



COMMISSION ON ADMINSTRATIVE JUSTICE
(OFFICE OF THE OMBUDSMAN)

Hata Mnyonge ana Haki

OMBUDSMAN NEWSLETTER

Newsletter for the period January to June 2021

Issue No.01/2021



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COMMISSION ON ADMINISTRATIVE JUSTICE (OFFICE OF THE OMBUDSMAN)

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**Newsletter for the period
January to June 2021**

The Commission on Administrative Justice (Office of the Ombudsman) is a constitutional body established under Article 59 (4) and Chapter Fifteen of the Constitution, and the Commission on Administrative Justice (CAJ) Act, 2011.

The mandate of the Commission is two-fold and extends to both national and county governments. Firstly, the Commission has the mandate of tackling maladministration (improper administration) in the public sector. In this regard, the Commission is empowered to among other things, investigate complaints of delay, abuse of power, improper, unlawful or oppressive conduct, administrative injustice, unfair treatment, and manifest injustice or discourtesy.

Secondly, the Commission has the mandate of overseeing and enforcing the implementation of the Access to Information (ATI) Act, 2016. ATI Act provides a framework for citizens to access information, government to provide the same, and for the Commission to provide oversight. The ATI law also provides for oversight mechanisms by the Commission on Administrative Justice (CAJ). Implementation of access to information law will not only enhance individual rights, but will also enhance good governance through lawful disclosure of information.

The Commission is primarily a complaints handling body.

A rapid assessment by the Commission conducted in January 2019 showed that a majority of public institutions had not satisfied provisions of the Act in respect to proactive disclosure requirements. Information, which should be proactively disclosed, includes, inter alia, details about a public entity, its services, decision making processes, its policies and procedures, how it deals with the public and other entities and information on public procurement.

The Commission has since taken measures, including issuance of a circular, to ensure public entities proactively disclose information. Access to information is citizen-driven. There is, therefore, need to build the capacity of citizens on the importance of access to information and process of applying for information. The public, including youth, PWDs and women also need to hold public institutions accountable.

Lastly, the Commission will engage the leadership at both levels of Government to engender effective service delivery, and get buy in.

The commission trained 1300 public officers on Effective Public Complaint Resolution And Access To Information.



The Vice Chair and officers from the Eldoret Office during the Lapfund training in Kisumu

Summary

Pursuant to section Sec.8 (e) of the Commission on Administrative Justice Act, the Commission is required to facilitate the setting up of, and build complaint handling capacity in, the sector of public service, public offices and state organs. Public institutions are tasked to fulfill the constitutional obligation to comply with Article 46 and 47 of the Constitution on Consumer Rights and Fair Administrative Action. The Commission therefore aims to build partnerships with public institutions at both the National and County levels to work together to build their capacity to effectively redress public complaints, promote accountability and improve their service delivery standards with the resolution of public complaints a key contributor to achieving this end. Further, as per the 10th Edition guidelines for implementing the CAJ indicator on resolution of public complaints for the FY 2019/2020, all public institutions are required to among other things, build the capacity of their staff to effectively manage public complaints and facilitate access to information for the citizens.

In our pursuit to enhance the public sector capacity for reporting and resolving public complaints, the Commission has been working towards increasing the levels of compliance by the MDAs, with the CAJ 10th Edition Guidelines for the FY 2020/21.

During Quarter 3 and Quarter 4 the Commission trained sixty six (66) public institutions and (1300) one thousand three hundred public officers.

The main objective of the training was to build the capacity of the officers to effectively manage public complaints and requests for information.

The specific objectives of the training workshops were to achieve the following outputs:

1. Establish a responsive and mainstreamed complaints and access to information infrastructures within the MCDAs
2. Increase the resolution rate of public complaints within the MCDAs
3. Enhance the implementation of the obligations under the Access to Information Act, 2016

Summary Of Public Officers Trained In Jan To June.

NO.	NAME OF INSTITUTION	TRAINING DATE(S)	VENUE	NO. OF PARTICIPANTS
1.	Ministry of Devolution & ASAL- State Department for Devolution	12th to 15th January	Mombasa	25
2.	Kenya National Bureau of Statistics	18th to 21st January	Machakos	20
3.	Kenya Revenue Authority	27th January	Virtual	50
4.	Kenya Civil Aviation Authority	1st to 5th February, 2021	Machakos	10
5.	Kenya Deposit Insurance Corporation	1st to 5th February, 2021 & 13th April	Naivasha	35
6.	ICT Authority	3rd February	Virtual	30
7.	KICC	5th February	Virtual	40
8.	Kenya Law Reform Commission	11th February	Machakos	15
9.	University of Eldoret	11th & 12th February	Eldoret	75
10.	Kenya Coast National Polytechnic	11th February	Mombasa	7
11.	Anti- FGM Board	15th to 18th February	Machakos	5
12.	National Council for Law Reporting	19th February	Virtual	8
13.	Kenya Dairy Board	22nd February	Nyeri	48
14.	Kamwenja TTC	23rd & 24th February	Nyeri	54
15.	Kenrade	24th February	Virtual	32
16.	Muraga Technical Training Institute	26th February	Chuka	11
17.	Tourism Fund	1st to 5th March	Naivasha	13
18.	Business Registration Service	2nd to 4th March	Naivasha	6
19.	Kenya Film Commission	25th-27th March	Kalro Naivasha	5
20.	NETFUND	8th April	Virtual	12
21.	National Transport and Safety Authority	9th April	Virtual	15
22.	NACADA	13th April	Virtual	29
23.	Dedan Kimathi University of Technology	14th April	Virtual	30
24.	Jeremiah Nyaga TTI	15th April	Virtual	10
25.	Embu University	15th April	Virtual	18
26.	Meru National Polytechnic	16th April	Virtual	14
27.	Kenya National Library Services	20th April	virtual	30
28.	Kenya Water Institute	20th April	virtual	15
29.	KASNEB	22nd April	virtual	26
30.	National Housing Corporation	28th April	virtual	16
31.	Machakos University	28th April	virtual	25
32.	PC Kinyanjui Technical Training Institute	4th May	virtual	26
33.	Tana Water Works Development Agency	5th May	Virtual	15
34.	Media Council of Kenya	6th May	virtual	6
35.	Kenya Literature Bureau	7th May	virtual	20
36.	Kenya Marine Fisheries Research Institute	12th May	virtual	60

