, 2016 on 15th October 2025, following the refusal by the Principal Secretary to process their initial information request.

The organisation explained that despite submitting a formal request for information on 13th October 2024, and a follow-up request nearly a year later on 18th September 2025, they had not received any



acknowledgement or response from the State Department. They therefore sought the Commission's intervention, noting that the State Department had failed to provide the information within the statutory timeframe of twenty-one days, and had offered no communication explaining the delay or refusal.

The organisation further indicated that the requested information was of significant public interest and essential for ongoing civic education and youth mobilisation on national identification and participation in governance.

In their initial requests, they sought:

- i. Statistics on uncollected ID cards per sub-county in Kiambu as at 15th November 2024.
- ii. Authorisation from the Principal Secretary for the Kiambu County Registrar of IDs to periodically share with the organisation monthly updates on the progress of ID collection, to enable them to assess the effectiveness of their joint efforts in encouraging citizens to collect their IDs.

Following the Commission's intervention, the Principal Secretary released the requested statistics on uncollected ID cards as at 24th October 2025, revealing that a total of 9,873 ID cards remained uncollected in Kiambu County.



## ACCESS TO INFORMATION

### The National Treasury Releases Information on the Operationalisation of Treasury Single Account (TSAs)

The National Treasury has released information on the operationalisation of the Treasury Single Account (TSA), following intervention by the Commission under the Access to Information Act, 2016.



Katiba Institute filed an application for review under the ATI Act, 2016 after the Principal Secretary, National Treasury, failed to process its information request dated 23rd September 2025 within the statutory twenty-one days. The information sought related to the operationalisation of the Treasury Single Account and included the following:

- i. How the proposed National Treasury Single Account will be operationalised, including details on its intended structure, the personnel involved, and the nature of their functional relationship with accounting offices of the affected national government entities.
- ii. Whether the National Treasury has developed and circulated any guidelines on the operationalisation of the TSA.
- iii. Whether depositing funds into the TSA is equivalent to depositing monies into the Consolidated Fund, and if not, the nature of the relationship between the two.
- iv. How the TSA will facilitate the use of Appropriations in Aid (AiA) in accordance with Article 206(1)(b) of the Constitution.
- v. How disbursement of funds to entities under Sections 28(3) and 119(3) will be implemented, and the circumstances under which such disbursements would be warranted.

- vi. The nature and scope of engagements undertaken with county governments regarding County Treasury Single Accounts (CTSAs), and the respective roles of national and county governments in their operationalisation.

Following the National Treasury's failure to respond within the statutory timelines, Katiba Institute escalated the matter to the Commission.

The Commission took up the matter and wrote to the Principal Secretary requesting an institutional report within seven days.

"The Commission, pursuant to Section 22(3) of the Access to Information Act, 2016, and Regulation 25(1) of the Access to Information General Regulations, 2023, hereby notifies you of the application and requests your institutional report or any further relevant information regarding the request within seven days to provide appropriate direction on the application," read the Commission's letter to the PS, National Treasury.

Following the Commission's intervention, the National Treasury released the requested information for transmission to the applicant.

In its response, the National Treasury Indicated:

#### i. Operationalisation of the Treasury Single Account

The Treasury Single Account (TSA) is a Public Financial Management reform aimed at unifying government banking to enhance cash visibility, transparency, and efficiency. It will be rolled out through a hybrid model over three years in three clusters: national Ministries, Departments and Agencies (MDAs), county governments, and exchequer funded State Corporations and Semi-Autonomous Agencies.

MDAs will maintain accounts at the Central Bank of Kenya (CBK), while State Corporations will use commercial bank accounts linked to the TSA for visibility. Daily operations will be managed by the Directorate of Accounting Services and Quality Assurance under the Exchequer Services Division, with oversight from a Technical Committee comprising the National Treasury, CBK, and the Office of the Controller of Budget.

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Key features include invoice twinning, just in time funding, expanded overdraft mapping, visibility of commercial bank balances, and mandatory investment of surplus funds by state entities in government securities.

### ii. Development of Guidelines on TSA Operationalisation

The TSA framework is grounded in the Constitution, the Public Financial Management (PFM) Act, and national and county PFM Regulations. While these forms a sufficient legal basis for implementation, the National Treasury is preparing a Treasury Circular to support the ongoing operationalisation process.

### iii. Relationship Between the Treasury Single Account and the Consolidated Fund

Depositing funds into the TSA is not equivalent to depositing monies into the Consolidated Fund. The TSA is a unified structure of government bank accounts used for centralised cash management. The Consolidated Fund, managed through the National Exchequer Account, is a core component within this broader structure. The TSA covers all public funds under government control, including special and trust funds, unless expressly exempted.

### iv. Treatment of Appropriations in Aid (AiA) Under the TSA

While most AiA funds are not deposited into the Consolidated Fund, they will be incorporated into the TSA visibility and reporting framework, enabling a comprehensive view of government liquidity. A dedicated AiA disbursement process within the TSA will safeguard transparency, prevent commingling with exchequer funds, and preserve the integrity of the invoice twinning system.

### v. Disbursement of Funds Under Sections 28(3) and 119(3)

Disbursements will follow the existing exchequer release processes, based on approved budgets, cash flow projections, and availability of funds. The hybrid TSA model enhances this by reducing idle balances, enabling just in time payments, improving transparency, and eliminating invoice

cherry picking without disrupting current disbursement mechanisms.

### vi. Engagements with County Governments on County Treasury Single Accounts

County governments are legally required to establish County Treasury Single Accounts that mirror the national hybrid model. The National Treasury is supporting counties by automating the County Revenue Fund withdrawal process through the Controller of Budget. This initiative will eliminate manual procedures, harmonise cash management practices, enhance accountability, reduce pending bills, and minimise invoice cherry picking. The automation process is ongoing and is expected to be completed in the 2025/2026 financial year.

### HELB Corrects Loan Disbursement Anomaly Following Commission's Intervention

The Higher Education Loans Board (HELB) corrected a loan disbursement anomaly and directed the funds to the correct account following the intervention of the Commission.

Mr. DMM, a student at the University of Eastern Africa, Baraton, lodged a complaint with the Commission after discovering that his HELB loan had been sent to the wrong account, leaving him without any benefit from the award. He explained that he had applied for and was awarded a loan under the Taita Taveta County Revolving Fund, administered through HELB. However, throughout his period of study, the loan was never reflected in his account. Records later showed that the loan had been processed on 9<sup>th</sup> June, 2023, and disbursed on 12<sup>th</sup> June, 2023, but was erroneously credited to a different account.



The Commission raised the matter with the Chief Executive Officer of HELB. In response, HELB acknowledged that the funds had been mistakenly disbursed to the wrong admission number and assured the Commission that the error would be corrected by crediting the funds to Mr. DMM's rightful account.

Mr. DMM subsequently confirmed via email that the funds had been successfully reflected in his account, thereby resolving the matter.

