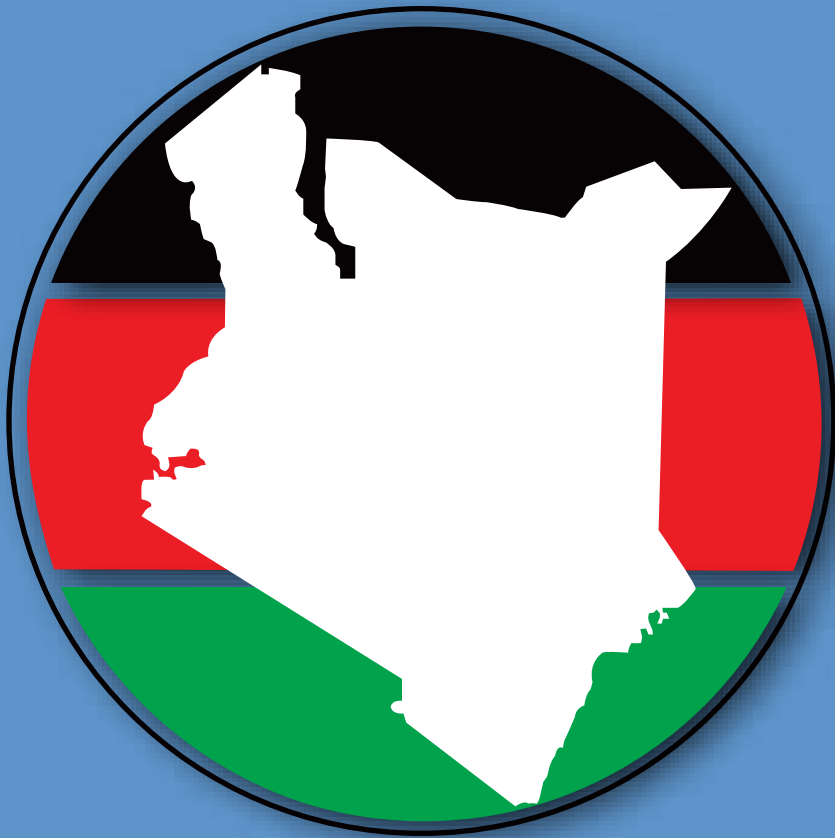


THE COMMISSION ON ADMINISTRATIVE JUSTICE ANNUAL REPORT FY 2023-24



PREPARED AND ISSUED IN ACCORDANCE WITH ARTICLE 254(1) OF THE CONSTITUTION
AND SECTION 53(1) OF THE COMMISSION ON ADMINISTRATIVE JUSTICE ACT NO 23
OF 2011 AND SECTION 26(1) OF THE ACCESS TO INFORMATION ACT NO. 31 OF 2016.

VISION

A society that upholds administrative justice
and access to information

MISSION

To enforce administrative justice and access
to information in Kenya through complaints
resolution and public education for efficient
and effective service delivery

CORE VALUES

Responsive, Independence, Fairness,
Transparency, Integrity

THE COMMISSION ON ADMINISTRATIVE JUSTICE
(Office of the Ombudsman)



Hata Mnyonge ana Haki

ANNUAL REPORT – FISCAL YEAR 2023-24

PREPARED AND ISSUED IN ACCORDANCE WITH ARTICLE 254(1) OF THE CONSTITUTION AND SECTION 53(1) OF THE COMMISSION ON ADMINISTRATIVE JUSTICE ACT NO 23 OF 2011 AND SECTION 26(1) OF THE ACCESS TO INFORMATION ACT NO. 31 OF 2016.



ABBREVIATIONS and ACRONYMS

ANIC	African Network of Information Commissioners
AOMA	African Ombudsman and Mediators Association
ATI	Access to Information
CAJ	Commission on Administrative Justice
CBOs	Community Based Organizations
CBK	Central Bank of Kenya
CECM	County Executive Committee Member
CEO	Chief Executive Officer
CLD	Centre for Law and Democracy
CoG	Council of Governors
CSOs	Civil Society Organizations
DCAF	Geneva Centre for Security Governance
FLLOCA	Financing Locally Led Climate Action Program
FY	Financial Year
GAVI	Global Alliance for Vaccines Immunization
GIZ	German Agency for International Cooperation
HELB	Higher Education Loans Board
ICIC	International Conference for Information Commission
ICT	Information, Communication and Technology
IDUAI	International Day for Universal Access to Information
IOI	International Ombudsman Institute
KENHA	Kenya National Highway Authority
KETRACO	Kenya Electricity Transmission Company Limited
KRA	Kenya Revenue Authority
KPLC	Kenya Power and Lighting Company
KUCCPS	Kenya Universities & College Central Placement Service
KWS	Kenya Wildlife Services
MCAs	Members of County Assembly
MDAs	Ministries, Departments, and Agencies
MDACs	Ministries, Departments, Agencies and Counties
MTRH	Mathare Teaching and Referral Hospital
NDI	National Democratic Institute
NCAJ	National Council of the Administrative Justice
NEMA	National Environment Management Authority
NPS	National Payment System
NLC	National Land Commission
NTSA	National Transport and Safety Authority
ODPP	Office of the Director of Public Prosecution
OGP	Open Government Partnership
PAYE	Pay As You Earn

SDGs	Sustainable Development Goals
SIGs	Special Interests Groups
TAIEX	Technical Assistance and Information Exchange
TIMs	Transport Integrated Management System
TISA	The Institute of Social Accountability
UON	University of Nairobi
UNESCO	United Nations Educational, Scientific and Cultural Organization

TABLE OF CONTENTS

LIST OF FIGURES	VII
LIST OF TABLES	VIII
FOREWORD BY THE CHAIRPERSON	IX
EXECUTIVE SUMMARY	1
1. ESTABLISHMENT AND MANDATE	4
1.1. Introduction	4
1.2. Mandate	4
1.3. Composition	4
1.4. Vision, Mission and Core Values	7
1.5. Functions	7
1.6. Powers	8
1.7. Execution of the Mandate	9
1.8. Key Result Areas	9
2. PROMOTION OF ADMINISTRATIVE JUSTICE IN THE PUBLIC SECTOR	10
2.1. Complaints Management	10
2.1.1. Lodging a Complaint	10
2.1.2. Complaints Handled	10
2.2. Success Stories	14
2.2.1. Sample Feedback from Complainants	18
2.3. Investigations	22
2.4. Advisories	24
2.5. Appeals	27
2.6. Suo Moto	27
3. ENHANCING PUBLIC SERVICE DELIVERY	29
3.1. Monitoring Public Service Delivery through Performance Contracting	29
3.1.1. Resolution of Public Complaints and Implementation of Citizen Service Delivery Charter Indicators	29
3.1.2. Compliant Public Institutions	29
3.1.3. Complaints Managed by Public Institutions through the Performance Contracting	31
3.1. Access to Information Requests Processed by Public Institutions	32
4. ACCESS TO INFORMATION	34

4.1.	Introduction	34
4.2.	Operationalization of the Access to Information Act, 2016	34
4.2.1.	Development of Access to Information General Regulations 2023.....	34
4.2.2.	Development of the National Access to Information Policy	35
4.2.3.	The Access to Information Amendment Bill	36
4.2.4.	Adoption of ATI Reporting Guidelines for Public Entities and Private Bodies .	36
4.2.5.	Development and Adoption of Access to Information Reviews Manual.....	37
4.3.	Enforcement of the Right of Access to Information.....	38
4.3.1.	Review of ATI decisions	38
4.3.2.	Classification of Requests	40
4.4.	ATI Success Stories	40
4.5.	Remedial Actions on Access to Information Violations.....	42
4.5.1.	Issuance of Access to Information Orders by the Commission	42
4.5.2.	Enforcement of Commission's Orders in Court.....	44
4.6.	Suo Moto Access to Information Investigations	46
4.7.	Implementation of Access to Information Act by Institutions	47
4.8.	Assessment on the Status of Implementation of Access to Information in Kenya	49
4.9.	Monitoring of International Treaty Obligations.....	50
4.10.	Promotional Activities for Access to Information	50
5.	PUBLIC EDUCATION AND OUTREACH AND CORPORATE COMMUNICATIONS.....	54
5.1.	Capacity Building in the Public Sector	57
5.1.1.	Capacity building of County Government officers	58
5.1.2.	Training of Trainers for CAJ STAFF.....	59
5.2.	Corporate Social Responsibility	59
5.3.	Media Education and Advocacy	60
5.4.	Media Talks Show	62
5.5.	Maintaining and Updating of Social Media Platforms	63
5.6.	Production and Dissemination of Newsletter.....	64
5.7.	Production of Branded and Information, Education and Communication Materials	64
5.8.	Huduma Ombudsman Award.....	65
6.	PARTNERSHIPS, NETWORKS AND LINKAGES.....	69

6.1. Access to Information Partnerships.....	76
6.1.1. Regional and International Partnerships on Access to Information.....	76
7. GOVERNANCE, HUMAN RESOURCE MANAGEMENT, FINANCE AND GENERAL ADMINISTRATION.....	78
7.1. Governance.....	78
7.2. Milestones Achieved	78
7.3. Financial Management	80
7.3.1. Resource Allocation and Utilization	80
7.3.2. Financial Statements	81
7.3.3. Financial Statements Audit Report	82
7.3.4. Pending Bills	93
8. CHALLENGES AND RECOMMENDATIONS	94
8.1. Challenges.....	94
8.2. Recommendations	94
8.3. Priorities – FY 2024/25	95

LIST OF FIGURES

Figure 1: Complaints Handled in the Reporting Period.....	11
Figure 2: Distribution of Complaints in the Regional Offices	11
Figure 3: Complaints Based on Gender	12
Figure 4: Service Issues Handled	13
Figure 5: Compliance by public institutions with Performance Contracting Indicators	30
Figure 6: Analysis of Public Institutions Certified by Grade	30
Figure 7: A comparative analysis of the number of public institutions certified	31
Figure 8: Quarterly analysis of Complaints Received by Public Institutions.....	32
Figure 9: Number of ATI requests processed by Public Institutions.....	33
Figure 10: Analysis for Requests for Information Processed by public Institutions	33
Figure 11: Number of applications received	38
Figure 12: Type of Organizations.....	39
Figure 13: Respondent Institutions	39
Figure 14: A Photo of Stakeholders Forum Meeting at Radison Blu on 30th May 2024	52
Figure 15: A group session during the multi-Stakeholders forum meeting at Radison Blu on 30th May 2024.	52
Figure 16: Public education outreach in Tana River.....	57
Figure 17: Gender Distribution of the officers trained in the Ministries, Departments and Agencies.....	58
Figure 18: CAJ Staff alongside facilitators from the Project Implementation Unit (PIU) at the National Treasury and Economic Planning, the State Department for Environment, and Climate Change during the Training of Trainers	59
Figure 19: Commission's Secretary and some staff members take a picutre during the marathon	60
Figure 20: The Fourth Edition Huduma Ombudsman Awardees poses with CAJ Commissioners.....	68
Figure 21: Commission's Assistant Director Advisory Unit, Dr. Kimari (Presenting) with Other Judges during the Integrity Awards Ceremony	70
Figure 22: Commission staff after the training for the data collection exercises	72
Figure 23: An officer of CAJ poses with Kilifi MCAs after a training in partnership with HAKI Yetu	73
Figure 24: Leadership, officers and the resource persons during the EU TAIEX training	74
Figure 25: Participants during the DCAF supported engagement in Moyale (Marsabit County).....	75
Figure 26: Legal Aid Clinic at Gakoromone Market in Meru with DCAF officials.....	75
Figure 27: Leadership of the Commission during the Launch of the Meru Office	80

LIST OF TABLES

Table 1: Top Ten Public Institutions Complained Against	13
Table 2: Classification of Requests	40
Table 3: Matters were filed and adjudicated before High Court in the Period	44
Table 4: Summary of ATI Requests Processed in the Period	47
Table 5: Disposal of records in the period.....	49
Table 6: Public Education Outreach Forums undertaken by the Commission in the period.....	55
Table 7: Number of officers trained in the Ministries, Departments and Agencies	58
Table 8: Number of trained in the county governments	59
Table 9: Media coverage by the Commission	60
Table 10: List of media talk shows held in the period	62
Table 11: Information, Education and Commutation materials produced in the period.....	64
Table 12: Huduma Award winners - individual category	65
Table 13: Huduma Award winners - Institutional category	66
Table 14: Huduma Award winners - Access to Information	67
Table 15: Huduma Award winner - Valour Award Category	67
Table 16: Huduma Award winners - Ugatuzi Award Category	67
Table 17: Staff Recruited in the Period	78
Table 18: Number of officers trained in the period	79
Table 19: A summary of expenditure by Sub-Programme classification.....	81
Table 20: List of the Commission's pending bills	93

CHAIRPERSON'S STATEMENT

On behalf of the Commission on Administrative Justice, I am pleased to present the 2023-2024 Annual Report of the Commission on Administrative Justice (Office of the Ombudsman) in accordance with Article 254 of the Constitution, Section 53 of the Commission on Administrative Justice Act and Section 26 of the Access to Information Act.

Having assumed office with my fellow Commissioners; Commissioner Dorothy Jemator and Commissioner Charles Njagua on 9th December 2024, this report highlights the Commissions' milestones prior to our tenure and hence serves as our baseline.

During the financial year 2023/24, the Commission in realization of its mandates notably; enhancing administrative justice in Kenya by addressing maladministration in the public sector, processed **6,178** complaints out of which **1,433** were resolved, translating to a **23%** resolution rate.

In the promotion and enforcement of Article 35 of the Constitution the Commission reviewed **293** applications on requests for access to information. Withal, having developed the Access to Information Review Manual and the Reporting Guidelines for the Public Entities & Private Bodies to give effect to Sec 23(7) of the Access to Information Act, in March 2024, it spearheaded the adoption processes by the Public Entities & Private Bodies.

During the period, in the quest to improve public administration the Commission undertook four systemic and specific investigations and issued several advisories.

Moreover, with reference to the Commissions program on capacity building, creation of public awareness & advocacy, 5,558 public officers drawn from the National and County Governments were trained while 1,100,409 members of the public were apprised about the Commission and its role.

The above milestones notwithstanding, the Commission has encountered several challenges, notably; budgetary constraints, limited regional presence, inadequate human resource and an outdated ICT infrastructure. On which basis in the interim, the Commission is employing some stop gap measures e.g. forging and strengthening partnerships to deal with the immediate needs as we formulate a medium and long-term strategy.

We reiterate our commitment to effectively execute our mandate to nurture a society that upholds administrative justice and open governance; a reflection of our slogan "Hata Mnyonge ana Haki".



CHARLES DULO
CHAIRPERSON OF THE COMMISSION

FOREWORD

It is my distinct pleasure to present the fourteenth Annual Report of the Commission on Administrative Justice for the year that ended on 30th June 2024. This report encapsulates our collective efforts and achievements over the past year in advancing administrative justice, promoting transparency, and strengthening accountability within the public sector.

Throughout this period, the Commission has remained steadfast in its mandate to address maladministration, resolve public complaints, and safeguard the right of access to information. In the year, the Commission handled over 6,000 complaints, resolved a significant number, and conducted investigations that have informed key advisories aimed at enhancing governance and service delivery. We also processed numerous applications for review to enhance access to information in public institutions. Our commitment to public education and forging strategic partnerships has further amplified our impact in promoting a culture of good governance and citizen engagement.

The Commission has continued to ensure prudent utilization of the allocated resources to implement planned activities. During the financial year under review, the Commission was allocated KES 730,194,424 and expended KES 687,843,544, translating to 94.2% absorption rate.

While we celebrate our successes, we are also mindful of the challenges faced, including financial constraints, legal limitations, and systemic issues within the public sector. These hurdles underscore the need for continued reforms, increased resource mobilization, and strengthened legal and institutional frameworks.

Looking ahead, the Commission remains committed to deepening digitization, enhancing operational efficiencies, and fostering collaborations that will enable us to better serve the public. Our strategic focus for 2024-2029 is aimed at building a more responsive, transparent, and accountable public service.

I extend my sincere appreciation to all our stakeholders, partners, and staff for their unwavering support and dedication. Together, we will continue to uphold the principles of administrative justice and work towards a more equitable and responsive governance landscape.



Mercy K. Wambua, OGW
COMMISSION SECRETARY / CEO

EXECUTIVE SUMMARY

This is the fourteenth Annual Report of the Commission on Administrative Justice. The report is prepared according to Article 254(1) of the Constitution and Section 53(1) of the Commission on Administrative Justice Act No 23 of 2011 and Section 26(1) of the Access to information Act No. 31 of 2016 which obligates the Commission to prepare and submit an Annual Report to Parliament and President.

The report highlights among others: description of the activities undertaken by the Commission, recommendations on legal and administrative measures to address specific concerns identified and the audited financial statements. The Report is structured into eight chapters with each chapter addressing a specific thematic area. Chapter one gives background information on establishment and mandate, vision, mission and core values.

The content of subsequent chapters is highlighted below.

Promotion of Administrative Justice in the Public Sector through Resolution of Public Complaints *(Chapter Two)*

This chapter highlights the activities the Commission undertook in redressing maladministration in public sector.

During the period under review, **6,178** complaints were handled by the Commission. **1,433** complaints were resolved - representing a resolution rate of **23.2%**.

The Commission completed one systemic investigation and six specific investigations. The Commission also issued several advisories on key emerging issues that affected democratic values and principles of governance in public service. Investigations and advisories provide an important avenue for the Commission to recommend preventive measures and remedial action to government agencies.

Strengthening Complaints Management in the Public Sector *(Chapter Three)*

The Commission facilitates the setting up of, and strengthening of the complaint-handling infrastructure in the public sector. This is realised through training, monitoring of service delivery standard, provision of technical support and certification of MDAs in line with Performance Contracting requirements.

Access to Information *(Chapter Four)*

The Commission is the oversight and enforcement agency of the right to access information held by public authorities as provided for under the Access to Information Act.