37.	National Council for Population Development	13th May	virtual	15
38.	Konza Technopolis Development Authority	17th May	virtual	13
39.	Uwezo Fund Oversight Board	18TH May	virtual	12
40.	University of Nairobi	19th May	virtual	20
41.	Chuka University	31st May	Virtual	23
42.	Technical University of Mombasa	3rd June	virtual	15
43.	Policy Holders Compensation Fund	7th June	virtual	18
44.	Kenya Airports Authority	9th June	virtual	25
45.	Lake Victoria North Water Works Development Agency	9th-11th June	Bungoma	5
46.	Sports, Arts and Social Development Fund	9th-11th June	Mombasa	5
47.	Ministry of Petroleum and Mining	14th-25th June	Naivasha	35
48.	South Eastern Kenya University	15th June	virtual	30
49.	Kenya School of Law	16th June	Virtual	24
50.	Regional Centre on Groundwater	17th June	virtual	10
51.	Kenyatta University	17th June	virtual	22
52.	PcPB (pest Control Product Board	22nd June	virtual	20
53.	Kenya Ports Authority	21ST-23RD June	Machakos	26
54.	Nyandarua National Polytechnic	23rd-25th June	Nyandarua	8
55.	Kenya Maritime Authority	23rd-24th June	Mombasa	9
56.	NEMA	24th June	Naivasha	26
57.	Kenya Railways	25th June	virtual	30
58.	Water Sector Trust Fund	28th June	virtual	12
59.	National Registration Bureau,	29th June	Virtual	15
60.	Nairobi Technical Training Institute	29th June	Virtual	10
61.	Kenya Institute of Mass Communication	29th June	Virtual	8
62.	Ewaso Ngiro North Development Plan	29th June	Virtual	8
63.	Kenyatta University Teaching and Referral Hospital	29th June	Virtual	5
64.	Kenya Film Classification Board	29th June	Virtual	12
65.	Kenya Industrial Estates	29th June	Virtual	10
66.	Tourism Finance Corporation	28TH June-2nd July	Mombasa	4
Total				1300

Customer Satisfaction survey reveals Improved Service Delivery, Complaints Handling in Public Service

A Customer Satisfaction Survey has revealed an improved awareness of the Commission at 44% up from 28.6% in 2018. The research by Infotrak Research Consulting was End Term Survey under the GIZ, Good Governance Programme which the Commission has been implementing with support of GIZ with the aim of strengthening good governance in Kenya with a focus on waging an effective fight against corruption and maladministration and improving service delivery at the National and County levels in line with the principles of good governance.

The survey which was conducted in selected public institutions spread across 30 counties and among 1,600 members of the public has further revealed that the overall Customer Satisfaction Index of the Commission stands at 71.1% an improvement of 5.3% from the baseline survey conducted in 2018 with adherence to core values and customers as well as staff attitude registering the highest mean ratings at 80% and 76% respectively.

The survey has further revealed that through capacity building efforts and assisting public institutions to set up complaint handling infrastructure, the levels of service delivery and complaints handling has tremendously improved in many Ministries, Departments and Agencies (MDAs).

For Instance, it was noted that satisfaction with complaint handling processes in the monitored public institutions stood at 65% which is an improvement of 18.6% up from 46.4% scored in 2018. In terms of time taken to be served, a majority (85%) of those who sought services at the MDAs were served in less than one hour showing an improvement in the timelines of offering services to the public.

The MDAs have equally improved on resolution of public complaints in line with the Commission complaints resolution timelines. On this, the survey has revealed that a majority (75%) of the complainants had their complaints resolved within the standard twenty-one days which marks an improvement of 5% from 2018. Additionally, the satisfaction of complaints handling by the Commission has improved by 5.4% to 39% up from 33.6% in the year 2018.

The survey therefore, is a testimony that the strategies put in place by the Commission to improve good governance and effective public service delivery in the country are bearing fruits. Indeed, the public awareness and media campaigns have empowered not only more citizens to access the Ombudsman services whenever they experience



are maladministration from the MDAs but they are more aware of their rights to efficient and effective services and how to seek redress.

Further, the training of public officers on effective public complaints management and compliance with the resolution of public complaints has borne fruits by the timeliness of handling public complaints by the MDAs. The Commission will as per its Strategic Plan (2021-2023) continue prioritising public education with the aim of enhancing awareness and understanding on its mandate and to make the Ombudsman services accessible to more Kenyans.

The Commission will also continue with capacity building efforts for public officer both at the National and the County levels on effective public complaints management and access to information and assisting MDAs and county government with the establishment of complaints management infrastructure for effective public complaints management.

More Kenyans will also be able to access the Ombudsman services closer at the grass roots due to the devolution of the Commission services through opening of more regional offices and increased presence in the Huduma Centers across the country.

Commission Conducts Public Participation on Access to Information Regulations

The Access to Information Act, 2016 concretizes Article 35 of the Constitution on the right of access to information. To this end the Act expounds on the right to information, provides the limitations, outlines for the procedure of accessing information and correction of information and review of decisions on denial of information by the Commission on Administrative Justice. The Act also provides for the powers of the Commission on Administrative Justice in its oversight role over the right of access to information and the reporting mechanisms.

It is worthwhile to note that whereas the implementation of the Act commenced on 21st September 2016 upon coming into force, its full and effective implementation is hinged on the development of mechanisms and tools such as regulations, guidelines, and development of appropriate skills within the Commission.

While the public could still make information requests without the regulations, their absence nonetheless has resulted in lack of clarity, ambiguity and lack of guidance among public officials on their obligations and procedures thus resulting in arbitrary denial of information to members of the public.