## PUBLIC EDUCATION AND CAPACITY BUILDING

### The Commission Partners with GIZ for Public Education in Kirinyaga and Kakamega Counties

#### Kirinyaga County

The Commission, in partnership with GIZ through the Strengthening Good Governance Programme, held an Ombudsman Open Day on Wednesday, 26th November 2025, in Kerugoya Town, Kirinyaga County. Led by the Commission Vice Chairperson and Commissioner in charge of Access to Information, Ms. Dorothy Jemator, the event was themed "Widening Services at the Grassroots: Tunaleta Huduma za Ombudsman Mashinani." It aimed to educate the public on the Commission's mandate to enforce administrative justice and the right of access to information. The event also provided an opportunity for the public to lodge complaints about maladministration and violations of their access to information rights, as well as to receive legal aid. Over five hundred people were reached, with twelve complaints lodged on site.



More than 30 National Government Administrative Officers (NGAOs) attended and collaborated with the Commission in mobilizing residents and disseminating key messages on the Ombudsman's role and services. IEC materials were distributed to enhance public understanding of citizens' rights and available redress mechanisms.



Ahead of the Ombudsman Open Day, the Commission Vice Chairperson and Commissioner in Charge of Access to Information, Ms. Dorothy Jemator, participated in a radio program on Muoroto FM on Tuesday, 11th November 2025. During the program, she discussed the Commission's role in enforcing administrative justice and the right of access to information. The activities are undertaken in partnership with GIZ under the Strengthening Good Governance Programme. Ms. Jemator also used the program to publicize the Ombudsman Open Day, inviting residents of Kerugoya to engage with the Commission, learn more about its services, lodge complaints, and receive legal aid.



#### Commission Vice Chairperson Pays Courtesy Calls in Kirinyaga County



On Wednesday, 26th November 2025, the Commission Vice Chairperson, Ms. Dorothy Jemator, paid a courtesy call to the County Commissioner of Kirinyaga County, Mr. Hussein Allasow. The delegation was welcomed by the Principal Assistant County Commissioner, Ms. Patricia Kago. The meeting coincided with the Ombudsman Outreach Activity in Kerugoya Town,

## PUBLIC EDUCATION AND CAPACITY BUILDING

which promotes awareness about the Commission's role in addressing maladministration, enforcing the right of access to information, and providing legal aid.



During the meeting, Ms. Jemator briefed NGAOs on the outreach objectives and stressed the importance of collaboration between the Commission and local administrators to enhance accountability and service delivery. Ms. Kago pledged the County Commissioner's Office's support by mobilizing NGAOs to participate in sensitization activities and use their networks to inform the public about the Commission's work.

The team also paid a courtesy call on the Deputy Governor of Kirinyaga County, H.E. David Githanda Wachira. Ms. Jemator updated Hon. Wachira on the Ombudsman Open Day and shared a summary of pending complaints related to the County Government for follow-up. Discussions focused on areas of collaboration to strengthen accountability, transparency, and service delivery.



H.E. Wachira commended the Commission's efforts and reaffirmed the County Government's commitment to working closely with the Ombudsman to improve governance and public responsiveness. The County Secretary, Mr. Henry Kimathi, and technical officers from the

Commission on Administrative Justice were also present.



### Kakamega County



The Commission, in partnership with the GIZ Good Governance Programme, on Wednesday, November 2025, conducted an Ombudsman Mashinani outreach activity in Kakamega Town as part of its ongoing efforts to expand access to administrative justice at the grassroots. Led by the Chairperson, Mr. Charles Dulo, the Commission set up service booths near the Msamaria Mwema Bus Stop, where it created public awareness and educated the public on its mandates, received complaints on maladministration and applications for review under the access to information law and offered legal aid to members of the public.

The activity is part of the broader strategy by the Commission of taking its services to the grassroots under the programme dubbed Ombudsman Mashinani: Widening Services at the Grassroot.

## PUBLIC EDUCATION AND CAPACITY BUILDING



Ahead of the Ombudsman Open Day, the Director, Public Education, Advocacy and Corporate Communications, Mr. Osman Mohamed and the Senior Corporate Communications Officer, Mr. Edward Opany participated in a radio program on West FM on Tuesday, 25th November 2025.



### Strengthening Collaboration with National Government Administrators



During the program, they discussed the Commission's role in enforcing administrative justice and the right of access to information. The activities are undertaken in partnership with GIZ under the Strengthening Good Governance Programme. The team also used the program to publicize the Ombudsman Open Day, inviting residents of Kerugoya to engage with the Commission, learn more about its services, lodge complaints, and receive legal aid.

As part of the day's activities, the Commission Chairperson, Mr. Charles Dulo, paid a courtesy call to the Office of the Kakamega County Commissioner, where he was received by the Deputy County Commissioner, Mr. Jackson Sindani, on behalf of County Commissioner Mr. Meru Mwangi.

The meeting coincided with the ongoing outreach efforts and provided a platform to brief local administration officials on the objectives of the Ombudsman Mashinani initiative. Mr. Dulo emphasized the critical role of collaboration between the Commission and National Government Administrative Officers in enhancing accountability, improving public service delivery, and ensuring that citizens are informed about their rights and the Commission's services.

Mr. Sindani reaffirmed the County Commissioner's support and committed to mobilizing NGAOs to participate in the sensitization activities and use their administrative networks to further amplify the Commission's work at the grassroots. This courtesy call reinforced the importance of government partnerships in expanding access to administrative justice.

## PUBLIC EDUCATION AND CAPACITY BUILDING

### Deepening County-Level Partnerships for Improved Governance

The Chairperson also paid a courtesy call to the Office of the Governor, Kakamega County, where the delegation was received by the CECM for Finance, Mr. Benjamin Andama, alongside the Kakamega County Ombudsman, Mr. Nelson Majimbo. During the engagement, Mr. Dulo briefed county leadership on the progress of the outreach activities and presented a summary of pending complaints relating to the County Government for follow-up and resolution.



The discussion underscored key areas for collaboration aimed at improving transparency, accountability, and service delivery within the county. Mr. Dulo commended Kakamega County for maintaining a fully functional County Office of the Ombudsman—one of the few in the country and a model for strengthening administrative justice.

In response, Mr. Andama expressed appreciation for the Commission's continued support, particularly in domesticating the Access to Information Model Law, and reaffirmed the County Government's commitment to sustaining strong working relations with the Commission. Together, the two institutions continue to nurture partnerships that promote good governance and ensure citizens receive efficient and responsive services.



### Commission Sensitizes 3,875 National Government Administration Officers on Effective Public Complaints Management



In a significant step toward promoting responsive and accountable governance, the Commission, at the invitation of the Ministry of Interior and National Administration, facilitated sensitization sessions for the second and third cohorts of 3,875 Chiefs and Assistant Chiefs. These sessions took place on Wednesday, October 8, 2025, and Wednesday, November 5, 2025, at the National Police College, Embakasi A Campus, as part of an induction, paralegal, and security management course.

The sessions provided an opportunity for the Commission to educate National Government Administration Officers (NGAO) about its mandate in addressing all forms of maladministration in the public sector, as well as its oversight and enforcement of the Access to Information Act. Participants were also guided on effective complaints management relevant to their roles and on how to collaborate with the Commission to enhance public service delivery.