During the period under review the Commission processed **293 applications** for review.

Public Education and Outreach *(Chapter Five)*

Public education and awareness are a key focus area for the Commission towards promoting visibility and creation of demand for services.

During the reporting period the Commission enhanced public education, awareness creations and training activities to promote on administrative justice and access to information.

Partnerships and linkages (Chapter Six)

Partnerships and linkages provide the Commission with the necessary networks and opportunities for cross-learning and other associated benefits.

During the period under review, the Commission, enhanced its efforts in the promotion of good governance through strategic local and international partnerships and linkages. This entailed cooperation with other Ombudsman institutions, joint initiatives with players in the administration of justice and engagement with development partners.

Governance, Human Resource Management and Finance (Chapter Seven)

This chapter covers governance, human resource management, financial management, ICT and general administration. During the period under review, The Commission strengthened its capacity to deliver on its mandate by sponsoring various staff members for various professional development courses and training programmes, decentralized Ombudsman Services and embraced information, communication technology (ICT), to improve on its operations.

Challenges (Chapter Eight)

The Commission faced a number of challenges in the period under review, which hindered achievement of some of the targets. These included but not limited to

- Financial Constraints attributed to Low budgetary ceilings and austerity measures implemented during the financial year that reduced the budgetary allocation.
- Delayed in disbursement of the quarterly budgetary allocations
- Insufficient legal framework
- The culture of secrecy, unresponsiveness and impunity in the public sector
- Manual records management systems in the public sector which curtailed quick retrieval and access to information.

Priorities Moving Forward

- Development of the Commissions strategic plan (2024-2029).
- Strengthening policy, legal and regulatory framework.
- Deepen digitization and automation of systems and processes.
- Enhancement of resource mobilization and partnerships.

- Intensify capacity building and collaboration with MDACs to advance CAJ mandate.
- Intensify outreach, public education and awareness creation initiatives.

- Decentralization of Ombudsman services to enhance accessibility.
- Enhance complaints resolution rate from 23% to 50%.

CHAPTER ONE

1. ESTABLISHMENT AND MANDATE

1.1. Introduction

The Commission on Administrative Justice (CAJ) is established under Article 59(4), Chapter 15 of the Constitution and the Commission on Administrative Justice Act, 2011. The need for good governance was the impetus for establishment of the Commission, as envisaged in Kenya's vision 2030.

1.2. Mandate

The Commission derives its mandate from the Constitution, the Commission on Administrative Justice Act (CAJ Act) 2011 and the Access to Information (ATI) Act 2016. The constitutive Act mandates the Commission to deal with maladministration and redress grievances by citizens against public officers and institutions in National and County Governments. Further, the Fair Administrative Action Act 2015 empowers the Commission to review administrative action or decisions affecting the public. The Commission is also mandated to enforce and oversee implementation of the right to Access information as guaranteed under Article 35 of the Constitution.

1.3. Composition

During the reporting period, the Commission was led by a Chairperson and two Commissioners, namely: -

- I. Hon. Florence Kajuju, MBS – Chairperson
- II. Mr. Washington Opiyo Sati, MBS – Vice Chairperson
- III. Mrs. Lucy Ndungu, EBS – Commissioner in charge of Access to Information

Following expiry of the term of the Commissioners, the Commission has since been reconstituted with a new set of Commissioners who have been pivotal in the development of this report. The Commission is currently spearheaded by:

- I. Mr. Charles Dulo – Chairperson
- II. Ms. Dorothy Jemator – Vice Chairperson and Commissioner in charge of Access to Information
- III. Hon. Charles Njagua Kanji – Commissioner in charge of Complaints and Investigations

The Commission executes its mandate through a Secretariat headed by a CEO, Ms. Mercy K. Wambua, OGW.

COMMISSIONERS



Mr. Charles Dulo

Chairperson



Ms. Dorothy Jemator

Vice Chairperson

Access to Information Commissioner



Hon. Charles Njagua Kanyi

Complaints and Investigations Commissioner

SENIOR MANAGEMENT



Ms Mercy K. Wambua, OGW
Commission Secretary/CEO



Daniel Karomo
Director, Corporate Services



Osman Mohamed
*Director, Public Education Advocacy and
Corporate Communication*



Viola Ochola
Director, Access to Information



Geoffrey Obonyo
*Director, Strategy, Research
and Compliance*



Florence Mumbi
*Director, Complaints, Investigations
and Legal Services*

1.4. Vision, Mission and Core Values



1.5. Functions

The functions of the Commission are as follows: -

A. Section 8 of CAJ Act

- I. investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in national and county governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice;
- II. investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;
- III. report to the National Assembly bi-annually on the complaints investigated under paragraphs (a) and (b), and the remedial action taken thereon;
- IV. inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;

- V. facilitate the setting up of, and build complaint handling capacity in the sector of public service, public offices and state organs;
- VI. work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;
- VII. recommend compensation or other appropriate remedies;
- VIII. provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures; and
- IX. promote public awareness of policies and administrative procedures on matters relating to administrative justice.

B. Section 21 of the ATI Act

- I. investigate violations of the provisions in the ATI Act;
- II. receive reports from public entities with respect to implementation of the Act and evaluating the use and disclosure of information;
- III. facilitate public awareness and develop programmes on the right to access information and the right to protection of personal data;
- IV. promote right of access to information in public entities;
- V. monitor state compliance with international obligations related to the right to access information and protection of personal data;
- VI. hear and determine complaints and review decisions arising from violations of the right to access information; and
- VII. perform such other functions as the commission may consider necessary for the promotion of access to information and promotion of data protection.

1.6. Powers

Pursuant to Sections 26, 27 and 28 of the CAJ Act, Sections 23 and 24 of ATI Act as read together with the CAJ and ATI Regulations respectively, the Commission has powers to:

- I. issue summons;
- II. require that statements be given under oath;
- III. compel production of documents;
- IV. conduct searches and seizures of documents with court orders;
- V. interview any person;
- VI. require the discovery and production of any information from any person;
- VII. adjudicate on matters relating to administrative justice and access to information;
- VIII. requisition any public record or copy thereof from any public officer.
- IX. order release of any information withheld unlawfully; and
- X. recommend for the payment of compensation.

Additionally, Section 31 of the CAJ Act empowers the Commission to investigate an administrative action despite a provision in any written law to the effect that the

action is final or cannot be appealed, challenged, reviewed, questioned or called in question.

1.7. Execution of the Mandate

The Commission executes its mandate through: -

- I. resolution of complaints by way of inquiries, investigations, and application of alternative dispute resolution mechanisms;
- II. public education, advocacy and awareness creation;
- III. capacity building of public officers and institutions on complaints management and promotion of access to information;
- IV. issuance of advisory opinions on matters affecting public administration;
- V. undertaking public interest litigation;
- VI. reviewing and determining Access to Information applications made to public and certain private institutions; and
- VII. promotion of public service delivery standards.

1.8. Key Result Areas

The Commission focused on the following thematic areas in the implementation of the Strategic Plan (2019/2023)

- I. Resolution of Public Complaints;
- II. Oversight and Enforcement of Access to Information;
- III. Public Education, Awareness and Visibility; and
- IV. Institutional Strengthening and Capacity Building

CHAPTER TWO

2. PROMOTION OF ADMINISTRATIVE JUSTICE IN THE PUBLIC SECTOR

This chapter highlights the performance of the Commission in redressing maladministration in the public sector. Maladministration is a hindrance to efficient public service delivery and manifests itself in various ways including unfair treatment, unresponsive official conduct, delay, discourtesy, misconduct, incompetence, improper conduct, and abuse of power among others.

2.1. Complaints Management

This section details the complaints handling processes established at the Commission.

2.1.1. Lodging a Complaint

The Commission receives complaints against public institutions and officers on various administrative injustices. Such complaints may be lodged by an aggrieved person or by a person acting on their behalf. Complaints may also be instituted anonymously, and the Commission may take up a matter on its own initiative. Figure 1 presents various channels and service points of lodging complaints.

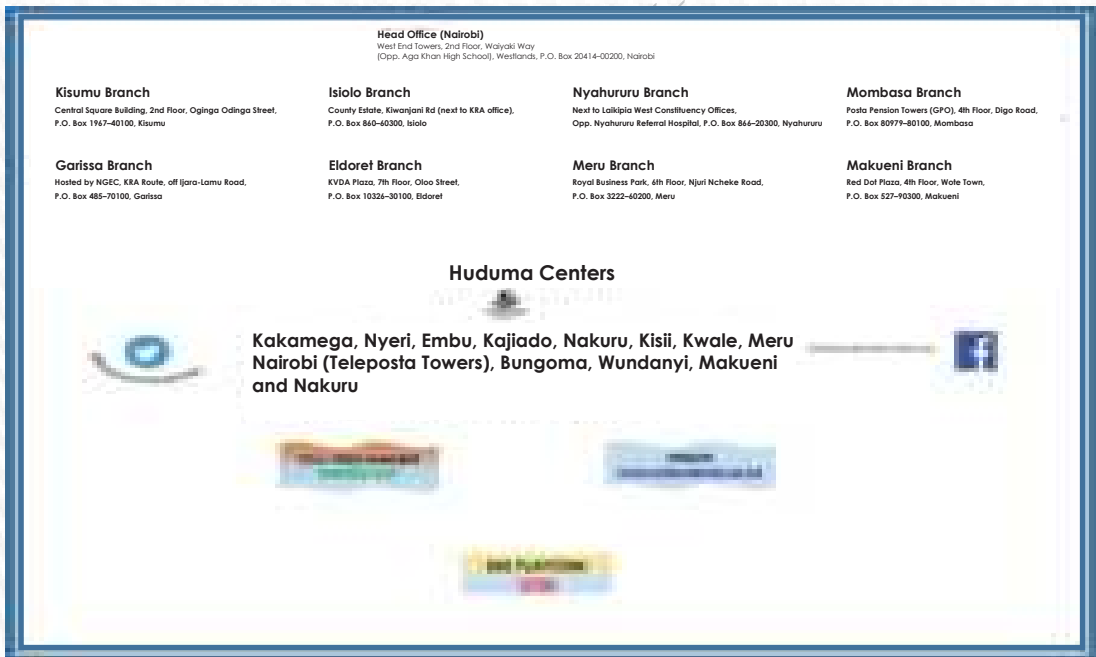


Figure 2: Channels and service points of lodging complaints

2.1.2. Complaints Handled

During the year, the Commission received 3,813 complaints and brought forward 2,365 complaints totaling to 6,178 complaints handled, out of which, 1,433 complaints

were resolved, representing a resolution rate of 23.2%. This is represented in figure 2 below.

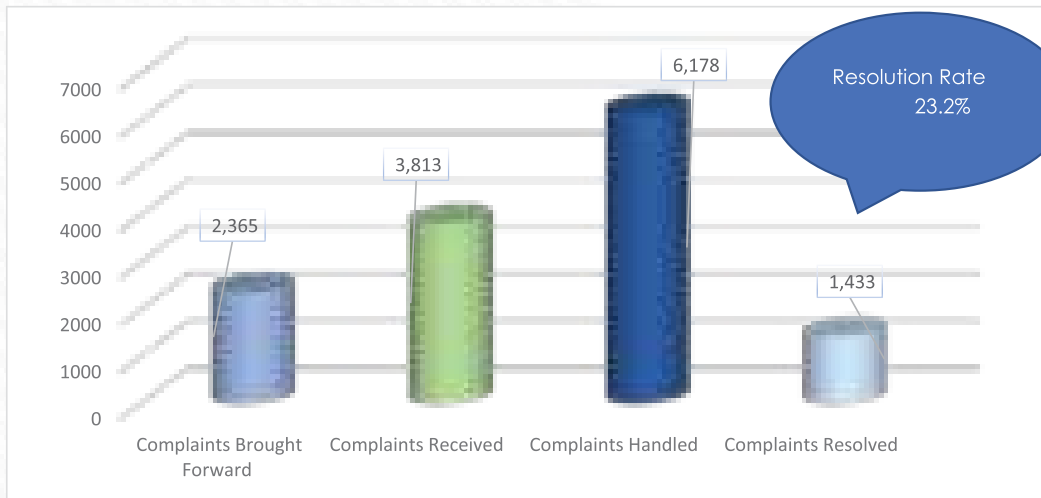


Figure 1: Complaints Handled in the Reporting Period

Majority of the complaints were recorded at the head office in Nairobi compared to the regional offices. At regional level, Kisumu office recorded the highest number of complaints with 609 complaints followed by Eldoret (485 complaints) and Mombasa (306 complaints) as illustrated in figure 4 below.

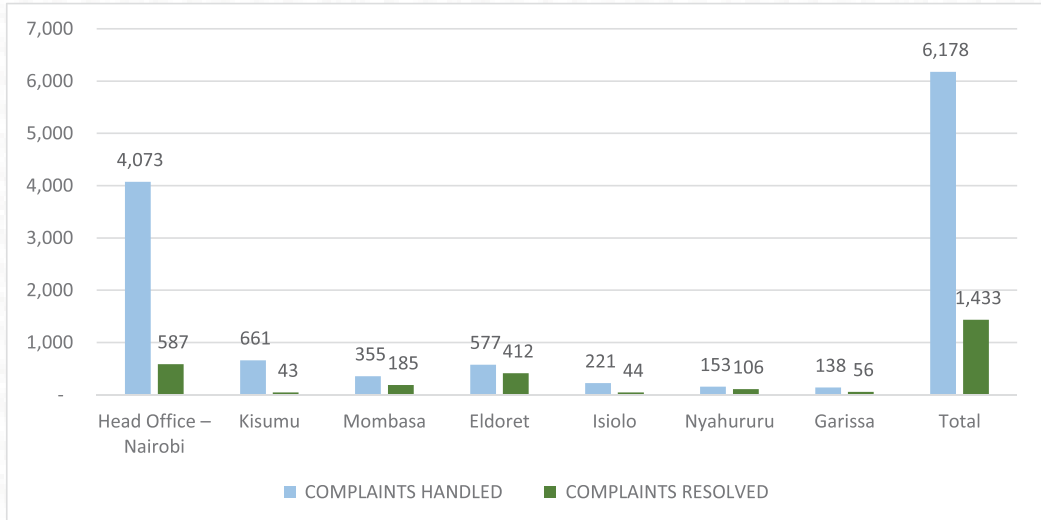


Figure 2: Distribution of Complaints in the Regional Offices

The number of male complainants were more than that of the female complainants. Male complainants represented 52.6% while female complainants were 20%. The number of complaints received from corporate entities were at 11.2% while 16.1% of the complaints were either from unclear or anonymous sources. This is illustrated in the figure below.

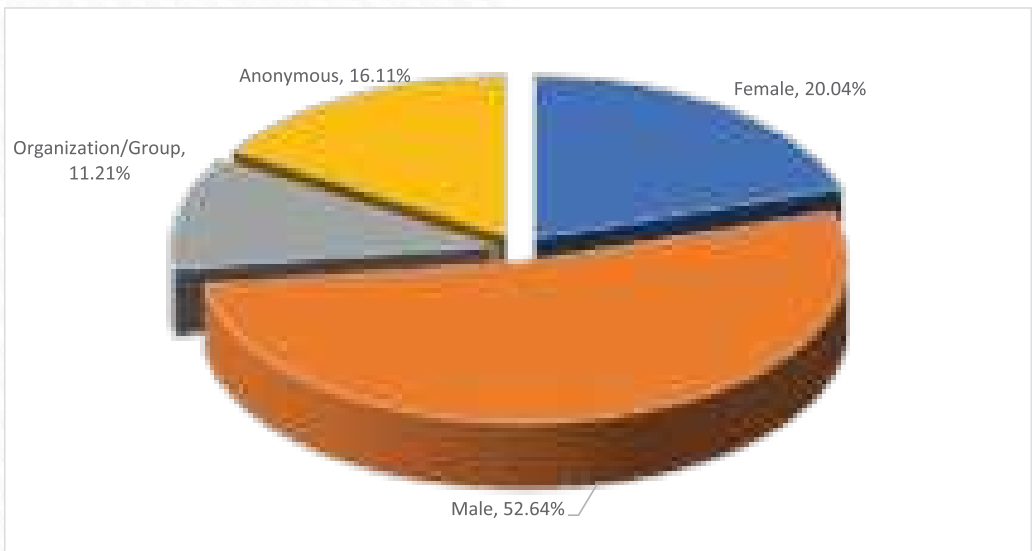


Figure 3: Complaints Based on Gender

Complaints received were categorized per service issues. Delay was recorded as the leading service issues at 25.4% followed by unresponsive official conduct at 14.2%. Figure 2 presents the service issues handled by the Commission during the reporting period.