Section 25 of the Act confers on the Cabinet Secretary Information, Communication and Technology in consultation with the Commission on Administrative Justice the power to make Regulations for better implementation of the Act. The Regulations envisaged in Section 25 relate to: procedure for



Chairperson, Hon. Kajuju, during the launch of public participation exercise on Access to Information regulations.

accessing information; records management in the public sector; procedure for correcting personal information; procedure for making a complaint on denial of information to the Commission on Administrative Justice; compensation for damage suffered to an individual as a result to inaccurate information; and other matters contemplated by the Act such as fees payable for accessing information and reporting arrangements by public entities and relevant private entities.



Members of the public who turned up at Wajir ICT Hall for the public participation exercise in Wajir County.

It is against this backdrop that a Task Force was established in November 2018 to develop the Regulations in line with Section 25. The Task Force chaired by the Access to Information Commissioner, Commissioner Lucy Ndungu, comprised representation from the Ministry of Information, Communication and Technology, the National Communication Secretariat, the Commission on Administrative Justice, Kenya Law Reform Commission, Office of the Attorney General, the National Council on Persons with Disabilities and Article 19 Eastern Africa. The Task Force embarked on several retreats to develop the draft Access to Information General Regulations and as such early in 2020 the draft regulations were transmitted to the Cabinet Secretary; Ministry of Information, Communication and Technology and Office of the Attorney General for review and comments.

Following several deliberations, the Office of the Attorney General finalized on the Regulations paving way for public participation as obligated under Article 10 of the Constitution and Section 5 of the Statutory Instruments Act. It is against this background that the Commission through the Task force members, Commissioners and other members of staff embarked

on the first phase of public participation forums in 8 counties between 21st and 25th June 2021, which counties are outlined below;

Nandi
Nakuru
Mombasa
Taita Taveta
Kitui
Makueni
Garissa
Wajir

The engagements drew participation from the National Government officials, County Government officials and several civil society organizations where the feedback received was very informative. The Commission plans to undertake phase two of the public participation forums from July 2021 for the remaining counties. Thereafter, the taskforce will collate, consider and adopt where applicable the comments of stakeholders. The relevant Committees of Parliament will also be engaged for their input before finally submitting the final regulations to the Office of the Attorney General for publishing and onward transmission to Parliament for enactment.



The Commission undertook a Public Participation Campaign to collect views from members of the civil society on the draft Access to Information regulations 2021 in Nakuru County.

Media Critical in Fostering National Development



Commissioner Lucy Ndung'u speaking at the World Press freedom Day event.

The Commission has commended the role the media plays in promoting development by providing information to citizens to help in informed decision making. Speaking at an event organised by the Media Council of Kenya in collaboration with other stakeholders to commemorate this year's World Press Freedom Day, Commissioner in Charge of Access to Information, Ms. Lucy Ndung'u, said that responsible journalism is useful in countering misinformation. She noted that freedom of press goes hand in hand with accountable reporting and that the access to information law is always available to compliment the role of journalists

Ms. Ndung'u also noted that the media relies heavily on access to records held by the State and other persons where the information is required for the protection of fundamental freedoms and made a commitment that the Commission will continue in its promotion and enforcement of the access to

information law to ensure that the records held by public institutions are accurate, authentic, have integrity and are in useable formats.

The Commission, she said, will also continue building the capacity of journalists so that they can utilise the law in accessing information to help them in filing credible stories.

"The Commission is, therefore, committed to further engaging with MCK and other relevant stakeholders particularly in training more journalists at the national and county levels on access to information and conducting public awareness programmes," she said.

The Commission is mandated with overseeing and enforcing the implementation of the access to information law and it recognises the importance of the fundamental freedom of information as an important pillar for the implementation of values and principles of good governance in our constitution.

Ombudsman to Devolve its Services

The Commission, in an effort to take its services to every part of the country, will seek to utilise its desks in all Huduma Centres in the near future. Speaking during the last day of a three-day Commissioners and Management working retreat in Naivasha in March 2021, Chairperson, Hon. Florence Kajuju, emphasised that the Commission's overarching desire is to ensure every Kenyan has access to efficient and effective public services from all government agencies.

She noted that in the past two years, the Commission's visibility among Kenyans had tremendously improved, implying that citizens are aware of where to seek redress from whenever they encounter any administrative injustice or denied access to information from any public office. Hon. Kajuju noted that deliberate efforts to reflect the face of Kenya and gender

parity in the Commission's staff had borne fruit. Last week, for the third year in a row, the Commission was ranked first in the 'Most Inclusive Commission' category at this year's national Diversity and Inclusion Awards & Recognition ceremony.

“The Commission's overarching desire is to ensure every Kenyan has access to efficient and effective public services from all government agencies.”



Commissioners and Management during the working retreat

Hon. Kajuju Calls for Closer Collaboration among African Ombudsman Institutions

Commission Chairperson, Hon. Florence Kajuju, has called for closer collaboration among African Ombudsman institutions to improve governance and efficient delivery of services to citizens in their respective countries.

She made the call during a virtual meeting to unpack the "Concept of the Ombudsman". The webinar was jointly organised by the University of Kwazulu-Natal and the African Ombudsman Research Centre—a research and training arm of the African Ombudsman and Mediators' Association (AOMA). Hon. Kajuju is the General Secretary of AOMA.

The discussion focused on understanding the concept of the Ombudsman and how the Ombudsman institution can be used as a tool to strengthen government institutions to be an efficient service that is responsible and responsive to the needs of citizens.

The word 'Ombudsman' derives from the Swedish word 'ombudsmann', meaning representative. The modern concept dates back to 1809 when the Swedish Parliamentary Ombudsman was established to protect the rights of citizens through setting up a supervisory agency, independent of the Executive branch of government. The Ombudsman was independent of the Monarch of Sweden and was tasked with making sure that the Monarch and his government complied with the rules of the land. Over time, many other countries have created Ombudsman offices, which are known by a number of different names.