In August 2025, the Commission held a similar session for the first cohort of 900 officers on Wednesday, August 27, 2025.

The sensitization was led by officers from the Commission's Complaints, Investigations and Legal Services Department, the Public Education, Advocacy and Corporate Communication Department, and the Access to Information Department.

The Commission remains committed to partnering with the Ministry of Interior and National Government Administration to leverage such platforms to sensitize NGAO on effective public service delivery and complaints management.

## PUBLIC EDUCATION AND CAPACITY BUILDING

### Commission Vice Chairperson Participates in NCCK Meeting to Promote Access to Information and Administrative Justice



On Tuesday, December 2, 2025, the Commission Vice Chairperson and Commissioner in charge of Access to Information, Ms. Dorothy Jemator, participated in an NCCK meeting where the Commission led a sensitization session on its mandates and the importance of administrative justice and access to information. The session emphasized the power of accountability, fairness, and responsible public service in advancing citizens' rights. It also empowered church leaders with knowledge to better support citizens facing unfair or inefficient public services.

The Commission appreciates the opportunity to engage with clergy and institutional leaders, reinforcing a shared commitment to ethical governance, transparent institutions, and improved service delivery for all Kenyans.

Moving forward, CAJ and NCCK will collaborate to diversify rights education.

### 4,393 Public Officers trained



Being an important stakeholder in public service delivery, the Commission continued building and strengthening complaints handling capacity in line with Section 8 (e) of the Commission on Administrative Justice Act. In this respect, the Commission trained **4,393** public officers drawn from Ministries, Counties, Departments and Agencies (MCDAs) on effective complaints handling and Access to Information.

### Enhancing the Capacity of County Government Officials

During the reporting period, the Commission intensified its engagement with county governments through targeted capacity-building initiatives. In Kilifi and Bomet Counties, the Commission conducted training sessions for Ward Administrators and county staff, bringing together 91 public officers from various departments. The training equipped participants with essential skills in complaints handling and strengthened their ability to promote accountability and responsive service delivery.

### Commission Participates in the 2025 Law Society of Kenya Legal Awareness Week



The Commission participated in the 2025 Law Society of Kenya Legal Awareness Week as part of its mandate to advance administrative justice and promote the right of access to information. The event, held under the theme "*The Justice System as an Enabler of Impunity*," brought together key actors in the justice sector to engage the public, offer legal guidance, and create awareness of citizens' rights and available mechanisms for redress.

The Commission used the platform to educate the public on its mandates, receive complaints on maladministration, process applications for review under the access to information law, and offer legal aid. The Commission also disseminated a range of thematic information, education, and communication materials.

## FEATURE

## When Justice Met the Ordinary Kenyan: The Ombudsman, The Public Protector



By Edward Opany

In the quiet, desperate spaces where the machinery of the state grinds against the lives of ordinary people, a different kind of story is being written. It is a story not of power, but of perseverance; not of indifference, but of intervention. For every Kenyan who has faced a system too vast to hear their cry, too complex to understand their pain, and too slow to care about their urgency, there exists a final, steadfast recourse: the Office of the Ombudsman, the Commission on Administrative Justice.

This is not an institution of abstract legal principles, but a living, breathing protector whose work is etched in the restored lives of those it has served. It is the story of justice finding its way home.

### The Teacher Who Lived on a Shilling



Imagine opening your payslip to find your month's labour valued at one shilling and twenty-five cents.

For Mr. M.K., a dedicated teacher with years of service, this was not a hypothetical nightmare but his crushing reality. He had once been a headteacher, leading a school and shaping young minds. Then, without warning or due process, the Teachers Service Commission (TSC) demoted him to an assistant teacher. The reason given was a cold, bureaucratic term: an "erroneous appointment." To compound this injustice, the TSC began deducting over half a million shillings from his future earnings to reclaim what they deemed an "overpayment."

His dignity was stripped away with each pay cycle. The deductions were so severe they left him with virtually nothing, reducing a professional man to a state of humiliating dependency. How does a teacher, a pillar of his community, explain to his family that he can no longer provide?

How does he face his students when he cannot afford his own basic needs? Mr. M.K.'s complaint to the Ombudsman was a cry from the brink of financial and emotional ruin.

The Commission did not see a mere payroll error. It saw a man whose life had been unlawfully dismantled. Its investigation was a masterclass in upholding due process. It found that the TSC had acted unilaterally, violating the Fair Administrative Action Act and the Employment Act by demoting him without consultation and making draconian deductions without his consent.

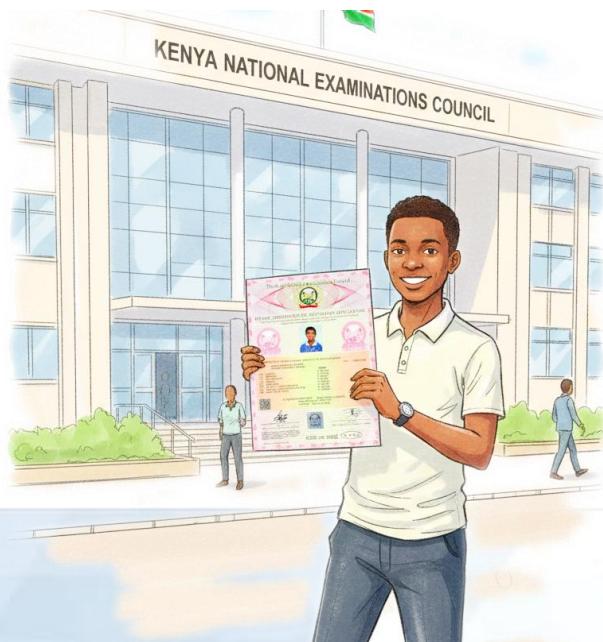
The Ombudsman forcefully argued that a salary is not just a number; it is the foundation of a person's dignity, protected by the Constitution. To reduce a man to a monthly income of KSh 1.25 was not just an administrative failure, it was a profound human injustice. The Commission's recommendation for his reinstatement and full reimbursement was a powerful restoration of a life unfairly broken by the system meant to employ him.

### A Dream on Hold: The Eight-Year Wait for a Single Certificate

For W.T., the promise of education was a sacred covenant. He had studied tirelessly, passing his Kenya Certificate of Secondary Education (KCSE), only to have his future vanish into a bureaucratic black hole. The Kenya National Examinations Council (KNEC) withheld his certificate for eight years over a name discrepancy from his childhood—a ghost from his past that he had already legally corrected.

## FEATURE

What does an eight-year wait feel like? It begins as hope, turns to frustration as peers move ahead, curdles into despair as opportunities vanish, and finally hardens into quiet resignation that the dream is dead. He became a ghost student, his achievements invisible and his potential locked away.



When W.T. walked into the Ombudsman's office, it was with the last ember of hope. The Commission took up his case with a persistence that matched the longevity of his ordeal. They engaged, they pushed, and when met with inertia, they wielded the power of the Access to Information Act, ordering KNEC to release the certificate "forthwith."