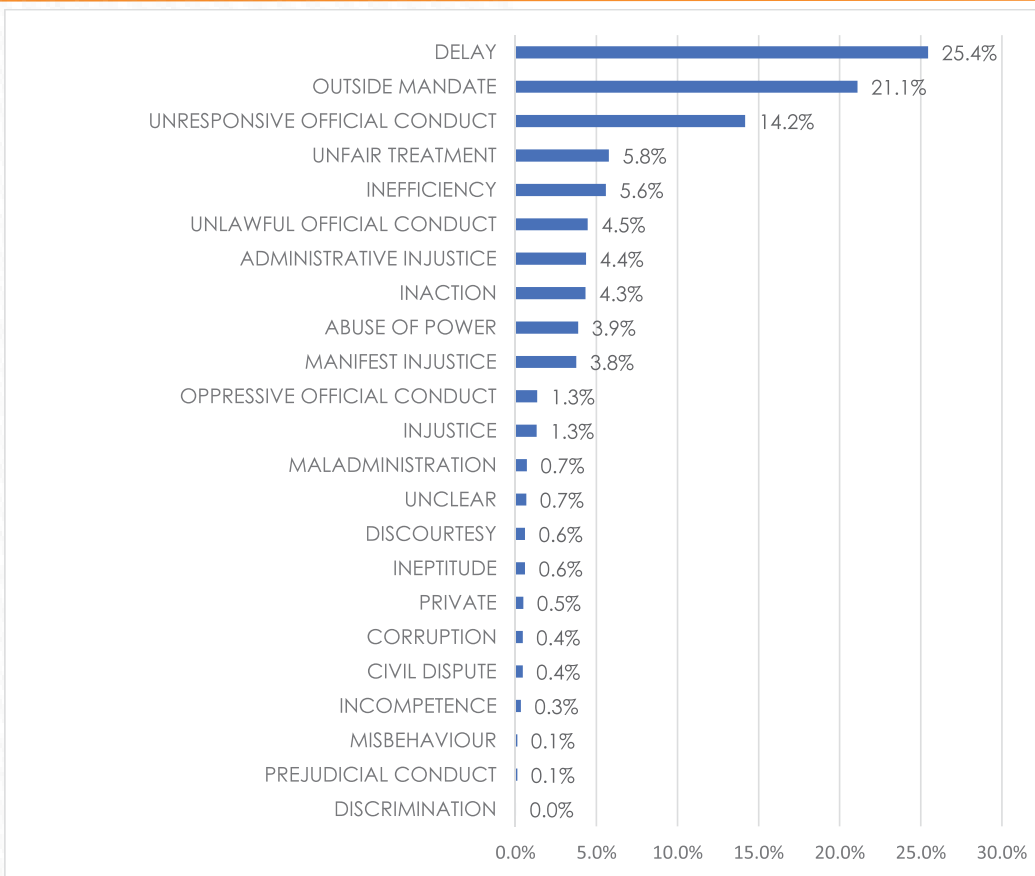


Figure 4: Service Issues Handled

Table 2 presents the top ten public institutions complained against.

Table 1: Top Ten Public Institutions Complained Against

INSTITUTION	Proportion
National Police Service	6.2%
Judiciary	5.3%
Ministry of Lands, Housing and Urban Development	4.6%
Ministry of Interior and Coordination of National Government	4.4%
Public Officer	3.5%
Teachers Service Commission	3.2%
Ministry of Education, Science and Technology	2.1%
Kenya Power and Lighting Company	1.8%
Directorate of Criminal Investigations	1.4%
Office of the Director of Public Prosecution	1.4%
Department of Immigration	1.4%

2.2. Success Stories

1. FK Against Teachers Service Commission, HUD/NYERI/TSC/013/238/23-JMM

The complainant lodged a complaint against Teachers Service Commission alleging that he is a person living with disability and requested for tax exemption from Kenya Revenue Authority which request was approved. He submitted all relevant documents to TSC to effect the exemption and he has been making a follow up without success.

The Respondent vide a letter dated 25th June 2024, confirmed that the tax exemption was effected on payroll with effect from 1st April 2024 following submission of all required documents.

2. Complaint by NM Against County Government of Vihiga - CAJ/C.G.VIHIGA/098/23/23-SC

The complaint alleged that her husband was an employee of Vihiga County Government, working as a Public Health Officer, that her husband died in February 2021 and that since his death his terminal dues had not been paid.

The Commission initiated an Inquiry vide a letter dated 16th May 2023 and the Respondent proceeded to process KShs 200,000 as terminal dues thereby settling the complaint.

3. Complaint by KHM against Immigration Department - CAJ/MSA/M.IMM/003/126/2023

The Complainant alleged delay at Immigration office in Mombasa to process and issue a passport he applied on 20th August 2022 vide Application Ref: EPP1-V5TM898Y and duly paid the requisite charges. The complainant stated that despite numerous calls and follow up at the Immigration office, he had not been assisted, necessitating him to seek the Commission's intervention. Upon the Commission's inquiry dated 20th July 2023, the Immigration department issued the passport on 26th July 2023. The complainant confirmed receipt of the same and appreciated the Commission's intervention.

4. Complaint by EO Against Higher Education Loans Board - CAJ/HELB/013/2741/24-JMM

The Complainant alleged that the current Higher Education Financing Portal (HEFP) registration system is incompatible with the new generation Kenyan Identity Cards. He further alleges that the IDs, containing eight digits, exceed the character limit of the

ID No. field, resulting in an error message that the identity number field cannot exceed 8 characters in length.

The Commission initiated an Inquiry vide a letter dated 19th June 2024 and The Respondent replied vide a letter dated 28th June 2024 confirming that re-configuration and re-calibration of the HELB system had been undertaken to accommodate the Complainant's concerns.

5. ET on behalf of MHM versus National Land Commission -CAJ/MSA/NLC/022/278/21

A Complaint alleging delay in processing compensation for land parcel number Kinango/ Mazeras/944 in Kwale acquired for purposes of the construction of the Standard Gauge Railway. The complaint was lodged on 22nd January 2021 and an inquiry was done on 26th January 2021. After several back-and-forth correspondences between the Commission, the Kenya Railways and the National Land Commission (NLC), the Kenya Railways instructed NLC to utilize the compensation funds held in their accounts for SGR phase-one to pay all cleared and determined cases. After several reminders to the NLC, the Complainant was eventually paid the full compensation amount of Kshs. 633,478/- in September 2023 and the matter was resolved.

6. HN versus Kenya Revenue Authority - CAJ/MSA/KRA/000/113/23

A Complainant alleging lack of feedback and action in addressing an anomaly on her itax account that indicated that she had outstanding tax arrears of Kshs. 499,636 & accumulated interest of Kshs. 184,865 on the basis of unpaid P.A.Y.E yet her employer- County Government of Mombasa confirmed remittance of PAYE to KRA every year.

The Commission intervened and sent an inquiry to KRA who responded and requested the Complainant to re-apply for a Tax Clearance Certificate which she did. On 12th March 2024, the Complainant wrote and stated that she received her Tax Clearance Certificate.

7. MO versus Registrar of Births - CAJ/MSA/IGC/062/367/2024

The Complainant alleged that when he applied for his child's birth certificate, his name was missing and the child's name was incorrect. When he tried to rectify the issue, he was told that he needed to provide proof of marriage and several other documents, which he could not produce as he and the mother of his child were not legally married. The officer at the Registrar of Births suggested that he do a DNA test to prove the paternity of the child.

The Commission intervened in the matter, and the birth certificate was subsequently rectified.

8. EMM versus Kenya Pipeline Company - CAJ/MSA/KPC/021/92/23

The Complainant alleged that on 17th November 2018, her perimeter wall was demolished by agents of Kenya Pipeline Company Limited in Migadini within Mombasa County. That despite pursuing compensation, she was yet to get a response. The Commission sent an inquiry letter dated 6th September 2023 and a reminder on 17th October 2023. On 23rd October 2023, the Commission received a response from Kenya Pipeline that the company was willing to negotiate a settlement with the Complainant. On 30th April 2024, the Complainant informed the Commission that a settlement agreement was reached and compensation was paid.

9. SZC versus Office of the Director of Public Prosecutions (ODPP) – CAJ/MSA/ODPP/027/46/2023

The Complainant alleged delay by the Office of the Director of Public Prosecutions (ODPP) to institute criminal charges in a defilement incident involving his minor daughter since April 2023. He stated that he reported the matter at Likoni Police Station vide OB number 13/28/04/2023, whereupon the suspect was arrested but released on police bail. That the investigation file was subsequently forwarded to the ODPP in July 2023 but since then, no recommendations had been made on the case.

The Commission pursued this complaint by sending an inquiry letter to ODPP on 10th January 2024. On 9th April 2024, the Commission received communication from the Principal Prosecution Counsel that a directive to charge had been issued against the suspect in the matter and that the ODPP was awaiting the arrest of the suspect for purposes of charging. On 15th May 2024, the Commission received feedback from the Complainant that the matter was already in Court.

10. RN versus County Government of Kilifi - CAJ/MSA/CG/KLF/103/23/2023

The complainant alleged delayed feedback by the County Secretary of Kilifi County Government to effect the decision by the Kilifi County Public Service Board directing him to resume duties as the County Director for Physical Planning with effect from 1st December 2022. The complainant had previously been seconded to the County Government of Taita Tavemas as the Chief Officer of the Department of Lands for a four-year term, which concluded in November 2022. However, upon his return, the County Secretary did not permit him to resume his duties, citing pending matters that had neither been communicated nor explained to him.

The Commission commenced inquiries on 7th June 2023. Following several correspondences, the Complainant confirmed that on 25th June 2024, he received his deployment letter from the County Secretary, assigning him to the Department of

Finance and Economic Planning. He expressed his gratitude to the Commission for its intervention and assistance in resolving the issue.

11. Kapsaret Community Residents versus National Environment Management Authority (NEMA)-CAJ/ELD/M.ENV/038/8/22-FL

The complaint was on allegations that NEMA Uasin Gishu County had failed to address their complaint lodged on 27/5/2021 against Cibien Engineering Quarry Limited on environmental degradation and resultant negative impacts whilst undertaking quarry mining activities within the area. Upon receipt of the complaint, the Commission initiated inquiry with NEMA to be updated on the outcome of the matter to which they confirmed that inspectors visited the site to investigate the matter and recommended that the Company provides evidence of public participation in accordance with the Environment Improvement Notice. Regrettably it appeared that they failed to do so.

In light of the aforesaid response, the Commission further sought to be furnished with an update from NEMA on the action taken following the non-compliance by the Company. Consequently, the public participation meeting was undertaken on 7/8/2023 and the minutes thereto were provided which indicated the mitigation measures that have been put in place by the Company to address the concerns of the complainants.

12. JK, HN, DN and IK versus Kenya Electricity Transmission Company Limited (KETRACO)-HUD/NKR/M.ENE/021/4/23-FL

These 4 complaints were on allegations of delay by KETRACO to settle dues owed a compensation following the compulsory acquisition of portions from their respective land parcels in Mwachiringiri Block 4 adjudication section in Naivasha, Nakuru County for the construction of the Olkaria-Lessos-Kisumu 400/220kv transmission line project. Following the Commission's intervention through inquiries into the matter, the complainants were duly paid their dues amounting to Kshs.3,200,000 as follows:

- JK- Kshs.700,000
- HN-Kshs.900,000
- DN-Kshs.900,000
- IK-Kshs.700,000

John Charles Smith,
A. S. No 271 000000,
Hemel Hempstead, Herts.

The Solicitors,
A. S. No 204 00000,
Hemel Hempstead.

12th January, 2014.



Dear Madam,

RE: Application and Confirmation of Award of Outstanding 100 Points award

From: Roger New Team Director

I am delighted and sincerely thank you for your letter to me in timely and friendly terms after the year-end, and my effective intervention in helping you successfully follow us with 100 Points award in the year. This follows my application to you during our last meeting in regard to my award which had not reached being awarded by the Treasury Policies (TPO) Department since September 2013. This has caused many sleepless nights for you since during my absence you on 12th Jan, 2014 – when I also had an official award during your time this is coming to you (please see attached).

As stated in the letter, I am truly glad and happy to confirm that the two cases I made to you after on 12th Jan 2014 are now granted after I have successfully met as follows:

1. On 12th Jan, 2014, the Treasury Treasury awarded to my account an initial bank payment followed by a monthly pay on 12th Jan for a total of £15,000,000 which amounts to an average saving of approximately seven thousand per month. The interest earned on outstanding amount previously not received between September 2013 to July 2014.
2. During 12th Jan, 2014, the Treasury Treasury further awarded my monthly pension payment of £14,000,000 that has come into my account every month on 12th Jan, 2014 since then (attached).

Yours faithfully,
Roger New Team Director

By: 

cc: 

Best regards

ALL contents stated are guaranteed and positive feedback and receive you of our highest regards.

From: 
To: 
Date: Friday, 18 April 2014 12:17 PM (GMT)
Subject: RE: Complaint against TPO

Thank you so much for your assistance. I am truly glad to receive you of our highest regards.
Thank you so much for your great work.

Regards

Charles New



[Faded text, likely a letter or document header, including a date and recipient information.]



[Faded text, possibly a title or header for a section.]

Part: Joint Registration KCYS-REY

[Faded text, possibly a reference number or code.]

Thu, Feb 22, 2024 at 8:17 AM

[Faded text, possibly a signature or name.]

From: christian@pridehills.org <christian@pridehills.org>

To: christian@pridehills.org <christian@pridehills.org>

Subject:

2000-2001 San Bernardino County Sheriff's Office

and San Diego - 000000

Re: 000 - 000000

From:

christian@pridehills.org

From the Internet

On January 11, 2001, I wrote an email to you for reasons about the officers I was experiencing in dealing with the Santa Ana County Sheriff's Office. On February 11, 2001 you responded to the email and forwarded to me a form to fill out detailing the nature of my complaint.

On February 18, 2001 I filled out the form and returned it to you as required. After you received my completed form promptly called the San Bernardino Sheriff and promised to look into the case and get back to me. I cannot remember the date of our conversation but you were called again to tell me you had checked my complaint and you found it merited a more prompt and detailed to me what I should have done (rather than) needed to do then.

I must confess that I was furious with you about the conversation you did about I also I had called to. Two more days, on other days, when they told me. I got the feeling that you were playing the us vs. the system when I got the approved parts.

However, as reflected in the email I was wrong and embarrassed by writing improper words to all public officials by dealing with a person that I should have realized was a cop, since I should have already reported to the police.

On your advice, I called the Santa Ana County Sheriff's Office on June 18, 2001 with the documents I had received from Santa Ana - Santa Bernardino's Office where the case was being handled. He was angry but that officer I reported the case and processed the case documents from the San Bernardino Sheriff, he called

From: christian@pridehills.org
To: christian@pridehills.org <christian@pridehills.org>

Re: 000 - 000000

Cool Herring Sir,

After nearly 2 years I really got connected. God bless the wonderful work the Churchman is doing. The account was activated and power is available as shown below.

Account ID: 00000000000000000000
Account Name: 00000000000000000000
Account Number: 00000000000000000000
Account Type: 00000000000000000000
Account Status: 00000000000000000000
Account Date: 00000000000000000000

Bye,
George Herring

2nd Floor, West End Tower
C/O: Watyaki Way Windamba
P O BOX 201414 - 60200 Nauru
Tel: +154 20 2270000
Email: info@naurucare.com.na / complaint@naurucare.com.na



I would like to sincerely thank the office of ombudsmen as well as Mr. Mackey Amadio who was assisted by Kaithe Klynn who handled my case with care. I managed to get my Confidential copy of coverage and I'm now pursuing my medication plans. Thank you very much. May God Bless you.

Yours sincerely,

Dr. Payne

Health Advisor

2.3. Investigations

In the FY 2023/2024, the Commission completed one systemic investigation and six specific investigations. The summaries are as follows:

i. **A Systemic Investigations Report on the Status of Complaints Infrastructure and Proactive Disclosure of Information in Select Public Institutions**

The Commission conducted a systemic investigation to assess the status of complaints infrastructure in National Government Institutions and their compliance with proactive disclosure of information. The investigation focused on 20 institutions, selected for their frequent interactions with the public. It was carried out in two phases: the first phase involved a desktop investigation, while the second phase entailed visits to the institutions.

In phase one, a mystery shopper exercise was performed on the institutions' websites to evaluate the accessibility and responsiveness of their remote communication channels, and to check for proactive disclosure of information. Phase two involved physical inspections of complaints handling infrastructure at the institutions, along with interviews with officials to determine if they had clear accountability mechanisms for handling complaints and institutional learning from complaints. A standard checklist was used, and relevant documents were collected during the investigation.

The findings revealed that all 20 institutions had functional websites with sufficient infrastructure for remote access (telephone numbers, email addresses, and social media handles). While 95% of institutions had service charters on their websites, 16% of these charters lacked clear timelines for responding to inquiries or resolving complaints. It was also found that 80% of telephone numbers provided were operational, but 20% were unreachable or not answered. Email responsiveness was at

55%, with 67% of replies received within the timeline outlined in the service charters, while 33% were delayed. However, all responses were clear, courteous, and professional.

Regarding proactive disclosure of information, all selected institutions disclosed information about their particulars, 65% revealed channels for supervision and accountability, and 10% provided salary scales by grade. Additionally, 80% had made public operational documents concerning interactions with public and private entities, and 65% disclosed the procedure for requesting information. Moreover, 65% of institutions had disclosed public procurement details. Overall, MTRH, KRA, and KPLC were found to have the most robust complaints handling systems, while UON and KWS met all proactive disclosure requirements.

Based on these findings, the Commission made several recommendations to each institution to address shortcomings in remote accessibility, effective complaints handling, and proactive disclosure of information.

ii. An Investigation on Alleged Administrative Injustice Against F.A.M by the Ministry of Water, Sanitation & Irrigation

The Commission investigated a complaint by Mr. F.A.M, who claimed that after being transferred from the Ministry of Environment, Water, and Natural Resources to the Ministry of ICT in 2013, his employment file was not forwarded, and he was removed from the payroll. He stated that he worked for a year at the Ministry of ICT without a salary before leaving due to medical issues. He sought reinstatement on the payroll and payment of his salary arrears.

The investigation revealed irregularities in Mr. F.A.M's employment, with suspicions that his appointment letter was fraudulently obtained with internal assistance. Moreover, officials from the Ministry of Water, Ministry of ICT, and the National Treasury failed to address these irregularities.

The Commission recommended that the Directorate of Criminal Investigations (DCI) and the Public Service Commission (PSC) conduct further investigations into Mr. F.A.M's case, focusing on the alleged fraud and neglect of duty by public officers.

iii. An Investigation Report on Alleged Unfair Treatment and Injustice Against Gunshot Wound Victims at Kitengela Sub-County Hospital

Following media reports in July 2023, the Commission initiated investigations into the alleged premature discharge of three gunshot wound victims from Kitengela Sub-County Hospital. It was reported that one of the patients was caught smoking in the ward, leading to the discharge of all three while they were still in critical condition.

The Commission notified the hospital of its intention to investigate. The investigation involved site visits to several hospitals, interviews with the victims and medical staff,

and the collection of relevant documents. The findings suggested discrepancies between the patients' and hospital staff's accounts but indicated possible maladministration and professional misconduct by Kitengela Sub-County Hospital staff.