Ombudsman Wins Diversity and Inclusion Awards

For the third consecutive year, the Commission emerged the most inclusive public institution in its workplace. This was revealed during the third National Diversity and Inclusion Awards & Recognition ceremony held on 12th March, 2021 at the Sarit Expo Centre, Nairobi. The national awards and recognition scheme is spearheaded by the Ministry of Public Service, Youth and Gender. During this year's ceremony graced by Ms. Beatrice Elachi, Chief Administrative Secretary, the Commission emerged the best in the 'Most Inclusive Commissions' category. The Commission was recognised for realising gender parity at all its staffing levels, and diversity through inclusion of 18 different ethnicities and three per cent of persons with disabilities at the workplace.



Ms. Christine Omollo, Assistant Director Human Resources and Administration, during the awards gala dinner.

Commission Partners with Kenya School of Government to Train Access to Information Trainers



The participants pose for a group photo

The Commission continued with its efforts to promote and enforce access to information law by carrying out a five days' Training for Trainers course for its officers and staff from the Kenya School of Government (KSG). The training, which took place in Nakuru County from 14 to 18, June, 2021, was based on a training curriculum jointly developed by the two institutions.

The training was meant to create a pool of trainers to promote the Access to Information law through training of public officers to effectively and efficiently

facilitate the right to information as enshrined in Article 35 of Constitution of Kenya, 2010.

The collaboration will see officers from the Commission taking part in delivering content on Access to Information to course participants at KSG campuses. The Commission is responsible for promoting and enforcing the Access to Information Act, 2016, whereas KSG specialises in building capacity of public officers. The partnership is supported by the International Development Law Organisation.

Commission Hosts Geneva Delegation



Mr. Washington Sati leading the team to during a meeting with NCPWD

The Commission recently hosted a team from the Geneva Centre for Security Sector Governance (DCAF). The team was in the country for a weeklong working visit on enhancing effective complaints management and redress of injustices in the security sector. During the visit, the team engaged various stakeholders drawn from government institutions, parliamentary committees and civil society organisations involved in matters protection of human rights and law making.

The Geneva team was in the country from June 14 to 17, 2021.

The Commission Chairperson, Hon Florence Kajuju, led the delegation and the Commission when they appeared before the joint parliamentary committees on Defence, Justice and Legal Affairs, and Delegated Legislation of the National Assembly.

In addition to exploring ways of creating an effective and accountable security sector, the meetings also discussed the possibility of setting up a Defence Ombudsman. The institutions the team interacted with included the Ministry of Defence, the Independent Policing Oversight Authority, Article 19 Eastern Africa, and the National Gender and Equality Commission.

Also, the Vice Chairperson of the Commission, Mr. Washington Sati, led the team to an engagement with the National Council of Persons with Disability (NCPWDs). The engagement focused on the issues of disability and the security sector and access to justice for the PWDs.

The DCAF team was led by Dr. Hans Born, the Assistant Director and Head of Policy and Research.

Advocates' Examinations Postponed Following Intervention of the Commission

The Council of Legal Education (CLE) has postponed the Advocates Training Programme (ATP) Examination which was scheduled for 13th to 23rd April 2021 following the intervention of the Commission.

The Commission on 8th April 2021 received an



anonymous complaint from a concerned student and candidate for the ATP examinations. The student complained that CLE had given the students a short notice to prepare for exams and for those in upcountry to travel to Nairobi for the exams without regard to the cessation of movement restrictions currently in place in Nairobi City County.

Owing to the urgency of the complaint and the timelines for the start of the exams, Chairperson of the Commission, Hon. Florence Kajuju, on 9th April 2021, through a phone call, reached out to the Chief Executive Officer of CLE, Dr. Jacob Gakeri, who undertook to postpone the exams to a later date and that a reasonable notice would be given to students.

Consequently, CLE through an email of 9th April 2021 sent a notice to the Commission confirming that the April 2021 ATP examinations have been postponed and that new dates would be communicated in due course with sufficient notice to the candidates.

Avid Punter paid winning prize after two - year wait

Imagine placing a bet and receiving a confirmation message that you have won the bet but the betting firm refuses to pay you! This was the predicament in which Timothy Muchina, an avid punter, found himself in when a betting company delayed for two and half years to pay his winning prize.