The day he finally held that document was the day his life was given back to him. The Ombudsman had not just processed a case; it had ended an eight-year sentence and restored a young man's right to his own future.

#### The Ultimate Indignity: When Grief is Held for Ransom

For the families of M.W. and J.K., the profound sorrow of losing a loved one was compounded by a cruel and unlawful practice. Medical facilities and a funeral home refused to release the bodies of their deceased kin, holding them hostage over unpaid bills. In their deepest moment of vulnerability, as they sought to perform final rites and find closure, these families were forced into financial negotiations for the right to mourn. Their grief was commodified.

The Ombudsman's intervention was swift and morally unyielding.

It invoked the Constitution's guarantee of human dignity, which extends even in death. It reminded the Kenya Medical Practitioners and Dentists Council of the stark legal principle: "There is no property in a dead body." A body cannot be used as collateral.

The Commission's powerful advocacy prompted immediate action, compelling the facilities to release the bodies. For these grieving families, the Ombudsman was the institution that shielded them from callousness, ensuring that their final act of love for their relatives was not desecrated by a demand for money.

#### The Officer Branded a Deserter for Pursuing Knowledge

Police Officer N.C. had embraced an opportunity for growth, accepting a scholarship from the very service he pledged to protect. Yet, a "communication breakdown" transformed this ambition into a professional death sentence. He was classified as a deserter, his salary stopped, his name tarnished. The institution he served now saw him as a fugitive. For over a year, his appeals echoed in a void, his loyalty repaid with betrayal.

The Ombudsman's inquiry was a testament to the power of a second look. The Commission peeled back the layers of misunderstanding, examined the records, and demanded fairness. His eventual reinstatement with full arrears was about more than money; it was the restoration of his honour, a declaration that his service and his ambition were valid. Someone in the system had finally listened, and it made all the difference.



#### A Matter of Life and Death: The Passport That Held a Future Hostage

For Mr. O., time was not a resource; it was the enemy. His life depended on a kidney transplant abroad, but the process was paralyzed by a delay

## FEATURE

in processing the passports for his donor and caregiver. Each passing day was a countdown to despair.

The Ombudsman, understanding the mortal stakes, became his lifeline. A rapid intervention with the Immigration Department cut through the red tape. Within days, the passports were processed. For Mr. O., the Commission was not a bureaucratic entity; it was the thin line between hope and loss, a reminder that administrative justice can, quite literally, be a matter of life and death.



### Access to Information: The Power to Correct, to Know, and to Heal

While the Ombudsman mends broken lives, it also performs a quieter, equally vital role: it hands citizens the torch to illuminate the dark corners of power and correct the small, maddening errors that can disrupt a life. The Access to Information Act is a revolutionary tool, and the Commission ensures it is not just a law on paper but a living reality.

For a teacher named Ms. Anet, her official identity was fractured. The name on her payslip and medical scheme did not match her identity card. It was a constant reminder of a system that had misrecorded who she was. Her emails to correct it went unanswered. The Ombudsman's single letter to the TSC, invoking the ATI Act, resolved in weeks what she could not in months. Her name was corrected, restoring the simple but profound integrity of her professional identity.

For a student, Mr. M.M., his education was clouded by financial confusion. Why was his government capitation not matching the fees he owed?

His future was held hostage by an unexplained discrepancy. His requests for a breakdown from his college were met with silence. The Ombudsman's intervention compelled the principal to provide a detailed fee statement,

transforming confusion into clarity and empowering the student with the knowledge to manage his own education.

And in the most painful of circumstances, the right to information becomes a right to truth and a step towards healing. For Ms. J.K., a grieving mother, the mystery surrounding her daughter Rebecca's death in a hospital was a source of agonizing pain. The hospital withheld the medical and postmortem reports, denying her closure. Through her lawyer, she turned to the Ombudsman. The Commission's demand for compliance cut through the hospital's inertia, finally securing the critical documents. For this mother, information was not about accountability alone; it was an essential part of her journey to understand her loss and begin to grieve.

These personal stories of correction, clarity, and closure exist alongside the larger battles for transparency. The Ombudsman forced the release of land records that exposed the illegal grabbing of public property in Mombasa. It compelled a private union to open its books to its members and ensured that an arbitrator was transparent about her fees. In every case, the Commission ensures that the right to know is a practical, powerful tool for every Kenyan, from the mother seeking answers to the citizen auditing public funds.

### The Guardian of Our Collective Dignity

From the teacher living on a shilling to the student waiting eight years for his certificate, from the mother seeking a medical report to understand her daughter's death to the citizen armed with a document that exposes wrongdoing—the thread that connects these stories is the Ombudsman's unwavering commitment to seeing the person behind the file.

Its work affirms a profound truth: that the arc of justice is measured not only in courtrooms but in the quiet restoration of a livelihood, the return of a stolen dream, the protection of a person's inherent dignity, and the empowering light of information.

It listens when others turn away. It persists where others give up. It ensures that in the face of impersonal power, every Kenyan, no matter how small they feel, has a protector.

The Commission on Administrative Justice is more than an office; it is the embodiment of a promise—that in our nation, fairness will always have a fighting chance, and that the people, when armed with truth and justice, will never be powerless.

## COLLABORATION

### Commission Calls for Stronger Citizen Oversight as TISA Unveils New Social Accountability Module



The Commission on Administrative Justice (Office of the Ombudsman) has reaffirmed its commitment to enhancing transparency and strengthening public oversight in government contracting during the launch of the *Citizen Watch: Monitoring Public Contracts Through Social Accountability* module on Tuesday, December 2. The Commission was represented by the Director in charge of Access to Information, Ms. Viola Ochola, who delivered the closing remarks.



Developed by the Institute of Social Accountability (TISA) in partnership with the European Union, Transparency International, and Konrad Adenauer Stiftung (KAS), the new module equips citizens and civil society organisations with practical tools to monitor procurement processes and guard against the misuse of public resources.

The Commission welcomed the module as a timely intervention in a sector that remains highly vulnerable to corruption.

In her remarks, the Director noted that weaknesses in procurement systems often lead to stalled projects, inflated costs, and compromised service delivery—issues that underscore the need for stronger citizen oversight.

She highlighted CAJ's mandate to promote administrative justice and enforce access to information, noting that these functions place the Office of the Ombudsman at the centre of the national integrity system. She also emphasised the Commission's collaboration with TISA under the *Tupigane na Ufisadi* (TUNU) project, particularly its role in building the capacity of civil society groups in 11 counties to use access to information as a tool for monitoring public expenditure.

Ms. Ochola further noted that the Commission continues to address systemic gaps that enable corruption, including poor transparency practices, weak records management, and inadequate responsiveness within public institutions. She reiterated CAJ's call for the fast-tracking of the National Access to Information Policy, increased investment in ICT infrastructure, and the development of national standards for digitising public records to strengthen efficiency and promote proactive disclosure across the public sector.

The Commission also underscored the crucial role of citizens and civil society in holding public institutions accountable when they have access to timely and accurate procurement information. Civil society organisations, she said, play a vital role in transforming information into action by supporting communities, analysing disclosed information, and advocating for essential reforms.