In response, the Commission recommended that the County Government of Kajiado and the Kenya Medical Practitioners and Dentists Council take action based on the findings.

iv. An Investigation on Alleged Double Allocation of Plot No. 18, Voi Town, Wundanyi Sub-County, Taita Taveta County

The Commission investigated allegations of double allocation concerning plot No. 18 in Voi Town, originally owned by the late WM. His widow, Ms. AN, claimed the land had been allotted to two different owners.

The investigation, involving site visits and document reviews, confirmed that the plot had been allocated twice—first to Mr. H.G. M, who sold it to the complainant's husband, and later to Ms. JN, who sold it to Mr. VMM. The investigation concluded that Mrs. AN was the legitimate owner, and the second allocation was irregular.

The Commission recommended that the Director of Land Administration and the Director of Surveys rectify the records and cancel the erroneous second allocation.

v. An Investigation on Alleged Irregular Allocation of Land at Uringu II Adjudication Section

The Commission investigated a complaint by Mr. HK, alleging that his family's land in Meru County had been irregularly allocated to another party. The investigation confirmed irregularities in the subdivision and allocation process but found that the matter was under judicial review.

As the case was still before a court, the Commission recommended closing the file in accordance with section 30(c) of the CAJ Act.

2.4. Advisories

The Commission, alongside other constitutional commissions, has the mandate to protect the sovereignty of the people, while also ensuring observance by state organs of fair administrative action, democratic values and principles as provided by Article 249(1) of the Constitution, on which the Constitution is based.

Further, Article 59 (2) (h) and (i) of the Constitution, and Section 8 (a) and (b) of the Commission on Administrative Justice Act grant the Commission powers to investigate any conduct of State officers, or any act or omission in public administration that is

alleged or suspected to be prejudicial or improper, or to result in any impropriety or prejudice. Section 8(h) of the Act empowers the Commission to issue advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures. Section 2(1), on the other hand, empowers the Commission to deal with a decision made or an act carried out in public service or a failure to act in discharge of a public duty. Hence during the period the commission issued several advisories among them;

i. An Advisory Opinion on enhancing road safety measures - 18th September 2023

The Commission issued a critical advisory to Kenya National Highway Authority (KENHA) in response to a rise in accidents along a particularly foggy stretch of the Nairobi-Nakuru Highway, between Ngarariga, Lari, Kimende, and Kinungi. The advisory emphasized the urgent need for enhanced road safety measures.

The Commission posited that Kenya had sufficient road safety laws and regulations *inter-alia*; the Traffic Act Cap 403, National Transport and Safety Authority (NTSA) Act, 2012, The Traffic (Amendment) Act, 2015. The Commission also asserted that the relevant agencies were justly obligated to enhance institutional implementation and enforcement mechanisms.

The Commission underlined the need to strengthen the multi-agency approach to achieve the National vision for road safety "safe roads for all users" espoused under the National road safety plan 2022-2025 by highlighting various institutions and their mandate vis a viz road safety and advised that:

a) The National Transport & Safety Authority

- i. Conduct a research and audit the road safety measures of the specified Ngarariga, Lari, Kimende & Kinungi area and subsequently any other area similarly affected.
- ii. Develop and implement an impactful safety strategy which would include erecting a reflective signage with clear exhaustive safety measures as you approach the stretch.
- iii. Intensify road safety education awareness programmes.
- iv. Undertake any other long-term sustainable road safety measures.

b) The Kenya Police Traffic Department

- i. Conduct an in-depth investigation on the cause of the rampant accidents with appreciation of other contributory factors i.e. Vehicle road worthiness, road users' indiscipline among others.
- ii. Intensify procedural enforcement function to prevent occurrence accidents in line with the Traffic Act Cap 409.

c) The Kenya National Highway Authority

- i. Undertake road safety audits and ensure impactful interventions are carried out including erecting signage, mounting retro-reflective supplements and widening the paved shoulders.
- ii. **A statement on the ongoing protests / abductions and excessive use of force by the police in Kenya – 25th June, 2024**

The Commission condemned the reported abductions of protestors by unknown persons, the arbitrary arrests and use of excessive force by the police in Kenya. It was noted that the same had gained traction with reference to the anti-Finance Bill 2024 protests. The exact number of people abducted by unknown persons and arrested by the police remains unknown but on the various social media platforms with reference to the anti-Finance Bill 2024 protests, five men had been posted as having been abducted.

The Commission expressed concern that the nature and scale of the abductions and arbitral arrests curtailed a wide range of rights and freedoms including the Right to life under Article 26, Right to protection of a person's dignity under Article 28, Security of the person under Article 29, Right to privacy under Article 31, Freedom of conscience under Article 32, Right to access information under Article 35, Freedom of assembly, demonstration, picketing and petition under Article 37, Freedom of movement under Article 39, Rights of arrested Persons under Article 49, and Rights of persons detained, held in custody or imprisoned under Article 51 of the Constitution.

The Commission underscored the above principles guaranteed by the Constitution and condemned the wanton and flagrant disregard of the same. It posited that protestors were within their constitutional right to assemble, demonstrate, picket and petition may overstep the parameters of their rights, inadvertently infringing on the next persons right consequently, causing the law enforcement agencies to step in.

The Commission appealed to the law enforcement agencies to apply reasonable force to protect the citizens' rights and freedoms and categorically denounced the excessive and unwarranted use of force that led to maiming, incapacitation and on the extreme, the loss of life.

In maintaining its Constitutional mandate in the protection and promotion of human rights to facilitate promotion and protection of the fundamental rights and freedoms of the individual, the Commission urged the:

Government to:

1. Mobilize all the required resources for a responsive and or sustained efforts towards the urgent and safe return of all those abducted;
2. Institute investigations surrounding this abduction for (i) prevention purposes and (ii) to hold the abductors accountable;
3. Protect and promote the right to access information;
4. Ensure that law enforcement agencies employ reasonable force to uphold law and order;

5. Mobilize the public sector at all administrative levels of Government, to galvanize collective action that will bolster safety and security measures imperative for the protection of citizens exposed to recurring acts of abductions;
6. Set up a responsive public complaints processing management structure.

Public to:

7. Extend full collaboration and support to help secure the safe timely return of the abducted individuals;
8. Exercise right to assemble, demonstrate, picket and petition peacefully within the ambit of the law.

In conclusion, the Commission condoled with families and communities that lost their loved ones and expressed its full solidarity with those whom innocent children had been abducted.

2.5. Appeals

In line with Regulation 11 of the Commission on Administrative Justice regulations, 2013, the Chairperson received forty-eight (48) appeals which were all processed and the complainants notified of the decision in writing.

2.6. Suo Moto

During the period in line with Sec 8 (d) of the Commission on administrative Justice, the Commission made 16 inquiries out of which 13 were amicably resolved while three (3) are at different stages of resolution process.

- i. **CAJ/ 7/231/23 – CAJ Vs. Lala Secondary School Director of Education, Homabay & PS. State Department for Basic Education**
 - Classification of complaint – unfair treatment
 - Allegations of suspension of KCSE candidates for speaking Dholuo language in school without being given a fair hearing. The matter was resolved.
- ii. **CAJ /228/2024 – CAJ Vs. National Transport and Safety Authority**
 - Classification of complaint – inefficiency and discourtesy
 - It was alleged that there was delay in the issuance of the New Generation Driving License caused by system failure. There were also allegations of mistreatment and discourteous behavior by NTSA employees. The matter was successfully resolved.
 -

iii. **CAJ/7/244/2024 – CAJ Vs. Ministry of Health**

- Classification of complaint – inefficiency, negligence
- Inquiry regarding media reports on the alleged acute shortage of essential vaccines in public hospitals. With the interventions of the Commission, the crisis was resolved and the supply of vaccines restored.

iv. **CAJ/OM/7/243/2024 – CAJ Vs. Teacher’s Service Commission & National Treasury**

- Classification of complaints – Unresponsive, negligence

Allegations of medical insurance crisis affecting teachers access to essential health services. It was alleged that service providers had suspended medical cover for teachers due to non-payment of their insurance premiums. Following intervention by the Commission, the National Treasury responded explaining that there were budgetary constraints but ***The Fourth Edition Huduma Ombudsman Awardees poses with CAJ Commissioners***

- undertook to prioritize payment of the outstanding amount to the service providers which was done.

v. **CAJ/OM/7/245/2024 – CAJ Vs. Embu Land’s Registry**

- Classification of complaints – unresponsiveness, inefficiency
- Allegations against Embu Land’s Registry on poor service delivery and pervasive corruption. The registrar has since responded indicating the measures they have undertaken to address the complaints.

CHAPTER THREE

3. ENHANCING PUBLIC SERVICE DELIVERY

3.1. Monitoring Public Service Delivery through Performance Contracting

Performance Contracting is part of the broader public sector reforms aimed at improving efficiency and effectiveness in the management of the Public Service. The Government continues to use Performance Contracting as a key accountability tool in its endeavor to improve service delivery. The Commission is one of the specialized Agencies under the performance contracting framework in Kenya whereby it monitors the implementation of two indicators namely; *'Resolution of Public Complaints and Citizens' Service Delivery Charters*.

To this end, the Commission facilitates setting up and building complaint handling capacity in the public sector to enhance efficient service delivery. This is realised through training, monitoring of service delivery standards and provision of technical support. Public institutions submit quarterly reports on complaints received and processed and Access to Information requests received and processed to the Commission for evaluation and certification.

3.1.1. Resolution of Public Complaints and Implementation of Citizen Service Delivery Charter Indicators

The Commission mainstreamed complaints management in the public sector through monitoring of the *'Resolution of Public Complaints'* and *Implementation of Citizen Service Delivery Charter* indicators under the performance contracting framework.

Under the Indicators, public institutions are required to establish mechanisms of addressing complaints and processing ATI requests. During the period under review, the Commission developed the 13th Edition reporting guidelines for implementing the indicators.

In assessing the level of compliance, the Commission considered the following parameters:

- i. resolution of all complaints received by public institutions;
- ii. processing of all access to information requests received (reactive disclosure);

3.1.2. Compliant Public Institutions

A total of 451 public institutions were placed on Performance Contract during the year under review. This included 26 ministries, 266 state corporations and 159 tertiary institutions. The number of institutions that complied with the indicators were 388 while

the non-compliant were 63, which translated to 86% compliance. Figure 7 illustrates compliance by the three categories of public institutions.

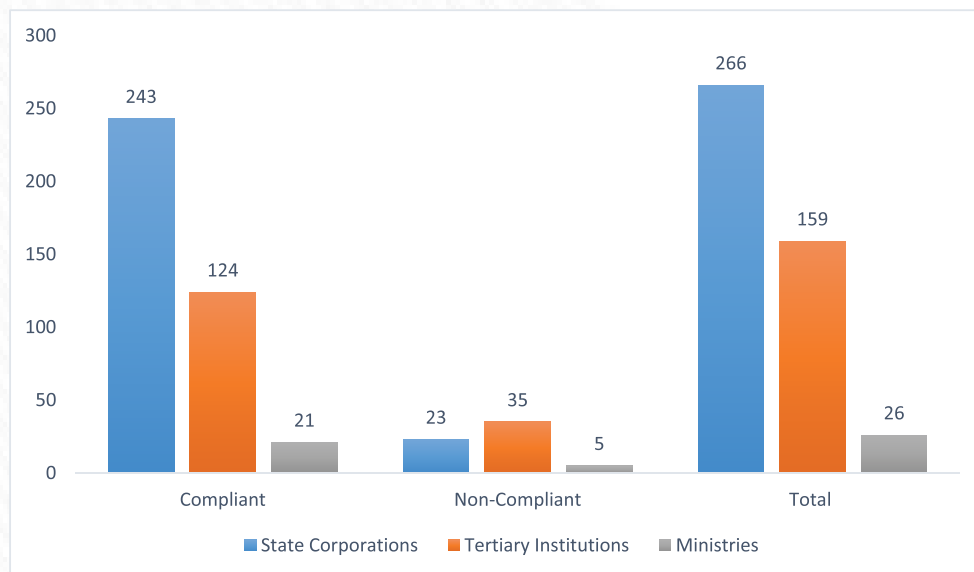


Figure 5: Compliance by public institutions with Performance Contracting Indicators

Out of the 451 public institutions that signed the performance contracts, 53% of the attained a very good grade forming the majority while 5% institutions attained fair grade as illustrated in figure 8.



Figure 6: Analysis of Public Institutions Certified by Grade

The number of the institutions certified by the Commission have been increasing over the last six years. This can be attributed to the interventions by the Commission to strengthen the capacity of public institutions to manage complaints. Figure 9 depicts

a comparative analysis of the number of public institutions certified over the last five financial years.



Figure 7: A comparative analysis of the number of public institutions certified

3.1.3. Complaints Managed by Public Institutions through the Performance Contracting

During the reporting period, a total of 853,682 new complaints were received by public institutions out of which 827,336 complaints were reported to have been resolved, translating to a resolution rate of 96.9%. In addition, 33,085 complaints were brought forward from the FY 2022/23 where 30,507 were reported resolved (92% resolution rate). Cumulatively, a total of 886,767 complaints were handled where 857,843 complaints were resolved translating to a resolution rate of 96.7%. Figure 10 depicts total number of complaints handled by institutions on a quarterly basis as reported by the public institution quarterly under the Performance Contracting obligation.

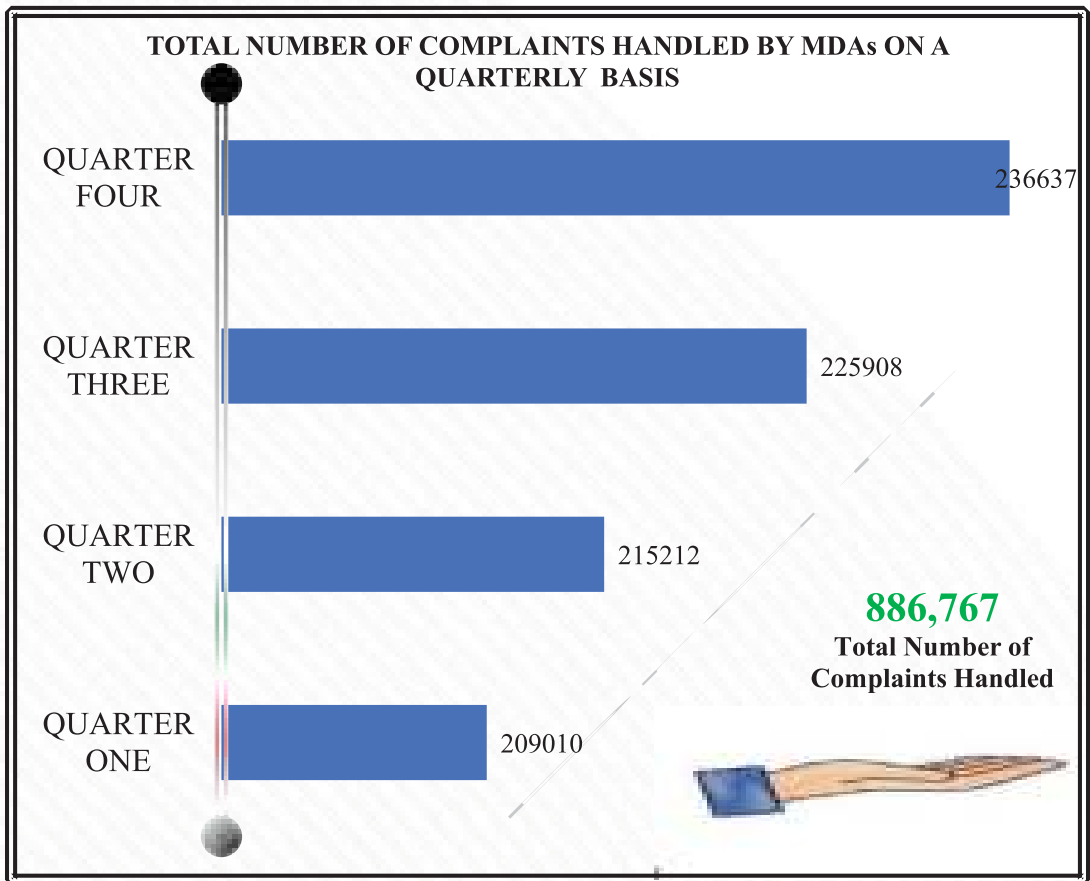


Figure 8: Quarterly analysis of Complaints Received by Public Institutions

3.1. Access to Information Requests Processed by Public Institutions

Public institutions received a total of 34,918 requests for access to information during the reporting period. Based on the reports submitted to the Commission, a total of 34,389 requests for access to information were granted representing 98.5%. In addition, 51 requests were declined representing 0.2% while 1% of the requests were transferred. Figures 11 and 12 illustrates the requests for information processed.