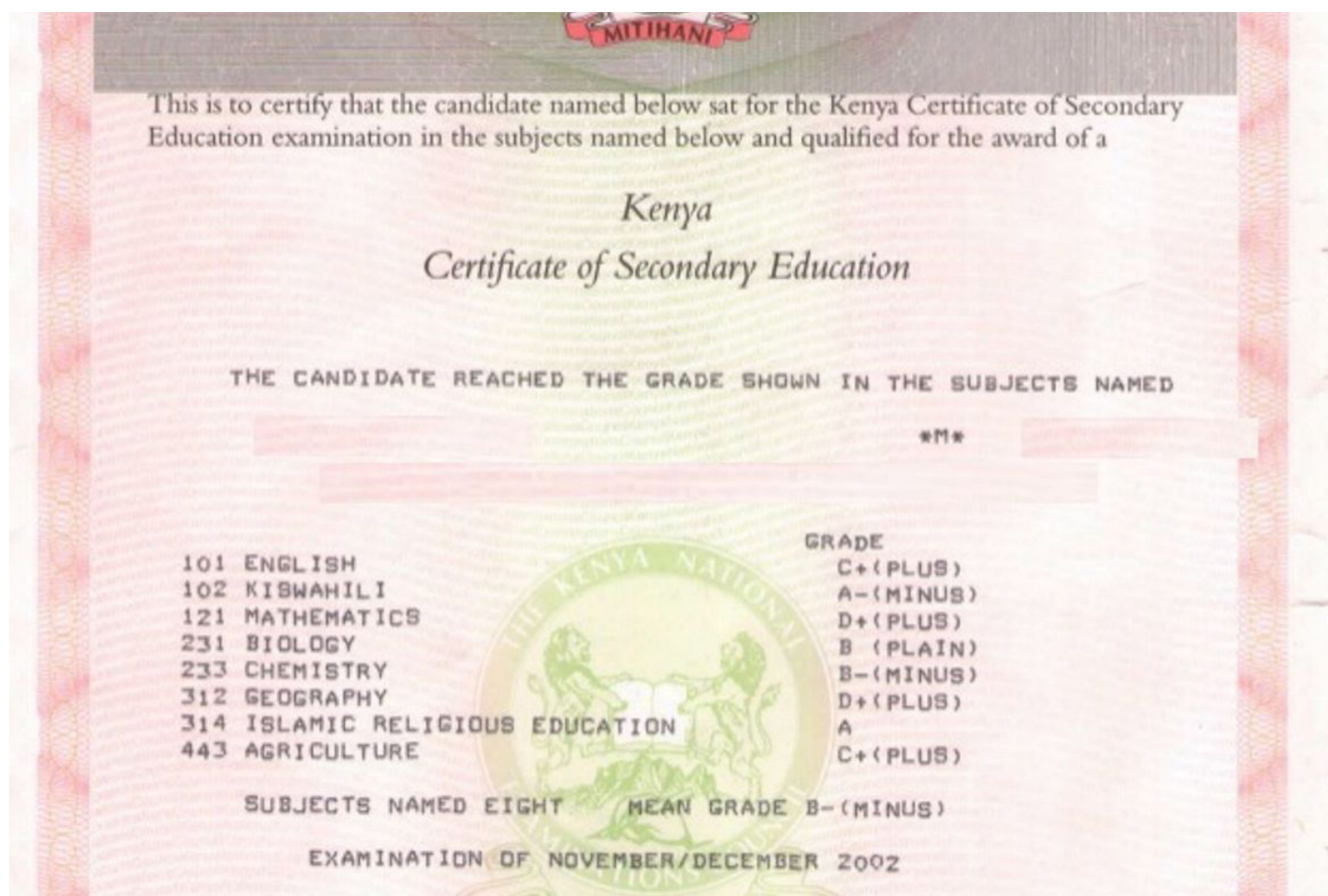
According to Muchina, he placed a winning bet on the 'sababisha daily jackpot with Betika' on 8th July 2019 and the bet was successful for a winning prize of Kshs 50,000. However, he did not receive his betting prize by the following day as per the regulations of the firm and despite making numerous calls to the customer care and follow up; the money was not hitting his account.

The continuous unresponsiveness by the betting firm pushed Muchina to lodge a complaint with the Betting Control and Licensing Board (BCLB)--the body mandated to regulate and control betting, lotteries and gambling in the country--but the board failed to investigate the matter prompting him to seek the intervention of the Commission.

The Commission by a way of inquiry took up the matter with the Chairman of the BCLB leading to the payment of the winning reward to Mr. Muchina by Betika on 28th January 2021.



KCSE documents released after nine years



"I hereby wish to inform your highly esteemed office that after your intervention, the documents were released...May you continue serving Kenyans with the same zeal," these were the words of Ms. Susan Njeri following the release of her daughter's Kenya Certificate of Secondary Education (KCSE) results slip and certificate by a secondary school.

According to Ms. Njeri, her daughter attended Graceland Girls School in Kieni East, Nyeri County, and sat for her KCSE in 2012. However, the school refused to release the results slip and the KCSE certificate on grounds that she had not cleared fee arrears. The school, according to her, had purported to offer sponsorship to students but during the final year of her daughter's study reneged and demanded that the parents should pay school fees.

Determined to have her daughter pursue higher education, Ms. Njeri pleaded with the principal of the school to release the documents on an understanding that she would clear the fee arrears in instalments but her request was declined. This pushed her to make

a follow up with the Kenya National Examination Council (KNEC) and the Ministry of Education but eight years later she did not get any assistance, a matter that caused untold suffering to the daughter as she could not pursue college education. The unresponsiveness by the institutions prompted her to lodge a complaint with the Commission in August 2020.

The Commission by a way of inquiry took up the issue with the Principal Secretary, State Department of Early Learning and Basic Education leading to the release of the documents. The Department through a letter to the Commission on 12th February 2021 confirmed the release of the documents.

"This is to inform you that the matter has been resolved and the certificate that has been withheld has already been released to the complainant. Copies of the KCSE certificate and the transcript together with the complainant's personal identification card have been attached for your record purposes," read the letter from the Department.

Satisfied Kenyan Thanks Commission for Facilitating Access to Information

A Kenyan citizen who has been making information requests to government agencies has applauded the Commission's efforts in enabling him access information.

Walter had made information requests to the Higher Education Loans Board and challenged the decision to charge Ksh1,000 non-beneficiaries of its loans whenever they apply for clearance certificates. This requirement was later dropped. Similarly, he applied for information from the Kenya National Examinations Council and challenged its decision to stop re-issuance of lost examinations certificates. Consequently, the examinations body changed its policy and is now re-issuing lost certificates. "I have other active applications and day by day I am seeing results," Walter wrote in an appreciation email to the Commission.

Under the Access to information Act, 2016, every citizen has a right to access information held by public agencies and some private organisations. The Commission is the oversight and enforcement agency.

Photography services paid after five years



A professional photographer was finally paid Kshs. 2.2million owed to him by the Kenya Electricity Generating Company (Kengen) for photography services following the intervention of the Commission in a case of inordinate delay.

According to Mr. Joshua Onyancha, he was a contracted photographer for Kengen since 2013 and was attached to the Human Resource-Training School, Safety and Liaison Departments in Olkaria Geothermal Power Station. He was in charge of photography during the staff training programs, team building, community meetings and other company events. The company was making prompt payment for the services until 2015 when the company began delaying in settling outstanding payments. However, since he had a contract with the company he continued offering his services with the hope that he will be paid until April 2017 when he finally stopped when no money was hitting his account.

Efforts to have the company pay the outstanding amount owed were futile a matter which subjected him to hard economic times. "I am facing economic

hardship as a result of the inordinate delay by the company to settle my dues, my children are out of school due to lack of fees and my business has closed down," said Mr. Onyancha when he filed a complaint with the Commission.