Ms. Ochola affirmed CAJ's commitment to continued partnership with TISA and other stakeholders to promote transparency in public contracting and empower Kenyans to safeguard public resources.



## HOW WE'VE HELPED

### Insurance Claim Settled

An insurance claim was successfully settled following the intervention of the Commission after an appeal for review under the Access to Information Act, 2016.

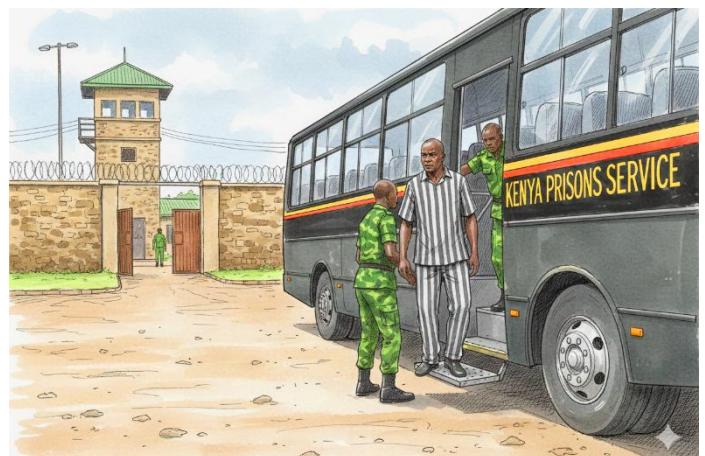
Mr. AM sought a review after an insurance company failed to process his information request within the statutory timeline of 21 days. He had been involved in a car accident and upon filing a suit in court, was awarded judgment in his favour. However, he was unable to enjoy the fruits of this judgment due to a lack of information from the insurance company responsible for paying the decadal sum. At the time, the company was under insolvency, placing the responsibility for settling claims on the Policyholders Compensation Fund (PCF). Mr. AM had requested details regarding the payment of the awarded sum, the payee, payment dates, and the amount paid.



The Commission took up the matter with the Chief Executive Officer of the insurance company, drawing attention to the pending information request. The letter was copied to the Insurance Regulatory Authority (IRA). IRA responded, advising that the company was under statutory management and that the Statutory Manager was the Policyholders Compensation Fund, to whom all communication should be directed.

Consequently, the Commission wrote to PCF seeking their response. PCF informed the Commission that eligible claimants would be invited to lodge their claims once a public notice was issued. They subsequently contacted Mr. AM, guided him on the procedure for lodging his claim through the designated portal, and later disbursed Kshs. 250,000/-, the partial amount he was eligible for. On 1st July 2025, PCF confirmed that his claim had been fully settled, thereby successfully resolving the matter.

### Inmate Gets Appeal Date



An inmate serving a sentence at Manyani Maximum Prison has finally received an appeal date following the intervention of the Commission in a case involving inordinate delay in the processing of his appeal.

The inmate, SSM, lodged a complaint with the Commission alleging undue delay by the Judiciary in processing his second appeal. Despite filing his appeal at the Court of Appeal in Mombasa, he had not been issued with a case number or directions on the hearing of the appeal.

In handling the matter, the Commission acted in accordance with Section 32 of the Commission on Administrative Justice Act, which allows any aggrieved person to lodge a complaint directly with the Commission or through a representative. Additionally, Section 51 of the Act requires that correspondence from persons in custody be transmitted to the Commission in confidence, ensuring inmates can access the Commission without obstruction.

Following a formal inquiry, the Commission wrote to the Judiciary Ombudsman seeking clarification on the status of the appeal. The initial inquiry did not attract a response, prompting the Commission to issue two reminders. The Judiciary Ombudsman eventually responded and provided the case number for the appeal.

The Commission subsequently communicated this information to Mr. SSM through the Manyani Prison email system, thereby resolving the matter and enabling him to proceed with the appellate process.

## HOW WE'VE HELPED

### Ministry of Defence Settles Outstanding Supplier Payments After Commission's Intervention

The Ministry of Defence has paid for services rendered and goods delivered following the intervention of the Commission in a case involving inordinate delay in settling supplier dues.

T Hardware and Glassmart lodged a complaint with the Commission alleging prolonged delay in processing payments for completed works and supplies delivered. The supplier had been awarded two tenders by the Kenya Navy: renovation works at the Msambweni Masura Station under **LSO 20\*\*\*\*2**, valued at **Kshs. 4,553,000**, and the supply of goods under **LPO 44\*\*\*\*7** dated 8<sup>th</sup> November, 2024, valued at **Kshs. 15,087,150**. The company reported that despite fulfilling all contractual obligations, payment had not been made.

The Commission initiated inquiries with the Principal Secretary, Ministry of Defence, and issued two follow-up reminders. In response, the PS confirmed in writing that the amounts owed to the company had been fully settled, thereby resolving the matter.



### Disability Claim Processed and Paid

A former military officer can now sustain himself after the processing and payment of his long-pending disability claim, following the intervention of the Commission.

Mr. CMM lodged a complaint with the Commission alleging undue delay in the processing of his disability benefits. He stated that he joined the Kenya Defence Forces in March 2007 and served for 16 years before sustaining work-related injuries in 2017. The Military Medical Board recommended that he be compensated, and through a letter dated 14<sup>th</sup> April, 2023, the Principal Secretary, Ministry of Defence, forwarded his claim to the

Department of Pensions, Military Pensions Liaison Office, for payment. Despite this, the claim had not been settled.

The Commission took up the matter with the Director of Pensions, drawing attention to the delay and seeking an update. In response, the Pensions Department informed the Commission that the Pensions Committee for Military Disability Pension had not yet convened to determine and award the applicable disability pension rates, as required by procedure. They assured the Commission that an update would be provided once the committee had met.

The Commission held the matter in abeyance pending further communication. The Pensions Department later wrote to the Commission confirming that the disability claim had been fully processed and finalised, thereby successfully resolving the matter.

### Kilifi Lands Registrar Conducts Site Visit and Issues Report After Commission's Intervention

The Kilifi Lands Registrar has finally conducted a site visit and submitted a report that will aid in resolving a long-standing boundary dispute, following the intervention of the Commission.



Mr. FK, a resident of Kilifi, lodged a complaint with the Commission alleging undue delay by the Kilifi Land Surveyor in conducting a site visit necessary to resolve a boundary dispute. He stated that several notices dating back to 2024 had been served on the Lands Office, but no action had been taken by the time he approached the Commission.

The Commission initiated an inquiry addressed to the County Lands Registrar seeking an explanation

## HOW WE'VE HELPED

for the delay. In response, the Kilifi Lands Registrar informed the Commission via telephone that the site visit had been conducted and a report on the boundary dispute had been prepared.

The Registrar subsequently furnished the Commission with the site visit report, which was then transmitted to Mr. FK, thereby successfully resolving the matter.

### Passport Finally Processed and Issued After Commission's Intervention



The Department of Immigration has issued a passport containing the correct personal information following the intervention of the Commission.