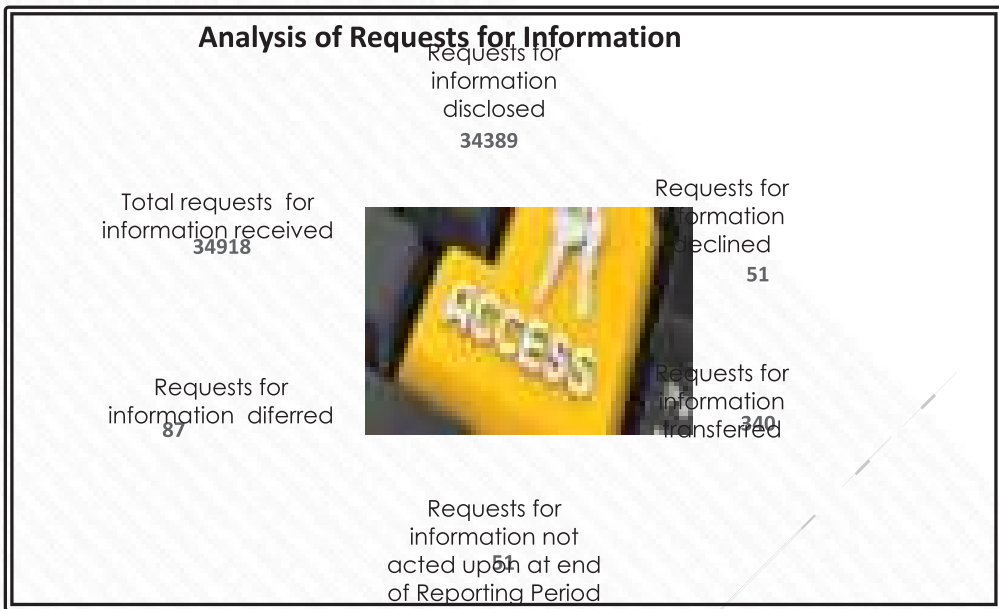


Figure 9: Number of ATI requests processed by Public Institutions

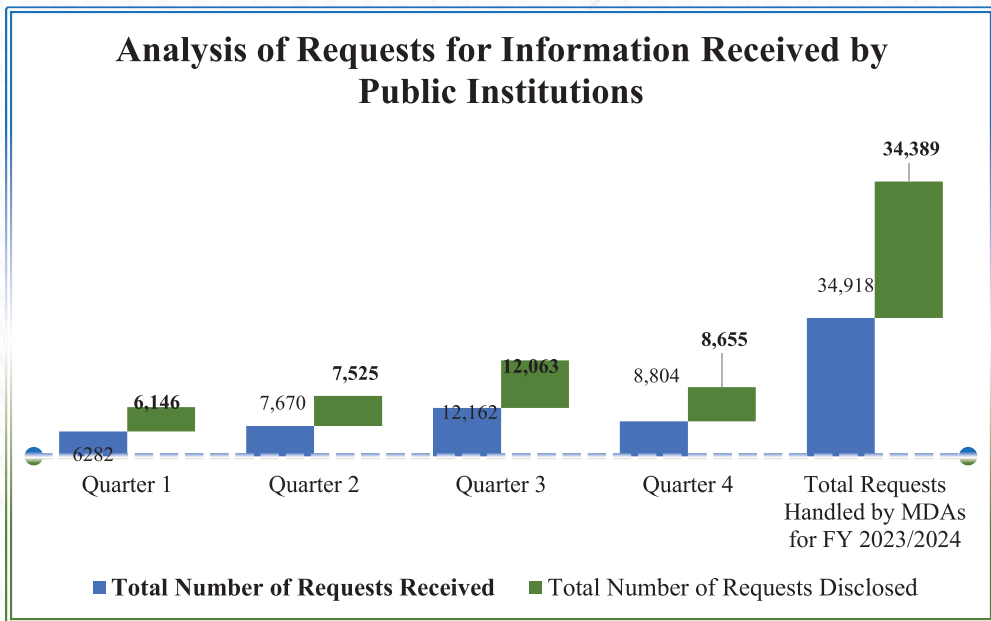


Figure 10: Analysis for Requests for Information Processed by public Institutions

CHAPTER FOUR

4. ACCESS TO INFORMATION

4.1. Introduction

The Commission is mandated to oversee and enforce implementation of the right of Access to Information enshrined in Article 35 of the Constitution which guarantees the right to access information held by public entities and certain private bodies. Article 232(1)(f) of the Constitution provides for the principles and values of public service which includes the provision of timely and accurate information. The Access to Information Act, 2016 was enacted pursuant to Article 35 of the Constitution to provide a framework for accessing information. The Act makes provision for proactive disclosure of information and provides processes through which citizens can make information requests. It also provides for an appeal process and mandates the Commission with oversight and enforcement functions.

During the financial year 2023–2024, the Commission undertook the following activities in line with its oversight and enforcement mandate of the right of access to information:

4.2. Operationalization of the Access to Information Act, 2016

4.2.1. Development of Access to Information General Regulations 2023

The Commission developed draft '*Access to Information (General) Regulations*' to operationalize the Access to Information Act, 2016, in conjunction with other key stakeholders. These stakeholders included; Ministry of Information, Communication and Digital Economy, the National Communications Secretariat, Kenya Law Reform Commission, the National Council on Persons with Disabilities, the Office of the Attorney General among others. The final regulations were published on 19th October 2023 through the Kenya Gazette Legal Notice No. 197 and are now operational.



Letter communicating accession of the ATI General Regulations 2023 by National Assembly.

4.2.2. Development of the National Access to Information Policy

The enactment of ATI Act in 2016 was passed ahead of a national policy framework, resulting into a gap which continues to hamper the seamless implementation of access to information. This is due to the fact that there is no uniform Government approach on ATI, procedures and processes on information disclosures. Other challenges brought by lack of a national ATI policy includes inconsistency and incoherency in government policies on information disclosures, inadequate resources, lack of enabling procedures and infrastructure on ATI. The Commission through a multistakeholder committee developed a draft National ATI policy which was forwarded to the Cabinet secretary in charge of IC and Digital economy for tabling before cabinet.

Call for Public/stakeholders' Comments on the draft National ATI Policy

MINISTRY OF INFORMATION, COMMUNICATIONS AND THE DIGITAL ECONOMY

PUBLIC NOTICE

PUBLIC CONSULTATION ON THE DRAFT NATIONAL ACCESS TO INFORMATION POLICY

Access to Information is a fundamental human right enshrined under Article (35) of the Constitution and has been legislated through the Access to Information Act, 2016. The Ministry of Information, Communications, and the Digital Economy is pleased by the Access to Information Act, 2016 to identify, review and lead policy implementation within its sector for information. The Commission on Administrative Justice is mandated to oversee and follow implementation of the Access to Information Act, 2016.

In order to enhance implementation of access to information in time and in a public transparent and accountable manner, the Ministry, in collaboration with the Commission constituted a Multi-Stakeholder Committee to develop the national access to information policy and conduct public consultation on the same in accordance with the constitutional principle of Public Participation.

Consequently, the Multi-Stakeholder Committee developed the draft National Access to Information Policy, and hereby invites all stakeholders to submit their inputs and comments to inform the Ministry by downloading the draft Policy at the link below: <https://doi.org/10.26434/chemrxiv-2024-00000>, and the Commission on Administrative Justice website: <http://www.coadj.gov.ke>

Inputs/Comments or comments should be sent to the provided email below by the email address: information_policy@icde.gov.ke or by the telephone number on the other address below from 9:00 AM to 5:00 PM.

The Principal Secretary
Ministry of Information, Communications and the Digital Economy
10th Floor, Safaricom Tower, Kilimongo Street
Nairobi, Kenya

TEMPLATE FOR LINE SUBMISSION OF COMMENTS

S/No.	Section of the Policy	Proposal	Justification
1.			
2.			

4.2.3. The Access to Information Amendment Bill

Following a comprehensive audit of the existing legislation, regulations, policies, administrative procedures, sessional papers, Government guidelines and circulars relating to access to information in Kenya, the multistakeholder committee noted gaps in some areas and came up with legislative proposals in the form of ATI Amendment Bill.

Other laws proposed for amendment include Section 42 of Teachers Service Commission Act 2012; Section 25 of the Kenya Institute for Public Policy Research and Analysis Act, 2006; Section 27 of the Anti-Corruption and Economic Crimes Act, 2003; Section 6 of the Public Archives and Documentation Service Act Cap 19; Section 29 of the Ethics and Anti-Corruption Act. No. 22 of 2011 as well as having new provisions in the Evidence Act Cap. 80, Official Secrets Act Cap 187 and Proceeds of Crimes and Anti-Money Laundering Act, No 9 of 2009.

4.2.4. Adoption of ATI Reporting Guidelines for Public Entities and Private Bodies

The Commission, by dint of Section 21 of the ATI Act, 2016 is conferred with the function of receiving and considering reports from public entities and certain private bodies on the implementation of the Act. The Commission is further obligated to act on these

reports with a view of assessing and evaluating the use and disclosure of information. Section 23(6) of the ATI Act, 2016 obligates public entities and relevant private bodies to provide the Commission with reports required under the Act *inter-alia* reports with respect to the implementation of the Act.

Section 27, ATI Act, places an obligation on public entities to submit annual reports to the Commission within various parameters indicating institutional measures put in place towards implementing the Act. In addition, Section 23(7) confers on the Commission, the power to develop and publicize guidelines in consultation with the public detailing the reporting requirements including *the manner, means and timeframes* that apply to public entities and relevant private bodies.

It is against this background that the Commission developed Reporting Guidelines for Public Entities and Private Bodies under the ATI Act to give effect to Section 23(7), which were adopted in March 2024.

The Reporting Guidelines focuses on:

- i. Guiding public entities and private bodies to comply with the reporting obligation under Section 23(6) and 27 the ATI Act, 2016;
- ii. Providing modalities for submitting ATI annual reports to the Commission, highlighting sanctions to be meted for non-compliance of the reporting obligation; and
- iii. Providing feedback mechanisms by the Commission to public entities & relevant private bodies upon assessment and evaluation of the report.

4.2.5. Development and Adoption of Access to Information Reviews Manual

One of the functions of CAJ under the ATI Act is to review decisions of public entities and private bodies in relation to requests for access to information. Specifically, CAJ is empowered under Section 21 to '*investigate any complaint of violation of the Act, and hear and determine complaints and review decisions arising from violations of the right to access information*'. This mandate, which is also known as the **review jurisdiction**, is further anchored on Section 14 of the Act which particularizes the grounds for review. The review jurisdiction confers quasi-judicial powers on the Commission and occupies a special place in the realization of the right to access information under Article 35 of the Constitution insofar as it provides an important redress mechanism thereby promoting transparency and accountability in government.

In view of this, the Commission noted the need for a specific manual to consolidate and simplify all aspects relating to the ATI review jurisdiction to guide officers in discharging their duties and responsibilities. The manual complements the existing review frameworks which include the Constitution, CAJ Act, ATI Act, CAJ Regulations, ATI General Regulations 2023 as well as internal documents such as the Alternative

Dispute Resolution Manual, Investigations Procedure Manual and Complaints Handling Manual. The manual outlines and streamlines the different processes in the review jurisdiction, commencing with lodging of applications up to determination and remedial action, particularly:

- a. Providing a practical and simple interpretation of the various frameworks, tools and processes that govern the review jurisdiction;
- b. Streamlining and harmonize the process of reviewing decisions under ATI Act;
- c. Mainstreaming best practices into the review process of ATI decisions; and
- d. Enhancing certainty, predictability, fairness and effectiveness in the review of decisions under the Act.

The manual was finalized, approved and adopted as a Commission guiding document in March 2024.

4.3. Enforcement of the Right of Access to Information

4.3.1. Review of ATI decisions

During the financial year, the Commission received a total of 293 applications for review of decisions made by implementing institutions under the Access to Information Act, 2016.

The Commission received a total of 293 applications for review of decisions by entities under the Access to Information Act. Majority of these applications were lodged by male applicants representing 52.5% of the total applications while female applicants stood at 14.7%. The other applications being 32.8% were lodged by Organization as described in section 2 of the ATI Act, 2016.

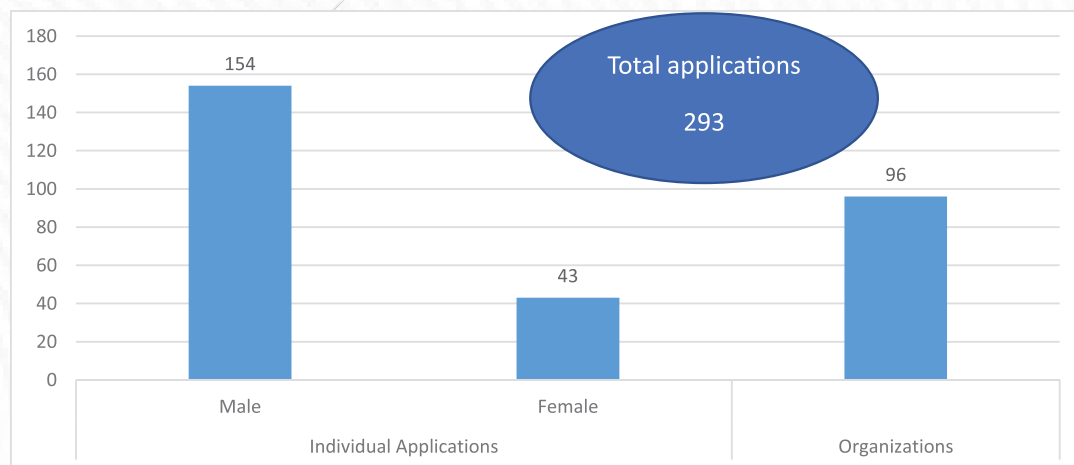


Figure 11: Number of applications received

From the applications lodged by Organizations (96), it was noted that a majority of the applications (43) were lodged by Civil Society Organizations (CSOs), Community Based Organizations (CBOs) and Special Interests Groups (SIGs), translating to 44.8%, while those from the Law Firms were at 33.3% (32 applications).



Figure 12: Type of Organizations

In so far as the nature of the respondent's institutions concerned, the majority of them constituted public entities at 91.1% of the total respondents while private bodies stood at 8.9% with 26 applications. It was evident that a majority of the public entities whose decisions had been appealed against at the Commission were at the National Government level at 86.1% while Counties stood at 13.9% with 37 applications.

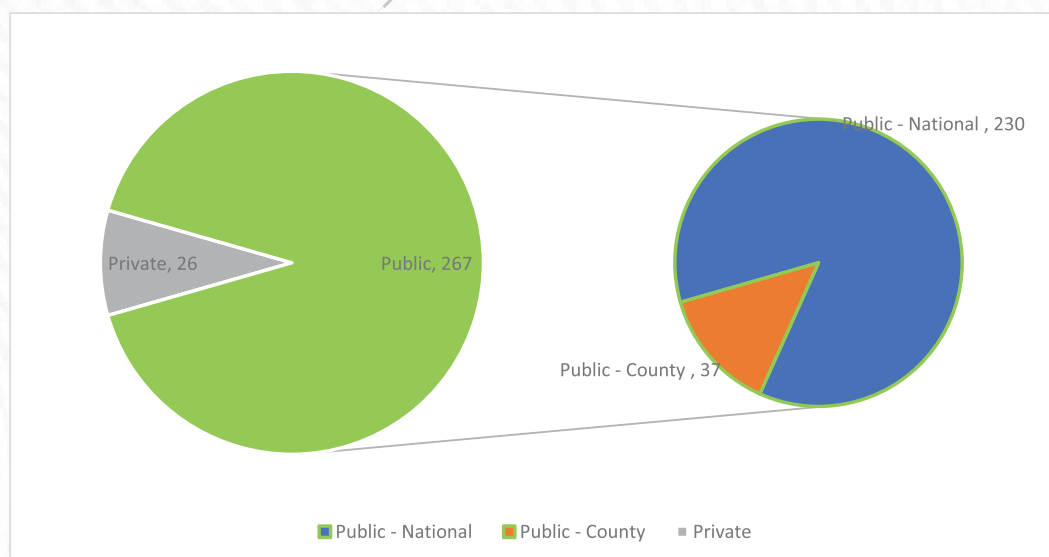


Figure 13: Respondent Institutions

4.3.2. Classification of Requests

The applications received in the different quarters in the financial year were classified into the following categories:

Table 2: Classification of Requests

No	Type of Request	Number of requests				
		Q1	Q2	Q3	Q4	Total
1	Refusal to grant access	72	79	59	71	281
2	Refusal to correct/update/annotate	0	1	0	2	3
3	Proactive disclosure	0	1	2	1	4
4	Unreasonable fees	0	0	0	0	0
5	Edited form access	0	0	0	0	0
6	Purported access	0	0	0	0	0
7	Deferred access	0	0	0	0	0
8	Suo moto	0	1	3	1	5
	Total	72	82	64	75	293

A majority of the applications for review received by the Commission, representing 95.9%, were about refusal to grant access to information under section 14(1)(a) of the Act. The Commission received three (3) applications representing 1 % applications for reviews on Refusal to correct/update/annotate records of personal information [S. 14 (1) (h)]. There were four (4) applications representing 1.4 % addressing the issue of public entities obligations on proactive disclosure as provided for by sections 5 and 14(3) of the Act.

4.4. ATI Success Stories

i. Information on Ministry of Health Policy Framework for Rehabilitation of Drug Addiction Provided

An application for review under section 14(1)(a) ATI Act was lodged by Mr. Sheikh Ibrahim Kaze, the Secretary General of Council of Imams and Preachers of Kenya-Nairobi Branch. The applicant had requested for information vide a letter dated 27th November 2023 from the Principal Secretary State Department for Medical Service on: -

- a. Whether the Ministry had a mandate or policy framework in place for the provision of medical aid or rehabilitation for people struggling with different issues such as gambling, prostitution and drug addiction among others and

- b. The Ministry's recommendations or changes in law that may enhance the mandate of the Ministry to deal with such vices which are rampant in the society.

The Commission inquired from the Ministry of Health, State Department for Medical Services for the information sought by the applicant. The Principal Secretary of the Ministry of Health wrote to the Commission providing the information sought indicating, *inter-alia*:

- i. That the Ministry had relevant policy frameworks to ensure standards to protect, respect, promote and fulfill the health rights of all persons including access to promotive, preventive, curative, palliative and rehabilitative services, right that all should be treated with dignity, and with respect to privacy;
 - ii. The Ministry places reliance on legal framework such as the HIV & AIDS Prevention and Control Act and the attendant regulations which mandate the Ministry to promote public awareness about the causes and modes of transmission, consequences, means of prevention and control of HIV & AIDS to all persons and outlaws any form of discrimination.
 - iii. That, the Ministry had in place other policies that support rehabilitation for mental health and substance abuse including:
 - Narcotics Drugs and Psychotropic Substance (Control) Act 2012 cap 245;
 - Kenya Mental Health Policy (2015-2030);
 - Kenya Mental Health Action Plan (2021-2025);
 - National Protocol for Management of Substance Use Disorders in Kenya 2017;
 - National Guidelines on Alcohol and Drug Use Prevention 2021; and
 - National Standards for Treatment and Rehabilitation of Persons with Substance Use Disorders 2021.
 - iv. The Ministry confirmed that it had initiated measures to ensure that the existing legal frameworks were in line with the Constitution resulting to various legal amendments such as those contained in the Primary Health Care Act 2023 which provides a framework for the delivery of and access to and management of primary health care in Kenya.
- ii. Incorrect Motor Vehicle Registration Details Rectified by National Transport and Safety Authority**

An application for review under section 14(1)(h) ATI Act was lodged by James Oketch & Company Advocates on behalf of their client vide a letter dated 5th December 2023 requesting the Director General, National Transport and Safety Authority (NTSA) to rectify registration details of their client's motor vehicle to reflect those of the bonafide owners.