The Commission by a way of inquiry took up the issue with the Kengen's Geothermal Development Director who informed the Commission that they had not completed the documentation and therefore, invited Mr. Onyancha to furnish them with the pending documents to facilitate payment. The Geothermal Development Director, in a letter to the Commission, confirmed that the company made the payment in full after verification of the documents.

Mr. Onyancha in an email to the Commission confirmed receipt of the payment.

"I am happy to report that the pending payment from Kengen has been effected. I was paid Kshs 2.2 million in two instalments, the first in December 2020 and the second on 28th January 2021. I also want to thank the Commission for the good work you are doing," read the email.

OMBUDSMAN PICTORIAL



The Commission hosted a team from the Geneva Centre for Security Sector Governance (DCAF). The team was in the country for a one week study visit on enhancing effective complaints management and redress of injustices in the security sector.



Chairperson of the Commission, Hon. Florence Kajuju attended the Assumption of Office of the Chief Justice of the Republic of Kenya and President of the Supreme Court, Lady Justice Martha Karambu Koome.



Commission members who conducted public participation exercise on the Access to Information Regulations 2021 in Kitui County



KSG, Article 19 and the Commission members took part in the opening of a workshop to review the Access to Information Facilitator Manual Standard Slides at Kenya School of Government Lower Kabete.



The Commission carried out training for complaints and access to information committee members for Lake Victoria North Water Works Development Agency.



Public Officers and Members of the public in Kapsabet, Nandi County, had the opportunity to give their views on the draft Access to Information Regulations 2021.



CAJ team during the Tourism Fund Training in Naivasha.



CAJ Team during the training for RBA in Kisumu

Land Allocation Dispute Resolved Twenty-Four Years Later

A twenty-four-year land allocation dispute was finally resolved following the intervention of the Commission in a complaint of inordinate delay.

According to Nancy Bunei, she was allotted Plot No. 718 of approximately 2.3 hectares at Ndemi Settlement Scheme in Nyandarua on 25th January 1995 and that after fulfilling the conditions of the offer letter, she began pursuing for the issuance of her title document. She said on 23rd April 1996, she was informed that the title had been discharged to Nyahururu lands office for her collection.

Unfortunately, when she visited the Nyahururu lands office, she found that her title had been issued and collected by someone else. This prompted her to raise the issue with the District Lands and Adjudication and Settlement Offices in Nyahururu, Ministry of Lands officials in Nairobi and several

concerned offices but was not assisted.

"I have made several visits to your offices and held several meetings with your concerned officers with a view of a fast and an amicable solution but in spite the same, there has been no positive results and in many occasions, the file kept on missing," read a letter by Ms Bunei to the Cabinet Secretary, Ministry of lands on 24th August 2017. The long wait and the unresponsiveness by the lands office for twenty-four years impelled her to seek the intervention of the Commission on 8th September, 2020.

The Commission by way of inquiry took up the matter with the Cabinet Secretary, Ministry of Lands and Physical Planning leading to allocating of alternative Plot No. 1016 in Chepchoina Phase II Settlement Scheme in Trans-Nzoia County.

Teacher Reinstated after Commission Intervenes

Fred, a teacher, lodged a complaint with the Commission alleging that he had been removed from the Teachers Service Commission (TSC) payroll effective October 2018 without any explanation. He further alleged that he had neither received a show cause letter nor a dismissal letter.

Upon inquiries by the Commission, TSC served the complainant with a "notice to show cause" letter and

a disciplinary case ensued which was concluded and the complainant reinstated.

His salary that had been stopped was paid to him in arrears as confirmed by TSC via a letter to the Commission. The complainant, through an email dated March 1, 2021, also confirmed that the matter was resolved and gave his thanks for our intervention.



Dumping Site Closed Following Ombudsman Intervention

Residents of Nyamaharaga area in Isebania can finally enjoy fresh air and a clean environment following the closing down of a dumping site, thanks to the intervention of the Ombudsman.

According to Vincent Marwa, a resident of Nyamaharaga Sub - Location, Migori County, a dumping site had been established in an initial temporary garbage holding ground in a residential area within the location thereby creating hazardous waste and polluting the environment. He further noted that the area was a prime residential area with numerous business premises including eateries, groceries, hotels among other establishments and that the dumpsite posed a health risk due to the substantive population surrounding the waste.

On 1st December 2020, he lodged a formal complaint with the Isebania Public Health Office requesting them to find ways of clearing the garbage and permanently close the site. The office promised

that the garbage would be cleared within two weeks but failed to deliver on that promise prompting Marwa to lodge a complaint with the Commission on behalf of the area residents.

The Commission by a way of inquiry took up the matter with the Director General, National Environment Management Authority (NEMA) leading to inspection of the site. The inspection of NEMA revealed that indeed the site was initially a waste transfer station but had been turned into an open dumpsite which led to negative impact due to uncovered garbage, odour from waste, decay and water stagnation.

Following the findings, the Authority issued a notice to the County Government of Migori to clear the site to stop further pollution, appropriately drain the stagnant water near the dumpsite and to comply with the waste management regulations. This directive has been complied with.



Pension Dues Processed



A former employee of the Kenya Revenue Authority (KRA) can finally enjoy his retirement following the processing of his retirement dues thanks to the intervention of the Ombudsman.

According to James Ondiba, he retired in March 2017 and submitted all the required documents to the Pensions Department for his pension dues to be processed. An officer in the department went through the documents and was satisfied that all the relevant documents had been submitted and he was advised to go home and wait for his pension to be processed. He went back home with the hope that the money will hit his account but one year later he had not received the dues prompting him to call the department.

"I rang the pensions office because I felt the delay was so much; they comforted me by giving me a pension's number and assured me that it was being processed but nothing was forthcoming," read a complaint from Ondiba.

The delay by the department occasioned him pain and suffering as a consequence of financial constraints. This prompted him to lodge a complaint with the Commission.

The Commission by way of inquiry took up the matter with the Director of Pensions leading to the processing of his dues. Mr. Ondiba through a phone call to the Commission on 17th March 2021 confirmed receipt of his long overdue dues.