Ms. MRA lodged a complaint with the Commission regarding the delay in processing and issuing her passport. She explained that she applied for a passport on **23<sup>rd</sup> August, 2023**, and paid all the required fees. However, discrepancies between the names on her National Identity Card and Birth Certificate led to a request that she apply for an amendment to her national ID. She completed the amendment and presented the updated ID on **13<sup>th</sup> March, 2024**, when her biometrics were also captured. Despite complying with all requirements, nearly a year passed without her passport being processed, prompting her to seek the Commission's assistance.

The Commission followed up the matter with the Director General of Immigration Services, seeking clarification on the cause of the delay. In response, the Director General advised that the passport would be ready within a week from the date of his communication.

Ms. MRA later informed the Commission that she had received her passport, thereby successfully resolving the matter.

### Pension Processed After Eight Years

Imagine waiting eight years to access your pension after retiring. This was the ordeal faced by a former government employee whose benefits were delayed for nearly a decade.

Ms. JMW lodged a complaint with the Commission alleging an unreasonable delay in processing her pension benefits following her retirement from the public service on **1<sup>st</sup> July, 2017**. She reported making several follow-up visits to Afya House, but no action had been taken on her claim.

The Commission initiated an inquiry with the Ministry of Health, her former employer, seeking clarification on the status of her pension processing. Two reminders were subsequently issued. In its response, the Principal Secretary, Ministry of Health, informed the Commission that Ms. JMW's case had been submitted to the **Ministerial Human Resource Management Committee** for consideration on whether she qualified for service gratuity.

The Commission conducted further follow-ups on three separate occasions. The Ministry later confirmed that the pension claim had been prepared and submitted to the Pensions Department for payment.

Ms. JMW subsequently informed the Commission that she had received her pension, thereby successfully resolving the matter.

### JKUAT Issues Academic Transcripts



The Jomo Kenyatta University of Agriculture and Technology finally issued final year one and four

## HOW WE'VE HELPED

transcripts to a former student following the intervention of the Commission.

Mr. SM complained to the Commission on behalf of his daughter alleging delay by JKUAT in issuing her with final academic transcripts. According to Mr. SM, his daughter graduated on 29<sup>th</sup> November, 2024, and was duly issued with her degree certificate and her academic transcripts for years two and three. However, she was not issued with the academic transcripts for years one and four despite several follow-ups with the University.

Mr. SM had also followed up with officials of the University but was also given unending promises. The delay in issuing the transcripts had already led to the daughter missing out on opportunities. The Commission took up the matter with JKUAT leading to generation and issuance of the two transcripts.

### ID Card Issued After One-Year Delay



A National Identification card was finally issued following the intervention of the Commission after a one-year delay.

Dr. MS complained to the Commission on behalf of his spouse, Mrs. PMS, alleging delay and frustration in the issuance of her national identity card. According to him, his spouse was registered as a Kenyan citizen in March 2023 and obtained her Registration Certificate in September 2024. She applied for her Kenyan National Identity Card on 16<sup>th</sup> September, 2024, in Mombasa. However, due to errors made by staff at the National Registration Bureau, she was unable to obtain her ID for over a year.

Through the efforts of the Commission's Mombasa Regional Office, Mrs. PMS was assisted in reapplying for her National ID. Given her advanced age, the Commission liaised directly with the County Registrar of Persons to arrange an appointment, where her details were recaptured, and biometrics taken. She was issued her national ID after one month, thereby successfully resolving the matter.

### Electricity Connection Done After Five Months



Mr. NOO can finally enjoy the benefits of electricity connection following the intervention of the Commission, which ensured his home was connected.

Mr. NOO complained to the Commission about a delay by Kenya Power in connecting electricity to his residence. He applied for the connection on 8<sup>th</sup> December, 2024, and by February 2025 had complied with all Kenya Power's conditions, including paying the full quoted amount. However, despite numerous follow-ups, no connection had been made five months later.

The Commission, through an inquiry, took up the matter with Kenya Power. The utility company responded, confirming that Mr. NOO's residence had been connected to electricity, thereby resolving the matter.

### Commission Secures Action on Delayed Appointment of Health Boards in Mombasa County

In a bid to enhance public service delivery across all level four health facilities in Mombasa County, nominations for Health Management Boards and Health Facility Committees have now been made and are awaiting appointment by the Governor.

The Commission received a complaint from Transparency International-Kenya (TI-Kenya), acting on behalf of the Coast Civil Society Network for Human Rights, alleging undue delay by the Governor, County Government of Mombasa, in appointing and operationalising the Health Management Boards and Health Facility Committees.

## HOW WE'VE HELPED

According to the complainant, a Public Petition had earlier been submitted to H.E. Abdulswamad Sherrif Nassir. They noted that the failure or delay in making the appointments was undermining the efficient and effective delivery of health services in level four facilities.



The Commission initiated an inquiry and formally advised the Governor to consider the prayers outlined in the petition. After the initial inquiry received no response, the Commission issued a reminder. In reply, the County Secretary informed the Commission that nominations to the health boards and facility committees had been completed and were pending formal appointment by the Governor.

### Deceased's Pension Benefits Processed and Paid

A widow finally received the pension benefits owed to her late husband after an inordinate delay in processing.

Ms. FM complained to the Commission on behalf of her mother on 21<sup>st</sup> May, 2025, alleging a delay by the Pensions Department in processing her late father's pension benefits. Prior to this complaint, the Commission had initiated an inquiry with the State Department for Internal Security and National Administration regarding the payment of the retirement benefits owed to her deceased father.

In a letter dated 22<sup>nd</sup> November, 2024, the State Department notified the Commission that the claim had been processed and submitted to the Director of Pensions for payment. This claim had been forwarded via a letter dated 17<sup>th</sup> September, 2024, from the Principal Secretary, Internal Security, but as of May 2025, it was yet to be processed and paid.

The Commission initiated an inquiry vide a letter dated 5<sup>th</sup> June, 2025, to the Director of Pensions seeking an explanation for the delay. The Pensions Department responded, informing the Commission that the claim had been processed and paid in July, 2025, to the widow, AM, thereby successfully resolving the complaint.

### KNEC Releases KCSE Results

The Kenya National Examinations Council (KNEC) finally released a candidate's KCSE results following unresponsiveness by the Council.

Mr. TJO complained to the Commission on 24<sup>th</sup> June, 2025, alleging unresponsiveness by KNEC in addressing his complaint. According to him, his daughter, who sat for her KCSE exams in 2024, had her examination results withheld due to the allegation that her Home Science practical project scores were not submitted. Despite complying with all the conditions set by KNEC, her results remained unreleased for over three months. This situation compelled him to seek the intervention of the Commission.

The Commission, through an inquiry, took up the matter with KNEC, seeking its position. The Commission followed up with reminders dated 15<sup>th</sup> August, 2025, and 1<sup>st</sup> October, 2025. On 30<sup>th</sup> October, 2025, Mr. TJO informed the Commission that KNEC had released the results, thereby successfully resolving his complaint.