The Commission wrote to the Director General NTSA requesting for an institutional report addressing the issues raised above. The Director General NTSA vide a letter dated 22nd March 2024 wrote to the Commission indicating inter-alia that: -

- i. The ownership status of the vehicle was as a result of data error resulting from vehicle data transfer from KRA system to NTSA Transport Integrated Management System (TIMS) and that the persons listed as co-owners were the previous owners of the vehicle.
- ii. As a remedy to rectify the error, the Authority corrected its records to reflect the applicant as the sole registered owner whereof NTSA shared a record of the vehicle dated 18th March 2024 as evidence of Authority's remedial action.

iii. Measures by Central Bank of Kenya to protect mobile money wallets disclosed

An application for review under section 14(1) (a) ATI Act, was lodged by Eliud Matindi against Central Bank of Kenya (CBK). The applicant had requested for information vide CBK Twitter/X account -@ CBK Kenya on the arrangements the institution had put in place to protect money held in electronic wallets by mobile telephone service providers in Kenya whose financial transactions the CBK regulated.

The Commission requested CBK vide a letter dated 11th October, 2023 for disclosure of information. Subsequently, CBK provided the information advising that: -

- a. Regulation 25 of the National Payment System (NPS), Regulations, 2014 guides Payment Service Providers (PSPs) on the arrangements that must be put in place when providing services among other electronic retail transfers and e-money issuance;
- b. Further, Regulation 25(3)(4)(5) of the NPS Regulations, 2014, requires all Payment Service Providers (PSPs) to put in place a trust fund arrangement whose sole purpose is to hold the funds belonging to the customers and that PSPs should not commingle customer funds with any other; and
- c. Additionally, Regulation 29(3)(b) of the NPS Regulations, 2014 mandates PSPs to submit annual audited financial statements for the trust accounts in addition to monthly returns which should be submitted to CBK for review, indicating the status of the funds.

4.5. Remedial Actions on Access to Information Violations

4.5.1. Issuance of Access to Information Orders by the Commission

Section 23(2) of the Access to Information Act gives the Commission the powers to issue orders where it is satisfied that there has been an infringement of the provisions of the Act. During the financial year 2023-202 the Commission issued a total of fifty-three (53)

orders some of which have been enforced as decrees of the High Court in accordance with Section 23(4) of the Act. The following are some of the ATI orders that have been issued by the Commission:

i. Muthangari Traffic Base Commander Ordered to Release Information

The law firm of Mwangi and Wahome & Co Advocates requested information from the Traffic Base Commander, Muthangari Police Station under Sections 4, 5, and 8 of the Access to Information Act, on behalf of their client, to aid him in defending himself in a court case.

The Base Commander did not respond to the request within the stipulated time in the Act which compelled the law firm to appeal for review to the Commission. The Commission in a letter dated 7th December, 2023, requested the Base Commander to respond to the request in line with Section 9 (4) of the ATI Act. The Base Commander did not respond to the information request and the letter by the Commission leading to the issuance of an order by the Commission dated 11th March 2024.

The Order compelled the Traffic Base Commander, Muthangari Police Station to facilitate access to information and records held relating to the request for information made by Mwangi and Wahome & Co Advocates by providing:

- i. A certified copy of the OB extract No ***/2020;
- ii. A Police Abstract for the accident of 1/6/2020 involving MV Regn No. KAK *** D and KMEL ***Y along Gitanga –Muthangari-Garsen roads junctions (OB 54/1/6/2020);
- iii. A certified copy of the Motor Vehicles Inspection; and
- iv. Report of motor vehicle Regn No. KAK ***D.

ii. County Government of Siaya Ordered to Release Information

A resident of Siaya County, Mr. Mike Ochieng, made a request for information to the County Executive Committee Member (CECM), Ministry of Water, Sanitation and Environment to release information relating to twenty-one projects which were being undertaken in various wards across Siaya County. The CECM did not respond to the request within the stipulated timeline and Mr. Ochieng sought the Commission's intervention.

The Commission, in a letter dated 20th December, 2023 to the County CECM noted that the nature of information sought related to procurement processes and the status of county water projects, which should be proactively disclosed and updated on a regular basis in line with section 5 of the ATI Act, 2016. The Commission therefore, requested the CECM to respond to the request and to indicate the corrective measures put in place to ensure compliance with proactive disclosure obligations. The County CECM did not act on the Commission's direction, thus the Commission ordered him to facilitate access to

information and records held relating to the request made by Mike Ochieng within seven days from the date of the order.

4.5.2. Enforcement of Commission's Orders in Court

Whereas there are oversight mechanisms in the bill of rights, the Courts' role in adjudication of various disputes involving alleged violation of rights has been maintained under Article 22 of the Constitution. Consequently, the ATI Act allows the courts to adjudicate on decisions relating to ATI. Section 23(3) of the Act provides that any person who is dissatisfied by an order of the Commission may appeal to the High Court within 21 days from the date of the order. The courts, upon considering the facts and issues forming the basis for the ATI request, shall make its own determination.

In the absence of an appeal within 21 days, the party whom the Commission's order is in favour of may apply to the High Court for adoption and enforcement of the Order as an order of the Court as provided by Section 23(5) of the Act.

During the financial year, the following matters were filed and adjudicated before the High Court:

Table 3: Matters were filed and adjudicated before High Court in the Period

No	Court Case	Key issues	Summary of Facts	Court's decision
1	Suntra Investments Ltd Vs Citi Bank Nairobi Constitutional & Human Rights Division Miscellaneous Application No. E025 of 2022	-Adoption of CAJ ATI order by the Court and enforcement of the same as a decree of the Court.	The Applicant requested for information from Citi Bank Ltd in relation to a transaction that the Bank had handled for a customer on behalf of Suntra Investments Ltd during the sale of Safaricom PLC Shares to members of the public. After Citi Bank's failure to respond to Suntra's request, the Applicant moved CAJ for a review of the bank's decision. The Commission issued an order dated 24 th	The Court in a ruling delivered on 26 th January 2024 held that: - <ul style="list-style-type: none"> - The Orders given by CAJ are not in vain and are enforceable as Orders of the Court on application. - Section 23(3) ATI Act allows an appeal against an Order of the Commission and a party failing to appeal cannot raise any issue in adoption proceedings.

			January 2022 directing Citi Bank to facilitate access to the requested information within 7 days. The applicant moved to court to enforce the order as provided by the law.	<ul style="list-style-type: none"> - Orders of the Commission dated 24th January 2022 were adopted where Citi Bank was ordered to supply the requested information.
2	Kenya Legal and Ethical Issues Network (KELIN) Vs Cabinet Secretary, Ministry of Health and Attorney General. Nairobi Constitutional and Human Rights Division Petition No. E063 of 2021	<p>-whether the Petitioner as a juristic person could allege violation of the right to information under Art 35;</p> <p>-whether the Ministry of Health was the one responsible to provide the information sought</p>	<p>The applicant wrote to the Cabinet Secretary State Department for Health requesting for information relating to Kenya Expanded Program of Immunization (KEPI) which was being run by the National Government and funded by Global Alliance for Vaccines Immunization (GAVI). The requested information included a copy of the intergovernmental agreement allowing the retention of the immunization program at the national level, report of the action taken to persons adversely mentioned in GAVI's audit report, copies of funds transfer documents, information on sources of money paid back to GAVI and their budget lines, and</p>	<p>The Court in a judgement delivered on 22nd September 2023 held that:</p> <ul style="list-style-type: none"> - The petitioner raised matters of great public interest for which any person including the petitioner could institute a petition to determine if there were violations of the Constitution or fundamental rights. Further the court observed that the ATI Act enlarged the scope of persons who can seek information to include juristic persons under Section 2 of the Act. - Failing to provide information requested by the petitioner not only violated Article 35

			<p>information on measures by the Ministry to comply with the audit report. The Ministry did not respond to the request for information prompting an appeal to the Commission. After lengthy discussions with the Ministry and persistent failure to disclose the information, the applicant moved the court to determine the matter.</p>	<p>of the Constitution but also provision of Article 201(a) on transparency, openness and accountability in public finance.</p> <ul style="list-style-type: none"> - A declaration of violation of the petitioner's right of ATI was made with a further order compelling the supply of the requested information being made against the Ministry of Health.
--	--	--	---	---

4.6. Suo Moto Access to Information Investigations

i. Kenya Universities & College Central Placement Service Required to Ensure Proactive Disclosure of Universities and Colleges Placement Results

The Commission's attention was drawn to media reports indicating that access to placement results at Kenya Universities & College Central Placement Service (KUCCPS) for students who applied to join universities and colleges in Kenya for the year 2022 was restricted to short message service (SMS) whereof the costs per SMS was Kshs 25/-. The Commission undertook a preliminary investigation into the matter whereof an audit of KUCCPS website <https://kuccps.net/> did not yield information on how students could access the placement information or know the alternative ways in which such information could be accessed without incurring unnecessary costs. Instead, the Commission was able to find information via the SMS platform.

Upon engagement by the Commission, KUCCPS responded and provided other alternatives to access results by the students.

ii. Access to Institutional Social Media Restored

The Commissions' attention was drawn to a complaint by Louiza Kabiru on social media protesting the decision by Kenya National Commission on Human Rights (KNCHR) for

blocking her twitter handle **@LouizaKabiru** from the official twitter handle- **@HakiKNCHR** hindering access to official public information. The Commission took up the matter on its own motion under Section 21(1)(a) of the ATI Act. On 24th July, 2023, the complainant informed the Commission that the matter had been resolved.

Similarly, the Commissions' attention was drawn to a complaint by Arap Walta on social media protesting the decision by Salaries & Remuneration Commission of blocking his twitter handle **@ArapWalta** from the official twitter handle- **@srckenya** hindering access to official public information. The Commission took up the matter on its own motion under Section 21(1)(a), ATI Act and the complainant informed the Commission that the matter had been resolved.

4.7. Implementation of Access to Information Act by Institutions

i. Ensuring Access to Information through Reactive Disclosure

Mainstreaming of access to information into the existing Performance Contracting framework where public entities report to CAJ on resolution of public complaints supported the reporting to the Commission by public institutions on implementation of Access to Information at the Institutional level. Based on the foregoing and coupled by extensive sensitization, awareness creation and training of public officers on access to information, the Commission received annual reports from MDAs in the 2023-24 Financial year. From the reports received by the Commission, it was noted that MDAs were actively involved in the implementation process of ATI Act whereof a total of 34,918 requests for information were received and processed by various MDAs. A total of 34,389 requests were handled and information requested thereof supplied, 340 requests were processed and transferred to institutions holding the information in line with section 10 of the Act and 51 re

quests for information were processed. A total of 51 requests for information were still ongoing as at the end of the financial year with 87 requests having been deferred.

Table 4: Summary of ATI Requests Processed in the Period

STATUS	TOTAL
Granted	34,389
Transferred	340
Declined	51
Pending/Ongoing	51
Deferred	87
TOTAL REQUESTS	34,918

ii. Institutionalizing Access to Information in Devolved System of Governance

While the ATI Act applies to both National and County Governments, the County Governments Act places specific obligations to county governments with regard to right of access to information. Section 96 of the County Government Act exclusively addresses itself to ATI held by county governments, units or departments of the county and requires county governments to pass legislation to guarantee access to information. These counties look upon the Commission for support and technical guidance in the development and implementation of their County specific laws on access to information.

The Commission developed a '*Model Law on Access to Information for County Governments*' to support County Governments in legislating County ATI Laws as a means of increasing access of information at local settings. This model law acts as a guide on the minimum ingredients for County Governments Access to Information Laws and thus ensure uniformity and that the spirit of the National Law is maintained.

During the financial year, the Commission sensitized and trained a total of six Counties on ATI implementation. The Counties which were trained include Isiolo, Marsabit, Makueni, Bungoma, Elegeyo-Marakwet and Machakos County Governments. The Commission engaged the leadership in sixteen (16) Counties with a call to develop and legislate the County Access to Information Laws.

So far, only two Counties, Kwale and Embu, have enacted ATI laws while several others, namely; Kisumu, Makueni, Homabay, Machakos, Laikipia, Bungoma and Vihiga, are at an advanced stage of legislating County ATI legislation.

iii. Capacity Building of Public Officers and Technical Support to Public Entities

The emerging trend in good governance the world over is that of adopting an open governance approach which allows members of the public to consult in an open setting based on what is planned by the governments. Apart from enlightening citizens with information, open governance provides room for public participation which is crucial in the acceptance of government policies by the citizenry. As such, to ensure full understanding of the obligations created by the Act as well as to ensure corresponding positive responsive actions by public officers, it is important to ensure that all officers charged with implementing the Act in various entities are properly trained.

The Commission has undertaken sensitization and training forums of various public officers whereby a total of 928 officers were sensitized and or trained.

iv. Disposal of Public Records

The obligation on proper records management under the ATI Act includes disposal of public records. With reference to the Act, the Commission and Kenya National Archives and Documentation Service (KNADS) have an established working modality to enable the process of disposing public records.

During the financial year, the Commission granted concurrence to dispose 1,507,359 records as shown below:

Table 5: Disposal of records in the period

No.	Category	Q1	Q2	Q3	Q4	Total
1	Number of requests	23	15	19	12	69
2	No. of Institutions who applied for authority to dispose public records	23	15	19	12	69
3	Total number of records where concurrence was granted	54,372	5,828	1,240,573	206,586	1,507,359
4	Total Number of records where concurrence was not given	0	0	0	0	0

4.8. Assessment on the Status of Implementation of Access to Information in Kenya

The Commission in partnership with ARTICLE 19 Eastern Africa, Katiba institute, Legal Advice Centre (Kituo Cha Sheria), Kenya Chapter International Commission of Jurists (ICJ Kenya) and International Aid Transparency Initiative (IATI), conducted an assessment of the progress made in implementing the ATI Act, in Kenya.

The assessment was guided by comprehensive right to information assessment methodology developed by the Center for Law and Democracy (CLD). The CLD comprehensive methodology is a complementary response to Sustainable Development Goal (SDG) Indicator 16.10.2, a UN framework for measuring State's adoption and implementation of the right of access to information guarantee. As such, this activity supported assessment of the progress made in implementing the right of access to information in Kenya, in line with SDG 16.10.2.

This assessment was implemented using a participatory approach to evaluate progress made by both public entities and private bodies under purview of ATI law in four key areas, being:

- i. Measures taken to ensure that the oversight body is established, functional and is operating in an effective way (Central measures);
- ii. Measures undertaken by the institution to mainstream and/or strengthen information disclosure frameworks (Institutional measures);
- iii. Measures taken to enable access to information without prompts (Proactive disclosure); and
- iv. Measures put in place to enable disclosure of information upon requests by citizens (Reactive disclosure).

The Commission constituted a 14 Member Steering Committee to provide leadership in the assessment process whose membership of the Steering Committee was drawn from the Commission and lead ATI Civil Society Organizations.

4.9. Monitoring of International Treaty Obligations

The ATI Act requires CAJ to monitor and report on Kenya's compliance with its international treaty obligations relating to freedom of and right of access to information. At the international level, UNESCO monitors the implementation of the Right to Information (RTI) as part of the realization of Sustainable Development Goals (SDGs). Particularly, it monitors SDG 16.10.2 which ensures public access to information and protection of fundamental freedoms in accordance with national legislation and International Agreements.

During the reporting period, the Commission submitted its fifth report to UNESCO on Kenya's compliance with international treaty obligations relating to freedom of and right of access to information in April 2024. The survey sought to establish whether Kenya had constitutional, statutory and or policy guarantees for public right to information and the extent to which such national guarantees reflect international agreements.

4.10. Promotional Activities for Access to Information

i. Commission Engagement with National Assembly Committee on Delegated Legislation

The Commission had an engagement with the National Assembly Committee on Delegated Legislation on the published Access to Information (General) Regulations 2023 within the financial year.

The engagements focused on the following key strategic issues:

- i. An overview of the published Access to Information (General) regulations 2023;
- ii. Strategies for Implementation of the Access to Information Regulations, 2023;

- iii. Proposals for strengthening ATI legal framework; and
- iv. Status of Administrative Justice and Access to Information implementation in Kenya.

ii. Commemoration of International Day for Universal Access to Information

The International Day for Universal Access to Information (IDUAI) marked annually on 28th September was proclaimed at the UNESCO General Conference in 2015 later affirmed at the 74th UN General Assembly in 2019. IDUAI has particular relevance with the Vision 2030 Development Agenda, and in particular with Sustainable Development Goal (SDG) 16, particularly under targets 16.10 “Develop effective, accountable and transparent institutions at all levels”; all predicated on having information systems based on integrity, transparency and accountability. The theme for 2023 commemoration of the IDUAI in Kenya was “Access to Information: The Impact of Digitalization of Government Services and the Importance of the Online Space”.