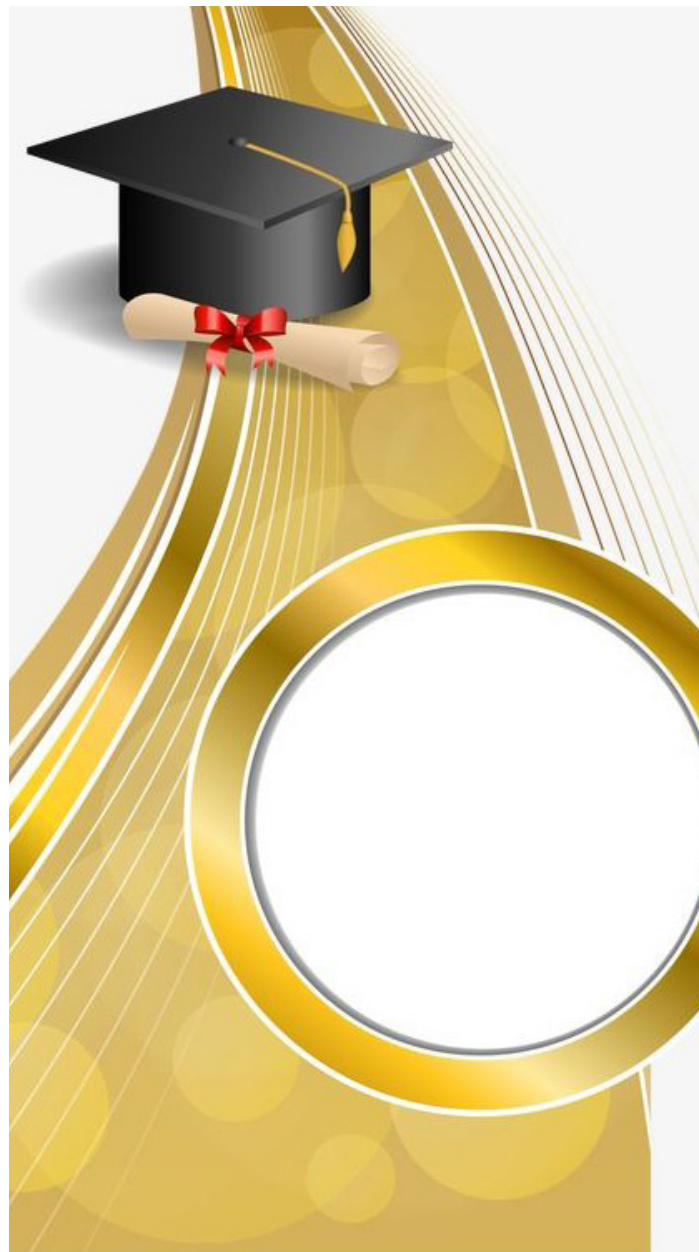
Diploma Certificate Issued Following the Intervention of the Commission

A former student of the University of Eldoret (UoE) can finally apply for jobs following the release of his Diploma certificate following the intervention of the Commission.

According to Alfred Baraza, he registered for a Diploma in Public Management at the UoE, Elgon View College, and graduated in 2017. He went to collect the certificate in November 2018 but was informed that he had a balance of Kshs 2,200 which he was expected to clear before being issued with the certificate. On 21st August 2020 he cleared the balance and went to the college to pick the certificate but was informed to come back in three days as the officer who was in charge of the issuance of the certificates was not around.

On 24th October he went back to Elgon View College but the clearing officer declined to clear him citing irregular records by the college accounts department hence he could not be issued with a certificate. This predicament impelled him to lodge a complaint with the Commission.

"I am being denied my certificate due to an internal mistake done by the college; from my fee statement, I have paid a total of Kshs 142,700 against the fee requirement of Kshs. 128,000 which is an excess of Kshs 14,000," read a complaint letter by Baraza to the Commission.



Erroneous National Identity Card Details Corrected

Mr. Philip from Bomet County lodged a complaint with the Commission on behalf of his mother whose identity card details were captured incorrectly. He alleged that the National Registration Bureau had taken more than two years to effect changes on incorrect name and ID number.

Following intervention by the Commission, the Bureau via a letter indicated that the ID was corrected and issued to the Huduma Centre in Eldoret for collection by the complainant. Philip, in an email dated 22nd October, 2020, confirmed receipt of his mother's ID and thanked the Commission for the assistance.

The Commission by way of inquiry took up the matter on 29th March 2021 with the Vice Chancellor, UoE. The Vice Chancellor confirmed that indeed Mr. Baraza was a student at the university through a collaboration with Elgon View College and that the college cleared his fee and a communication had been issued for the college to collect his certificate from the university for onward issuance to him.

Mr. Baraza in a telephone call to the Commission confirmed the receipt of the certificate.

Deceased Employee's Benefits Paid after 23 Years' Wait



The family of a deceased Postal Corporation of Kenya (PCK) employee finally received benefits due to them after a 23 year-wait in a case of inordinate delay by the PCK to submit the necessary forms to the Telposta Pensions Scheme (TPS) to facilitate processing of the benefits.

According to Mr. Richard Okoth, his late father John Okoth died in 1999 while in service having worked for the PCK for nineteen years. Upon his death, they made a follow up with the TPS for the father's benefits but the benefits could not be processed as PCK had not forwarded the necessary forms required by the fund to facilitate the processing.

Having made several follow-ups and even submitting fresh documents to PCK, the Corporation failed to submit the documents to TPF prompting the Trust Secretary to write officially to the Post Master General to have the documents submitted.

"We have not received your response on the matter and the beneficiaries have been following the matter from the Scheme offices. Kindly to enable

the Scheme process the benefits to alleviate the beneficiaries from suffering further, please urgently submit duly completed forms," read the letter from the TPS Administrator on 28th January 2019.