### Delayed Issuance of Company Records Resolved After Commission Intervention



The Commission received a complaint from the Centre for Litigation on Environment and Governance through its Executive Director in a letter dated 2<sup>nd</sup> October, 2025. The Director alleged

## HOW WE'VE HELPED

that the Business Registration Service (BRS) had delayed in issuing company data records, specifically CR 12 and CR 13. The Director had requested these records through a letter dated 2<sup>nd</sup> October, 2025. Such information should be made available to the public upon request and payment of the requisite fees.

The Commission initiated an inquiry via a letter dated 8<sup>th</sup> October addressed to BRS. In their response dated 14<sup>th</sup> October, 2025, BRS informed the Commission that the requester should apply for the company records through its eCitizen platform. They also provided guidance to the requester on how to apply. The Director subsequently applied for and obtained the requested records, successfully addressing the complaint.

### Illegal Dumpsite Relocated in Mombasa

The County Government of Mombasa relocated an illegal dumping and collection site following the Commission's intervention in a case of inaction.

Mr. CM complained to the Commission about an illegal dumping and collection site operating in Kiziwi Manyimbo Estate, posing health risks to residents. He had written to the Chief Officer, Environment, County Government of Mombasa, on 20<sup>th</sup> June, 2024, but received no reply, prompting escalation to the Commission.



The Commission took up the matter with the Chief Officer on 2<sup>nd</sup> August, 2024. In a letter dated 26<sup>th</sup> August, 2024, the Chief Officer informed the Commission that an alternative collection site had been identified and the illegal site would be gradually relocated. When this did not materialise, the Commission raised the issue again on 6<sup>th</sup> May, 2025.

On 24<sup>th</sup> July, 2025, the Chief Officer reported that the County had established a material recovery facility and would implement the relocation.

In a further letter dated 24<sup>th</sup> September, 2025, the Chief Officer confirmed the facility's successful operation, with Mr. CM verifying the resolution.

### County Government of Mombasa Releases Statutory Deductions to LAPFUND



LAPFUND can now process the full benefits of a former County Government of Mombasa employee following the release of previously unremitted statutory deductions by the County.

The former employee, Ms. ST, had complained to the Commission alleging unfair treatment by the County Government of Mombasa for failing to remit her deducted contributions to LAPFUND. She explained that although she retired from the County, LAPFUND had processed her benefits minus the unremitted contributions.

The Commission, through an inquiry, engaged the County Secretary of Mombasa County on the matter. After receiving no response, the Commission issued two reminders. In a letter dated 10<sup>th</sup> September, 2025, the County Government of Mombasa confirmed that it had released a total of Kshs.100 million to LAPFUND to cover the unremitted deductions and advised that Ms. ST should follow up directly with LAPFUND, effectively resolving the complaint.

### Commission Intervenes in Land Ownership Transfer in Mombasa County

The County Government of Mombasa has completed a change of land ownership and issued a certificate following the intervention of the Commission.

## HOW WE'VE HELPED

Mr. JMW had complained to the Commission alleging that the County Government of Mombasa had delayed in effecting a change of ownership for a plot in his favour. He explained that in 2023, one RKM had applied to transfer ownership of Plot Number \*8/\*0, Chaani Site and Service Scheme, Mombasa, from RKM to himself. On 23<sup>rd</sup> September, 2023, the County Director of Land Administration acknowledged receipt of the transfer request and assured that Mr. JMW would be informed once the transfer was granted.

The Commission, through an inquiry, engaged the County Executive Committee Member for Lands to clarify the status of the matter. In response, the CECM confirmed that the transfer had been approved and that the ownership certificate had been issued to Mr. JMW.

### WIBA Compensation Processed Following Commission's Intervention

Mr. GM approached the Commission alleging delays by the Mombasa County Occupational Safety and Health (OSH) Officer in addressing his Work Injury Benefit Act (WIBA) objection. Mr. GM sustained injuries while on duty on 6<sup>th</sup> August, 2024. Subsequently, he submitted the required WIBA claim forms and received a compensation calculation. However, he objected to the calculation and did not receive any feedback, prompting him to seek the Commission's intervention.



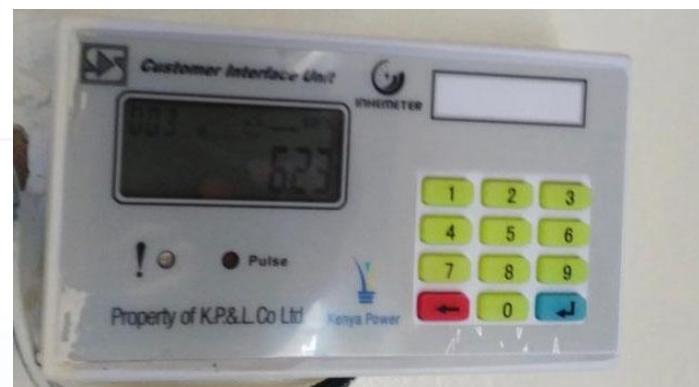
The Commission took up the matter through an inquiry. In a letter dated 8<sup>th</sup> May, 2025, the office informed the Commission that it had written to Mr. GM's employer regarding his objection. Mr. GM was also advised to liaise directly with

Occupational Safety and Health Office Kwale and the relevant officer, as he was required to file his objection on the Directorate of Occupational Safety and Health portal.

In an email dated 13<sup>th</sup> October, 2025, the OSH office informed the Commission that progress had been made and a newly computed WIBA form had been processed and was awaiting payment, effectively resolving the matter.

### Kenya Power Processes Refund and Replaces CIUs Following Commission Intervention

Kenya Power has processed a refund for a customer and replaced malfunctioning Customer Interface Units (CIUs) thanks to the intervention of the Commission.



In the first case, Mr. JKK complained to the Commission alleging inaction by Kenya Power in processing a refund for an unused payment. He explained that on 21<sup>st</sup> September, 2015, he paid Kshs. 12,000 for electricity connections to two of his premises, with the funds drawn from both his and his spouse's accounts. However, only one meter was installed. He requested that the unutilised amount be transferred to his other account but despite multiple letters to Kenya Power, no action was taken.

The Commission engaged Kenya Power on 30<sup>th</sup> October, 2025, and in a letter dated 12<sup>th</sup> November, 2025, Mr. JKK confirmed that the refund had been credited to his bank account, successfully resolving the matter.

In a second complaint, Ms. WM raised concerns about malfunctioning CIUs. She alleged that Kenya Power had failed to replace the CIUs since 2019, even though she had reported the issue. Only five out of seven CIUs were replaced, leaving two units non-functional, which affected electricity token purchases and resulted in fewer units being credited than anticipated.

## HOW WE'VE HELPED

The Commission initiated an inquiry on 11<sup>th</sup> September, 2025, and sought Kenya Power's position. After a reminder sent on 16<sup>th</sup> October, 2025, Kenya Power confirmed on 19<sup>th</sup> October, 2025, that the remaining two CIUs had been replaced. On 16<sup>th</sup> November, 2025, Ms. WM updated the Commission that the faulty CIUs had been replaced, successfully resolving her complaint.