The Commission, in partnership with key partners including Transparency International – Kenya, Katiba Institute and Mzalendo Trust, spearheaded the celebrations to mark the IDUAI on 28th September 2023. It was noted during the discussions that the Government of Kenya, in terms of digital infrastructure and connectivity, has prioritized the acceleration of the digital transformation towards a sustainable, inclusive, and resilient digital economy and society which is being actualized through the implementation of the bottom-up economic transformation agenda. In addition, the Ministry of Information, Communication and the Digital Economy in partnership with Media Council of Kenya held separate IDUAI celebrations in Meru County whereof the Commission was also represented.

iii. Multi-Stakeholder Engagements on Access to Information

To enable further understanding and discussions on the critical issues in ATI implementation in Kenya public finance sector, the Commission with the support of National Democratic Institute (NDI) convened two high level multi-stakeholder forums that brought together key Civil Society Organizations (CSOs) and government agencies to discuss the status of access to information implementation in Kenya. These forums were held on 11th August 2023.



Figure 14: A Photo of Stakeholders Forum Meeting at Radison Blu on 30th May 2024



Figure 15: A group session during the multi-Stakeholders forum meeting at Radison Blu on 30th May 2024.

iv. Open Government Partnership Cluster Meetings

Open Government Partnership (OGP) is a multilateral initiative that aims to secure concrete commitments from national and sub-national governments to promote open

government, empower citizens, fight corruption and harness new technologies to strengthen governance. The successful implementation of ambitious open government reforms, including commitments under the OGP framework requires concerted efforts from broad coalitions and inclusivity from the citizenry. Therefore, engagement of media actors throughout the co-creation process is important.

To this end, the Commission participated in several key OGP activities including OGP Steering Committee and Technical Team post OGP Global Summit 2023 meeting held on 2nd October 2023; 5th Action Plan Co-Creation workshop on OGP which was held at Fairview Hotel, Upperhill on 16th to 19th October 2023 as well as participation in OGP Multi stakeholder forum retreat to deliberate the Country's commitments in the 5th OGP National Action Plan which was held in Great Rift Valley Resort, Naivasha from 17th to 19th April 2024.

CHAPTER FIVE

5. PUBLIC EDUCATION AND OUTREACH AND CORPORATE COMMUNICATIONS

Section 8 (j) of the Commission on Administrative Justice Act provides that the Commission shall promote public awareness of policies and administrative procedures on matters relating to administrative justice. Similarly, section 21 (1) (c) of the Access to Information Act empowers the Commission to “develop and facilitate public education awareness and develop programmes on the right to access to information and right to protection of personal data”.

Further, Section 8 (e) of the Commission on Administrative Justice Act requires the Commission to facilitate the setting up of, and build complaint handling capacity in the sectors of public service, public offices and state organs. The strategic themes of the Commission also identify public education, awareness creation and visibility as a key strategic focus and outcome area.

Enhanced citizens awareness in governance has many benefits some of which include: generation of new, diverse and innovative ideas on development and governance; enhancement of citizen government relations; legitimization of government programs, appropriate prioritization of projects; improved delivery of public services and; governments responsiveness by holding public officer accountable.

To this end, the Commission carried out robust public education and awareness programs on administrative justice and access to information. This was achieved through the following targeted approaches: -

- (a) Courtesy calls to MDACS by the Commission leadership
- (b) Media advocacy and education through talks shows, coverage of commission events, Webinars and twitter space sessions
- (c) Ombudsman Mashinani/legal aid programmes
- (d) Capacity building programmes;
- (e) Development and dissemination of Information, Education and Communication (IEC) materials
- (f) Leverage on the platforms of state and non state actors to conduct public education and awareness
- (g) Conferences and workshops;
 - a. Agricultural Society of Kenya (ASK) shows and expos.
 - b. Devolution Conference.
 - c. Conference of the Constitutional Commissions and Independent Offices.

During the reporting period the commission through the above listed multifaceted public education and awareness approaches reached an estimated five million people.

Some of the key public education outreach forums/legal aid clinics is contained in Table 4 below.

Table 6: Public Education Outreach Forums undertaken by the Commission in the period

No	Outreach Activity	Region / County	Total Estimated Reach
1	West Market Outreach Forum	Eldoret	1,000
2	KEMU Boda yangu, Ofisi yangu initiative - workshop	Nyandarua	400
3	Ogiek Cultural Festival Outreach	Narok	1,800
4	International Day of Democracy Workshop	Nairobi	1,000
5	Customer Service week- Outreach at Njuri Ncheke street and Gakoromone market	Meru	200
6	Customer service week- outreach at Kakamega municipal market and Muliro Gardens	Kakamega	30
7	Customer service week- Outreach at GK Prison	Kisii	130
8	Outreach during an event organized by Come Together Widows and Orphans Association in Tononoka area	Mombasa	1,000
9	Financing Locally Led Climate Action Program (FLLoCA) Outreach Forums	1. West Pokot, 2. Trans-Nzoia, 3. Laikipia, 4. Samburu, 5. Kwale, 6. Kilifi, 7. Homabay, 8. Kisii, 9. Bomet, 10. Narok 11. Meru/ 12. Tana-River 13. Uasin Gishu 14. Nandi 15. Kajiado 1016. Machakos 17. Murang'a,	4,474
10	4th Edition Huduma Ombudsman Award Ceremony held at KICC	Nairobi	1,000,770
11	Outreach to the Nairobi Remand and Allocation Prison	Nairobi	1,500
12	DCAF Supported Outreach Forums	Wajir, Marsabit & Meru Counties	1,359
13	Prison Visit to Hindi GK Prison	Lamu	200

14	Law Courts Open Day	Kisumu	300
15	Mobile legal aid clinics	Eldoret, Lamu	992
16	International Research Conference	Kabarak University	450
17	Duty Bearer's forum in Nandi County	Emgwen sub-county	51
18	Twitter Space: Unpacking the role of the Ombudsman in complaints handling for effective service delivery to citizens	Virtual: Twitter	1,851
19	Cooperative University of Kenya (CUK) student sensitization	Nairobi	186
20	Twitter Space: Status of Administrative Justice and Access to Information in Kenya Report	Virtual: Twitter	2,547
21	Catholic Justice and Peace Department open day - St. Mary's Ongata Rongai Catholic Church	Kajiado	100
22	IDLO-sponsored community engagement	Isiolo	103
	TOTAL		1,010,409



Figure 16: Public education outreach in Tana River

5.1. Capacity Building in the Public Sector

The Commission carried out Capacity building of public officers on complaints handling and access to information to improve their performance and effectiveness in delivering public services across different MDAs and levels of government. These trainings were facilitated by the Commission's technical officers and covered the following areas: -

- (i) Mandate, Policies and Procedures of the Commission on Administrative Justice (Office of the Ombudsman)
- (ii) Effective Complaints Handling Mechanisms including the use of Alternative Dispute Resolution (ADR).
- (iii) Access to Information – proactive and reactive disclosure of information.
- (iv) Performance Contracting Obligations on resolution of public complaints, implementation of citizen service delivery charters and implementation of the requirements of the Access to Information Act.
- (v) Effective Public Service Delivery among others

Summary of MDACs capacity building trainings carried out in the FY 2023/2024

Table 7: Number of officers trained in the Ministries, Departments and Agencies

Training Category	Training Forums	Officers Trained	Male	Female
In-person training	97	2,750	1,433	1,317
Virtual training	16	810	399	411
Webinars	4	1,998	1,043	955
Annual Total	117	5,558	2,875	2,683

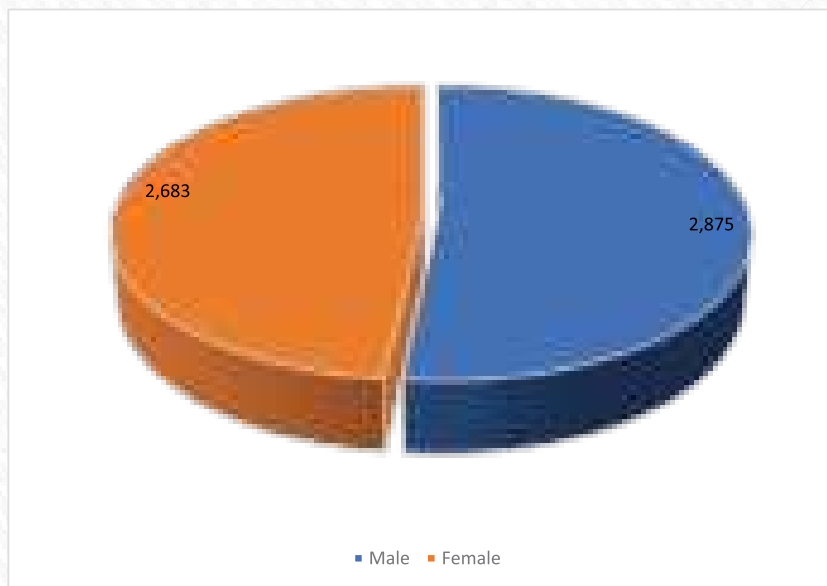


Figure 17: Gender Distribution of the officers trained in the Ministries, Departments and Agencies

5.1.1. Capacity building of County Government officers

The Commission leveraged on partnerships with Financing Locally Led Climate Action Program (FLLoCA) to assess and enhance capacity of County public officers in complaints resolution and access to information in service delivery. Under the auspices of the FLLoCA project, a total 702 officers from 17 counties were trained.

Table 8: Number of trained in the county governments

QTR	Target Counties	Officers Trained
Q2	West Pokot, Trans-Nzoia, Laikipia, Samburu, Kwale Kilifi, Homabay, Kisii, Bomet, Narok (10)	377
Q3	Tana-River (1)	14
Q4	Meru/Murang'a, Uasin Gishu/Nandi & Kajiado Machakos (6)	311

5.1.2. Training of Trainers for CAJ STAFF

The Commission, in collaboration with The National Treasury & Economic planning, held training in Machakos from 23rd to 25th May, 2024, for 36 members of staff on the understanding of the FLLoCA program and it's connection with Commission's mandate.



Figure 18: CAJ Staff alongside facilitators from the Project Implementation Unit (PIU) at the National Treasury and Economic Planning, the State Department for Environment, and Climate Change during the Training of Trainers

5.2. Corporate Social Responsibility

As part of its Corporate Social Responsibility, the Commission participated in the Standard Chartered Nairobi Marathon. Those who took part in the marathon included the Commission Vice Chairperson, the CEO, various heads of Departments and Divisions and Commission staff.



Figure 19: Commission's Secretary and some staff members take a picutre during the marathon

5.3. Media Education and Advocacy

Media serves as a vital conduit for disseminating information. It also helps in reaching a wider audience, amplifying the voices of individuals residing in remote regions as well as building trust and credibility with the public by demonstrating commitment to openness and transparency. The Commission undertook robust media education and advocacy campaigns on various National Stations and local media stations. These media engagements helped to create public awareness about the Commission and its mandate on maladministration and access to information.

Some of the media coverage achieved by the Commission is as follows: -

Table 9: Media coverage by the Commission

Event/ Launch	Media Coverage Achieved
The launch of investigation report on Immigration	Capital FM, Daily Nation, The Standard, The People Daily.
Huduma Ombudsman Award	Standard Newspaper both print and online, Media appearances, Spice FM breakfast show, and KBC Digital
The launch of the Status of Administrative Justice and Access to Information Report	TV 47 Live Coverage, KBC Digital KBC Channel 1 and TV 47 Digital
A report on Protection of Whistle Blower	Daily Nation Newspaper Print (<i>Ombudsperson sides with fired Mukumu Girls cook</i>), Opera News and Tuko News

Ogiek Mau Site Visit	KBC Online News, The Standard, The Star Newspaper
Statement on the violence witnessed during the demonstration on the Finance Bill 2023	KBC Online, KBC Channel One News, The Star Newspaper
Advisory Opinion on Enhancing Road Safety Measures	KBC Digital, The Star Digital
FLLoCA County Visits	Radio Ashe, Watchman FM, Radio Mchungaji, Citizen TV, Msenangu FM Pwani FM, KTN News, The Star, KBC Digital, TV 47, Daily Nation, Meru FM, Tuliza FM, Meru News, Kenya News Agency, Mwago FM, KBC Radio Swahili, and KBC Digital, KBC Digital, The Star Online
Success Story Administrative Justice	KBC Digital, The Star Newspaper Print, The Star Digital - Ombudsman saves former NCPB employee from unlawful termination
County visits supported by DCAF	KBC Digital, The Star Digital, Radio Jangwani, The Star FM, Ibse Radio, The Star Newspaper and TV 47 Kenya
Public Inquiry on the Legal Identity Documents in Wajir County	The public inquiry was covered in the following media outlets; KBC Digital, The Star Online, ARF Media, Wajir Community Radio, Star FM, VoA- Somali Service, Wajeer FM Radio, The Star Newspaper Print Version
Investigation Report	KBC Online and The Star Online - Ombudsman wants action against public officers for fraudulent recruitment
ATI Success Story	Kenyans.co.ke, KBC Digital, TV 47 Digital - Governor Sakaja Ordered to Release Information
Investigation Report	KBC Digital - Patients' Right to Health Violated, Ombudsman Investigation Reveals
A Success Story	KBC Digital, The Kenya Times and KBC Digital - Commission Issues Summon, Notices to Show Cause to Unresponsive Public Officers
ATI Success Story	KBC Digital - Cabinet Secretary, Ministry of Health Ordered to Release Information Make Taskforce Report Public

ATI Success Story	KBC Digital - Prime Cabinet Secretary Ordered to Release Information
-------------------	--

5.4. Media Talks Show

Some of the media talks achieved by the Commission is as listed below;

Table 10: List of media talk shows held in the period

Date	Media Talk Show	The Speaker
1	Weru FM, KBC Kiswahili, Inooro FM, Mwango FM	Chairperson
2	Prime Time appearance TV 47	Chairperson
3	Citizen TV Breakfast Show 8.30am	Vice Chairperson
4	Shahidi FM	Director - PEACC
5	Morning breakfast show - Mwangaza TV	Assistant Director - PEACC
6	Morning breakfast show- Spice FM	Assistant Director - CILS
7	Morning Breakfast Show – Sang'u FM	Chief Officer - ATI
8	Morning Breakfast Show – Sang'u FM	Chief Officer - ATI



5.5. Maintaining and Updating of Social Media Platforms

The Commission continued to engage the public on its social media platforms, the website (www.ombudsman.go.ke), facebook (Ombudsman Kenya) and twitter (@KenyasOmbudsman). During the reporting period, the public made inquiries, reported cases, and even made follow-ups through the above social media platforms. As such, social media has enhanced the visibility of the Commission with the audience size on Twitter growing from 27,677 to 29,126 on Twitter and from 16,683 to 18,531 on Facebook representing a percentage growth of 5 % and 11 % respectively.

5.6. Production and Dissemination of Newsletter

The Commission produced and disseminated newsletters for the four quarters. The newsletters were disseminated to various stakeholders through email, social media and the official website.



5.7. Production of Branded and Information, Education and Communication Materials

During the reporting period, the Commission produced various branded and IEC materials to aid in public education and enhance the visibility of the Commission as captured in the Matrix below.

Table 11: Information, Education and Commutation materials produced in the period

No	Item Specification	Quantity
1.	Brochures	
	• FAQ Brochures	2,500
	• ATI Brochure	2,500
	• Institutional Brochure	2,500
	• Complaints Handling Procedure Brochure	2,500

2.	Tear Drop Banners	2
3.	Branded Carrier Bags	340
4.	Roll up Banners	
	• Mission and Vision	3
	• Core Values	3
	• Establishment	3
	Huduma Ombudsman Award	3
5.	Huduma Ombudsman Award Event banners	3
6.	Brochures	
	• Huduma Ombudsman Award Brochure	1,200
	• FAQ Brochures	
	• ATI Brochure	1,000
	Institutional Brochure	1,000
		1,000
7.	DCAF Supported IEC Materials	
	• Reflector Jackets	120
	• Tear Drop Banners	2
	• Roll up Banners	2

5.8. Huduma Ombudsman Award

Huduma Ombudsman Award is one of the approaches the Commission has adopted to enhance transparency, accountability and responsiveness in the public service as well as promote compliance with administrative justice and access to information mechanisms.

To this end, the Commission successfully held the Fourth Edition of the Award to recognize and reward responsive and dedicated public officers and institutions in the country.

The winners of the Fourth Huduma Ombudsman Award were as follows:

Public Service Delivery Category: Individual Category

Table 12: Huduma Award winners - individual category

Position	Name	Designation
Winner	Ms. Precious Dama Randu	Assistant County Commissioner Matsangoni Division, Kilifi North Sub-County, Kilifi County
First Runner-Up	Ms. Joyce Khandli Khamala	Senior Head Teacher, Kimilili FYM and Junior School in Kimilili Sub-county, Bungoma County

Second Runner-Up	Dr. Andrew Gitau Kimani	CEO, Transport Licensing Appeals Board
4.	Mr. Okongo Kimari Orlale	Research and Innovation Office, Kenya Revenue Authority
5.	Ms. Joyce Thairu	Lecturer, Department of Physics, Faculty of Science & Technology of Multimedia University of Kenya
6.	Mr. Bernard Omolo Oloo	Administrator/Chief, Maweni Location, Mombasa County
7.	Mr. Ahmed Hassan Surow	Clerk, Mandera County Assembly
8.	Mr. Edward Inzofu Indimuli	Advisor/ Ombudsman, County Government of Kakamega
9.	Ms. Ninah Musanga Sitti	Lawyer, Capital Markets Authority
10.	Ms. Eldah Aketch Odongo	Head of Corporate Affairs and Communication Company: Kisumu Water and Sanitation Company Ltd (KIWASCO)
11.	Ms. Rose Muthee	Centre Manager- Huduma Centre Migori
12.	Mr. Geoffrey M. Mwachof	Assistant County Commissioner, Kasameni Division, Kwale County
13.	Ms. Ruth Wanjiru Wachera	Assistant County Commissioner, Kapenguria Division, Kapenguria Sub County
14.	Mr. Abdifatah Galgallo Godana	Marsabit County Convener
15.	Mr. Elvis Wafula Makokha, Huduma	Centre Manager, West Pokot
16.	Mr. Josephat Ngugi Ngama,	County Coordinator, Civil Registration Departments, Ministry of Interior and Coordination

i. Public Service Delivery Category: Institutional Category

Table 13: Huduma Award winners - Institutional category

Position	Name of Institution
Winner	National Council for Law Reporting
First Runner-Up	Huduma Kenya
Second Runner-Up	Kenya Revenue Authority
4.	Kisumu Water and Sanitation Company Limited
5.	Agricultural Finance Corporation

ii. **Access to Information Category: Institutional Category**

Table 14: Huduma Award winners - Access to Information

Position	Name of Institution
Winner	Kenya Revenue Authority
First Runner-Up	National Cancer Institute
Second Runner-Up	Kenya Yearbook Editorial Board

iii. **Valour Award Category**

Table 15: Huduma Award winner - Valour Award Category

Nominee	Recognition
Corporal Julius Karanja Irungu	For heroic services to the nation at great personal cost

iv. **Ugatuzi Award Category**

Table 16: Huduma Award winners - Ugatuzi Award Category

Position	Governor/County	Recognition
Winner	H.E Gladys Wanga, Governor, County Government of Homabay	Advocating for climate change and open governance
First Runner-Up	H.E Cecil Mbarire, Governor, County Government of Embu	Promoting access to information for enhanced public service delivery.
Second Runner-Up	H.E Mutula Kilonzo Junior, Governor, County Government of Makueni	Leveraging technology and innovation for enhanced transparency and social accountability.
4.	H.E Dr. Francis Irungu Kang'ata, Governor, County Government of Murang'a	Digitisation of county government services for improved transparency and efficiency.