The PCK still failed to submit the documents as requested prompting Mr. Okoth to lodge a complaint with the Office of the Directorate of Public Prosecution (ODPP) on 29th August 2020 to have the delay and unfair treatment in processing the death benefits investigated. The ODPP having reviewed the complaint forwarded it to the Commission to investigate the issue as it was within the mandate of the Ombudsman of investigating administrative injustice.

The Commission by a way of inquiry took up the matter with the Post Master General in January 2021 which led to the submission of the required documents to the TPS. The TPS in a letter to the beneficiaries confirmed payment of benefits amounting to Kshs. 1,098,742. Mr. Okoth in an email to the Commission confirmed receipt of the money.

Police Abstract Issued following Ombudsman Intervention



THE KENYA POLICE ABSTRACT FROM POLICE RECORDS

A. APPLICATION

NAME.....
 OF POSTAL ADDRESS.....
 HEREBY APPLY FOR POLICE ABSTRACT, WHICH WAS REPORTED AT
 POLICE STATION ON.....
 INVOLVING.....

 DATE.....
 SERIAL NUMBER.....
 ABSTRACT FROM POLICE RECORDS.....
 NAME.....
 ADDRESS.....
 OFFICIAL RECEIPT NO.....
 REPORT ALLEGED TO HAVE BEEN RECEIVED ON.....

 RECEIPT FOR CASH Ksh..... ISSUED.

SIGNATURE.....
OFFICER IN CHARGE POLICE STATION

An injured lorry driver can finally seek justice for injuries sustained in the line of duty following the issuance of a police abstract thanks to the Commission's intervention.

According to Mr. Fredrick Nzioki, he was on duty collecting ballast with a lorry as a driver working for Blue Stone Quarry Limited on 22nd April 2020 when he was involved in an accident when a driver of the loading tractor lost control of it, hitting him leading to serious chest and lung injuries. He reported the matter to the Mlolongo Police Station and submitted a P3 form but the police failed to provide him with an abstract prompting him to seek the services of an advocate.

The advocate on 2nd November 2020 lodged a

formal complaint with the Sub County Traffic Officer, Athi River Area, but the police still did not issue the abstract impelling Mr. Nzioki to lodge a complaint with the Commission.

"I have been pursuing for issuance of a police abstract from Mlolongo Police Station and up to date they have failed to issue me with the same. I have suffered and am kindly seeking your assistance," read Mr. Nzioki's complaint to the Commission.

The Commission took up the matter with the Base Commander, Athi River who facilitated the Assistant Sub County Police Officer, Mlolongo Police Station, to issue Mr. Nzioki with a police abstract. Mr. Nzioki, in a telephone call to the Commission, confirmed that he had been issued with a police abstract.

Monthly Pension Allowance Reinstated

A 74-year-old pensioner will continue enjoying his pension benefits following the intervention of the Commission in a case of erroneous stoppage of monthly pension allowance.

According to Mr. Vincent Muroi, he was enjoying his monthly pension allowance until February 2020 when the payment stopped. He raised the anomaly with the Director Pensions in September 2020 having missed out on the monthly allowance for six months. However, six months down the line the issue had not been resolved forcing him to lodge a complaint with the Commission in February 2021.

The Commission by way of inquiry took up the

matter with the Director Pensions. In their response, the Directorate admitted that indeed the monthly pensions for Mr. Muroi was erroneously stopped in the payroll on 1st March 2020 as his revised pension was being processed. However, the department gave an assurance that he has been reinstated in the payroll for May 2021 and his pension arrears for the thirteen months was also factored along his pension for May 2021.

Mr. Muroi in a letter to the Commission confirmed reinstatement of his monthly pensions and payment of his pension arrears.

Unclaimed Financial Assets Authority Provides Information

RECEIVE



Mr. Kennedy made a complaint to the Commission alleging inefficiency at the Unclaimed Financial Assets Authority (UFAA) that made him unable to operate a UFAA account. He further alleged that their telephone numbers were not working and, therefore, he was unable to reach them for assistance. The Commission placed a call to UFAA seeking a

step-by-step process for the complainant to follow in operating a UFAA account. The same information was relayed to the complainant who, in an email dated 30th September, 2020, indicated that he was finally able to operate his account and was grateful for the assistance.

United Nations recognises importance of independent Ombudsman



The President of the International Ombudsman Institute (IOI), Peter Tyndall has warmly welcomed the United Nations resolution on the Ombudsman institution, which was adopted by the UN General Assembly on 16 December 2020.

The UN resolution represents a strong endorsement of the key principles of ombudsman institutions, including independence, objectivity, transparency, fairness and impartiality. It is an important further step in securing worldwide recognition for the work of Ombudsman institutions in promoting good administration, human rights, good governance and the rule of law.

The resolution was proposed by the Kingdom of Morocco and was co-sponsored by Ireland through the Department of Foreign Affairs and Trade. It represents the culmination of the International Ombudsman Institute's work to develop a closer relationship with the UN. Irish Ombudsman Peter Tyndall is President of the IOI - the only global organisation for the cooperation of independent Ombudsman institutions. The IOI represents over 200 members from more than 100 different countries all over the world and its General Secretariat is provided by the Austrian Ombudsman Board and is based in Vienna.

Peter Tyndall said: "The resolution provides strong endorsement of the Principles on the Protection and Promotion of the Ombudsman Institution - the Venice Principles. It establishes these principles as the new global standard for the Ombudsman."

IOI Secretary General and Austrian Ombudsman Werner Amon said: "This is an important step to strengthen independent and autonomous Ombudsman institutions worldwide and to raise awareness at international level for the essential role they play in the protection and promotion of human rights. It confirms and reinforces the importance of a close cooperation of our organization with the UN."

Information gathered by IOI members on emerging trends and best practices may be of considerable value to the UN as it monitors issues, develops policy, or plans its initiatives. In exchange, the UN can assist the IOI and governments around the world by contributing its considerable influence to the promotion of recognised standards and the protection of Ombudsman under threat. The resolution will help to shape the relationship between the IOI and the UN for the future as important allies to push forward the UN human rights agenda.

Source: IOI

ADVERT

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