### National Fund for Disabled Kenya Assures Commission on Beneficiary Application

The National Fund for Disabled Kenya (NFDK) has assured the Commission that their member's application was successful and that he would be supplied with a leatherwork toolkit.

Mr. FMM complained to the Commission on 7<sup>th</sup> October, 2025, alleging unfair treatment in the administration of NFDK funds. He stated that he is a duly registered person living with disability and, on 7<sup>th</sup> October 2024, he submitted an application to NFDK requesting a leatherwork toolkit to support his livelihood. He further explained that since submitting his application, he had not received any



assistance, even though other applicants had already benefited.

The Commission wrote to NFDK on 24<sup>th</sup> October, 2025, seeking their position on the allegations. In a response dated 12<sup>th</sup> November, 2025, NFDK clarified that some of the allegations were unfounded and confirmed that Mr. FMM's

application had been successful. They assured the Commission that the leatherwork toolkit would be provided to him.

### County Government of Kirinyaga Clears Two-Year Pending Salaries for Community Health Workers



Imagine working for two years without pay. This was the situation faced by five community health workers employed by the County Government of Kirinyaga.

The workers complained to the Commission on 16<sup>th</sup> April, 2025, alleging delays in payment by the County Government of Kirinyaga. They stated that they were appointed as Community Health Workers through their respective appointment letters dated 29<sup>th</sup> June, 2023, and were subsequently deployed to their stations on 13<sup>th</sup> October, 2023. At the time of lodging their complaint, they had not received any salary despite making multiple visits to the Chief Officer, Medical Services, Public Health & Sanitation to pursue payment.

The Commission, through an inquiry, engaged the County Public Service Board in a letter dated 13<sup>th</sup> May, 2025, followed by two reminders on 25<sup>th</sup> June, 2025, and 31<sup>st</sup> July, 2025. In a response dated 18<sup>th</sup> August, 2025, the County Public Service Board outlined the steps taken to address the complainants' plight and explained the challenges encountered.

The Commission shared the response with the complainants, who reported that progress had been made—they had received personal numbers and were awaiting payment. On 24<sup>th</sup> November, 2025, the complainants confirmed that their salary arrears had been paid fully, and were up to date, successfully resolving the matter.

## FESTIVE REFLECTIONS

## The Gift of Kindness: A Season of Giving Beyond Presents

By Consolata Ntongai



As the holiday season approaches, our towns fill with music, decorations, warmth, and anticipation. Yet beyond the festivities lies the true essence of this time of the year: a reminder of the enduring power of genuine human generosity. Kindness remains one of the most meaningful gifts we can offer, one that fosters understanding, healing, and connection, especially in an increasingly fast-paced world. This year, it stands at the heart of our collective message.

Kindness requires no perfect timing, elaborate gestures, or carefully crafted words. It speaks a language understood across cultures, ages, and experiences. A gentle word or a warm greeting can diffuse tension, calm a worried mind, or restore dignity to someone who feels unheard. Its impact is particularly profound in public service settings such as the Office of the Ombudsman, where people often arrive burdened with stress, uncertainty, or frustration. A patient response, a respectful tone, or a willingness to listen can be the first step toward rebuilding trust and paving the way for resolution.

The festive season, despite its joy, can also be demanding. Financial pressures, family obligations, long queues, traffic, deadlines, and personal expectations often heighten stress. In such moments, the smallest acts of kindness shine the brightest. Offering help before being asked, choosing empathy over judgment, expressing genuine gratitude, listening without rushing, sharing a simple smile, or giving others the benefit of the doubt are gestures that may feel small but often leave the most lasting impression. The reach of kindness is limitless, and yet it costs nothing.

In the workplace, kindness is equally transformative. Research across various industries shows that compassion boosts morale, strengthens professional relationships, and reduces stress. When kindness becomes part of organisational culture, colleagues feel valued, supported, and encouraged. In an Ombudsman setting, where justice, fairness, and dignity remain central, kindness is more than courtesy; it is a principle that underpins our mandate. Behind every file number is a human being with a story, a concern, and a hope to be treated with respect. By acknowledging colleagues' efforts, encouraging rather than criticising harshly, supporting those who may be struggling silently, celebrating both small and

significant achievements, and practising patience during demanding periods, we contribute to a healthier and more humane workplace.

During the festive season, while the tradition of giving gifts remains cherished, the greatest gifts are those that cannot be wrapped. Festive kindness may take the form of supporting community or charity initiatives, spending time with the elderly, the ill, or the forgotten, speaking gently even under pressure, or extending warmth through simple, sincere greetings. This season reminds us that we belong to a shared humanity. When we give with sincerity, we enrich not only the recipient but ourselves as well.



And even when the decorations are taken down and routines resume, kindness does not fade. It is not reserved for December; it is a daily expression of how we see the world. In public service, we are entrusted with the responsibility to embody compassion in every interaction. Each moment is an opportunity to demonstrate empathy, the foundation of meaningful service.

As we embrace the spirit of the season, may we carry forward gifts that do not diminish: compassion in place of frustration, patience in moments of difficulty, respect even in disagreement, appreciation freely offered, and service from the heart. Let kindness be the thread that weaves us together, not only now, but in the ordinary days that follow.

Kindness requires no special skill, only willingness. It speaks softly but changes lives profoundly. Whether extended to colleagues, members of the public, or strangers along our path, kindness remains the greatest gift: timeless, universal, and deeply human. As the lights dim and festivities end, may the kindness we share continue to brighten our communities long into the new year.

## PICTORIAL



Members of the public interacting with CAJ chairperson, Mr. Charles Dulo, and officers during Ombudsman Open Days in Kakamega and Kirinyaga Counties.



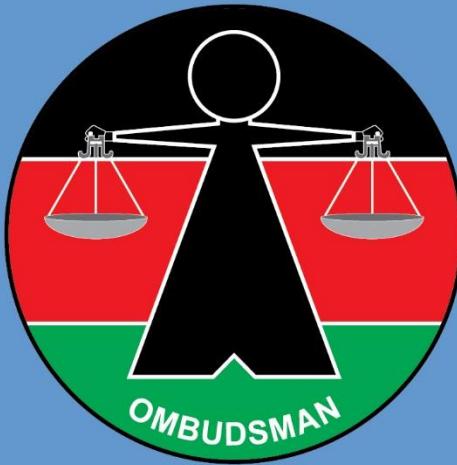
CAJ Chairperson, Mr. Charles Dulo, and Vice Chairperson and the Commissioner incharge of Access to Information, Ms. Dorothy Jemator, planting trees at the Lavington Primary and Junior Secondary School during the Mazingira Day as part of the Commission's CSR activity.



CAJ Commissioner, Hon. Charles Kanyi (R), with participants during the 17<sup>th</sup> International Conference of Ombuds Institutions for Armed Forces in Johannesburg.



Officers drawn from Baringo, Elgeyo Marakwet, Kakamega, Vihiga and Turkana Counties during a training on effective complaints management and access to information in Nakuru.



## ***Hata Mnyonge ana Haki***

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Bungoma, Kwale,