The Fourth Edition of the Huduma Ombudsman Award ceremony was held at the Kenyatta International Convention Centre **on Thursday, 23rd November 2023**. The **Chief Guest was His Excellency Dr. William Samoei Ruto, C.G.H., President of the Republic of Kenya**, who was represented by Hon. Moses Kuria, HSC, the Cabinet Secretary, Ministry for Public Service, Performance and Delivery Management.

Rewarding Exemplary Service Delivery in The Public Service



Figure 20: The Fourth Edition Huduma Ombudsman Awardees poses with CAJ Commissioners

CHAPTER SIX

6. PARTNERSHIPS, NETWORKS AND LINKAGES

In the year 2023/24, the Commission in the quest to forge and strengthen existing strategic international and local partners and linkages, engaged close to thirty partners/links.

i. Council of Governors

Council of Governors (COG) is a non-partisan organization established under section 19 of the Intergovernmental Relations Act (IGRA 2012). The CoG comprises the Governors of the forty-seven Counties in Kenya whose mandate is provided under Section 20 of the same Act.

The partnership has enhanced and strengthened the Commissions' capacities in educating the public on principles of democracy and good governance across the 47 Counties through administration of justice, access to information and complaints handling infrastructure.

During the reporting period, the Commission participated in the Devolution conference and presented a paper on '**effect of good governance to efficient and effective public service delivery**'. The paper highlighted that Effectiveness and efficiency require the enhancement of quality and standardization of public service delivery, the professionalization of the bureaucracy, focusing government efforts on vital functions, and the elimination of redundancies or overlaps in functions and operations.

ii. National Council on the Administration of Justice

National Council on the Administration of Justice (NCAJ) is a multi-agency co-operation platform established under the Judicial Service Act with the responsibility of overseeing and promoting sector-wide partnership through policy formulation and resource mobilization for effective administration of justice. The members include the Judiciary, Office of the Attorney General, Office of the Director of Public Prosecutions, Witness Protection Agency, Office of the Inspector General of Police, the Law Society of Kenya, Kenya Prison Service, the Independent Electoral and Boundaries Commission, the Ethics and Anti-Corruption Commission and the Kenya Law Reform Commission among others. The Commission is actively engaged in *ad hoc* committees and task forces in the administrative of justice and been instrumental in the criminal and civil justice reform processes.

iii. Transparency International

The Commission participated in the judging panel during the transparency International integrity awards 2023. Awardees were recognized and awarded for their significant contributions and actions towards realizing Kenyans shared constitutional aspirations, national values and principles of good governance, leadership and integrity.



Figure 21: Commission's Assistant Director Advisory Unit, Dr. Kimari (Presenting) with Other Judges during the Integrity Awards Ceremony

iv. Media Council of Kenya

In recognition of the critical role played by the media in promotion of good governance, the Commission has engaged with the council to enhance transparency and accountability in the public sector.

v. German Agency for International Cooperation

The Commission, through collaboration with German Agency for International Cooperation (GIZ) under its Good Governance Programme in Kenya prepared a two year-work plan (2021-2023) for support. During the period the Commission has reported enhanced good governance practices in selected public sectors /institutions.

vi. Open Government Partnerships (OGP)

The Open Government Partnership (OGP) is an initiative that brings together government reformers and civil society leadership to promote inclusivity, responsiveness and accountability in government. The Commission, being the institution mandated to oversee and enforce the right to Access to Information, is represented both at the steering and technical Committee level of the OGP.

vii. African Ombudsman & Mediators Association

The African Ombudsman and Mediators Association (AOMA) is a regional organization for ombudsman and mediators in Africa. The Commission is a member of AOMA where the Chairperson served as the Secretary General. The network enhances information sharing, supports training and development of ombudsman offices and staff, which has promoted good governance, independence and autonomy of ombudsman offices and maintained liaison between ombudsman offices and other relevant institutions and organizations. include the activities

viii. International Ombuds Institute

International Ombuds Institute (IOI) is a global organization for the cooperation of independent Ombudsman institutions operating on a local, regional and national level.

The Chairperson of the Commission during reporting period presided as the President of the IOI African Region.

ix. Uraia Trust

Uraia is the premier National Civic Education Organisation in Kenya. It has been in existence since 2000 and has been working to contribute towards the progress of Kenya through the development of Kenya's most important resource – Kenyans. URAIA Trust under its Rights, Inclusion, and Transparency for Accountable Institutions (RITAI) Program supported the Commission to undertake a comprehensive study on “Milestones & Challenges encountered in the Implementation of the Access to Information Act, 2016. The activity comprised of three components; data collectors training& tool development, data collection, data analysis and report writing. A data collectors training that was held on the 14th -15th May 2024 that brought together 23 officers of the Commission, followed by data collection in 20 counties across 127 institutions undertaken between the 3rd and 14th of June 2024 and concluded by data analysis and report writing workshop that was held in October. The findings will inform the Commission's strategic intervention towards the promotion of the right to information and guide public

education by state and non-state actors.



Figure 22: Commission staff after the training for the data collection exercises

Further, under our existing partnership with URAIA the Commission provided technical expertise in training on access to information with different stakeholders under the Rights Inclusion and Transparency for Accountable Institutions program. Our officers supported said trainings in Kilifi and Uasin Gishu organised by Haki Yetu Organization & The Institute of Social Accountability (TISA) respectively. The Commission's ATI department is also

contributing to the development of a social accountability and public contract monitoring tool that is spearheaded by TISA.



Figure 23: An officer of CAJ poses with Kilifi MCAs after a training in partnership with HAKI Yetu

x. Huduma Ombudsman Awards

The Huduma Ombudsman Award is a public service excellence incentive based on the believe that rewarding individuals enhances their contribution to organisations as there is a positive correlation between reward, recognition, and performance. During the 4th Huduma Awards ceremony that was held on the 23rd November 2023, the Commission was able partner with different institutions for direct support to the event specifically the costs of conferencing, accommodation of awardees and the branding of the event.

xi. European Union Technical Assistance and Information Exchange

Technical Assistance and Information Exchange (TAIEX) is a capacity and skill exchange instrument of the European Commission. TAIEX supports public administrations with regard to facilitating the sharing of EU best practices. In a similar exchange, 15 officers of the Commission were trained by experts drawn from ombuds institutions in Portugal and Finland.



Figure 24: Leadership, officers and the resource persons during the EU TAIEX training

xii. Financing Locally Led Climate Action Program

In the second phase of implementation of the Financing Locally Led Climate Action Program (FLLoCA) program the Commission was involved in capacity building of county governments complaint handling and access to information with a specific focus on domestication of the complaint handling policy and enactment of the County Access to Information Act. In this financial year the Commission was able to engage in dialogue and advocacy meetings with leadership of 17 county Governments; *West Pokot, Trans Nzoia, Kwale, Kilifi, Homabay, Kisii, Samburu, Laikipia, Narok, Bomet, Tana River, Meru, Murang'a, Uasin Gishu, Nandi, Kajiado & Machakos.*

xiii. International Law Development Organization

The Commission continues to enjoy a partnership with International Law Development Organization (IDLO) on promoting access to information in the counties. In collaboration with IDLO, the Commission was supported carried out capacity building and sensitization on Access to Information in the counties of Marsabit and Isiolo and the translation and publication of the Swahili simplified version of the Access to Information Act, among other activities.

xiv. Geneva Centre for Security Governance (DCAF)

The Commission with the support of **Geneva Centre for Security Governance (DCAF)** undertook several activities including; a training on the integration of SDG 16 in the strategic planning, public education and legal aid clinics in the counties of Marsabit, Isiolo and Meru and a public inquiry on legal identity document acquisition in Wajir county.



Figure 25: Participants during the DCAF supported engagement in Moyale (Marsabit County)



Figure 26: Legal Aid Clinic at Gakromone Market in Meru with DCAF officials

In conclusion, of import to also report is that based on the significant milestones achieved in realization of its mandate, the Commission hosted several regional Ombudsperson intent on learning and benchmarking. They included; Ombudsman from Mozambique, Botswana, Malawi.

Additionally, the Commission also engaged the Ukraine Ambassador to Kenya, the Danish Parliamentary institute and the Westminster foundation to explore areas of strategic collaboration.

6.1. Access to Information Partnerships

To allow concerted efforts towards implementing the Access to Information Act, the Commission created strategic partnerships with relevant stakeholders. Subsequently, the Commission had engagement meetings with these partners **geared towards creating awareness on the law, increasing the level of** compliance, allow for accurate and timely reporting and sharing of information as well as increase the capacity of institutions in handling Access to Information matters. Some of the partnerships and engagements included:

i. Centre for Law and Democracy Partnership

The Centre for Law and Democracy (CLD) is a non-profit Organization that works to promote, protect and develop human rights as a foundation for democracy in the World. CLD developed a leading global tool for assessing the strength of national access to information implementation mechanisms. As a follow-up to a discussion held between the Commission and CLD, the Organization committed support the Commission to utilize its comprehensive methodology to assess the state of ATI implementation in Kenya. This agreement was realized through a framework signed by the Commission and CLD to enable support on ATI Assessment. The agreement allowed the undertaking of key assessment tasks comprising of strategy and planning, data collection and report writing.

ii. National Democratic Institute Partnership

National Democratic Institute (NDI) is a non-profit, non-partisan, non-governmental organization that works in partnership around the world to strengthen and safeguard democratic institutions, processes, norms and values to secure a better quality of life for all. NDI envisions a world where democracy and freedom prevail, with dignity for all. The Commission partnered with National Democratic Institute (NDI) in several activities within the reporting period. The activities were in the form of two Multi-Stakeholders Forums held in August 2023 and May 2024 which brought together key ATI actors in the Country to discuss issues affecting implementation of ATI.

6.1.1. Regional and International Partnerships on Access to Information

iii. The African Network of Information Commissioners

The African Network of Information Commissioners (ANIC) is a regional network seeking to bring together African Countries that have enacted the right to information laws with a view of providing a platform for information sharing to strengthen regional cooperation

in implementing the right. The network further seeks to encourage more African countries to enact access to information laws.

The Commission was elected to the Executive Committee of the ANIC during its General Assembly in Johannesburg, South Africa, on 23rd and 24th May, 2024.

iv. International Conference of Information Commissioners

The Commission was equally elected to the Executive Committee of the International Conference of Information Commissioners (ICIC) in the ICIC Conference held in Tirana, Albania on 3rd to 5th June, 2024.

CHAPTER SEVEN

7. GOVERNANCE, HUMAN RESOURCE MANAGEMENT, FINANCE AND GENERAL ADMINISTRATION

7.1. Governance

The period under review coincided with the end of term of Commissioners who comprised the Chairperson, Hon. Florence Kajaju, Vice-Chairperson, Washington Sati, and one designated Commissioner for the Access to Information, Mrs. Lucy Ndungu.

During the reporting period, the Commission undertook various activities that were aimed at promoting administrative justice and access to information. Towards this end, the Commission upheld and promoted accountability and transparency whereby the audit committee exercised its oversight role over its operations.

7.2. Milestones Achieved

i. Strengthening Human Resource Capacity

The Commission continued to strengthen its staff establishment, through recruitment of additional staff under various departments and units. In the year under review, the Commission recruited 17 additional staff members, who were deployed in various department and units, as showed on the table below.

Table 17: Staff Recruited in the Period

S. No.	Designation	Number of Officers Recruited
1	Legal Officers	5
2	Public Education & Advocacy Officer	2
3	Personal Assistant	1
4	Office Administrator	1
5	Assistant Office Administrator	2
6	Assistant Complaints Officer	4
7	Driver	2
	Total	17

ii. Skills Development

Skills development is critical towards maintaining a highly competent and skilled human resource. Through sponsoring its staff members for various courses and training programmes, the Commission ensures that its human resource is well-equipped to tackle the emerging challenges, which would otherwise hamper their performance. However, achievement of this objective is often times affected by the austerity measures put in place by Government, as the budget rationalization targets the training funds.

In the period under review, employees were sponsored for various professional development courses and training programmes, as follows:

Table 18: Number of officers trained in the period

S/NO	TRAINING PROGRAM	NO. TRAINED
1	Retirement Training	2
2	Intermediate Defensive Driving	2
	CONFERENCES	
3	Financial Reporting for County Government & Other Public Sector Entities Conference	2
4	Governance ethics Risk & Compliance	1
5	Accounting Officers Program: 360 Board Development Program	1
6	ICPAK Seminar	2
7	Sensitization on the national wage bill conference 2024	2
8	International Conference of information commissioners	2
9	RIMEA Digitization & Electronic Document Management Conference	2
10	Annual National conference of Economists	2
11	Homabay International investment conference	3
12	COP-28 Conference	1

iii. Decentralization of Ombudsman Services

The Commission is charged with the responsibility of overseeing service delivery in public institutions and promotion of the right to information, at the national and county levels. In its endeavor to enhance oversight, CAJ has been rolling out its decentralization programme, which aims at establishing branch offices and service-delivery points at the county levels. Accordingly, the Commission established a branch office in Meru County and acquired office space in Makueni County.



Figure 27: Leadership of the Commission during the Launch of the Meru Office

iv. Infrastructural Capacity Strengthening

In the year under review, the Commission enhanced automation of its operations through acquisition of an Enterprise Resource Planning (ERP) software. This will enhance efficiency in utilization of resources and improve service delivery.

Further, in order to boost its outreach programmes which are provided through mobile outreach / legal aid clinics among other channels, the Commission acquired two additional motor-vehicles. These vehicles will enable the Commission to take services to the under-served areas.

7.3. Financial Management

7.3.1. Resource Allocation and Utilization

In the Year under review, the Commission was allocated KES 730,194,424 out of which KES 687,873,544 (94.2 per cent) was expended by the closure of the financial year. The Commission endeavored to prudently utilize and absorb the allocated budget over the years. This was done by upholding the value-for-money principle and having effective financial management controls.

7.3.2. Financial Statements

Table 20 presents a summary of expenditure by Sub-Programme classification

Table 19: A summary of expenditure by Sub-Programme classification

Programme/Sub-programme	Original Budget Kshs	Adjustments Kshs	Final Budget Kshs	Actual on comparable basis Kshs	Budget utilization difference Kshs
	2023/24FY	2023/24FY	2023/24FY	2023/24FY	2023/24FY
Programme: Promotion of Administrative Justice					
General Administration and support services	551,709,028	(15,250,592)	536,458,436	504,061,495	32,396,941
Administrative Justice services	173,871,024	(15,375,019)	158,496,005	152,845,630	5,650,375
Access to information services	41,929,948	(6,689,965)	35,239,983	30,940,419	4,299,564
Total	767,510,000	(37,315,576)	730,194,424	687,843,544	42,350,880



REPORT

OF

THE AUDITOR-GENERAL

ON

**THE COMMISSION ON
ADMINISTRATIVE JUSTICE**

**FOR THE YEAR ENDED
30 JUNE, 2024**

financial assets and financial liabilities as at 30 June 2024, and the statement of receipts and payments, statement of cash flows and statement of comparison of budget and actual amounts for the year then ended and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 25 of the Public Audit Act, 2015. I have obtained all the information and documentation which to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material aspects, the financial position of The Commission for Administrative Justice as at 30 June 2024 and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012.

Scope for Opinion

The audit was conducted in accordance with the international standards of Supreme Audit Institutions (ISA(SAI)). I am independent of The Commission for Administrative Justice Management in accordance with ISAI 130 on the Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Statement of Matter

1. Pending Bills

Article 1 of the financial statements reflects pending bills totaling of Kshs 3,191,785 which were not settled during the financial year 2023/2024 but were instead carried forward to subsequent financial year.

Failure to settle bills during the year in which they arise adversely affects the programs of the subsequent year in which they are cleared.

2. Budgetary Control and Performance

Review of the statement of comparison of budget and actual amounts revealed that The Commission spent an amount of Kshs.257,343,345 against actual receipts of Kshs.714,224,891, resulting in under-utilization of Kshs.25,557,348 or 3% of the actual receipts.

In the circumstances, the under-utilization may have affected the planned activities and impacted negatively on service delivery to the public.

My opinion is not modified in respect of these matters.

Key Audit Matters

Key audit matters are those matters that, in my professional judgement, are of most significance in the audit of the financial statements. There were no key audit matters to report at the year under review.

Supreme Audit Institution of Kenya Commission for Administrative Justice for the year ended 30 June 2024

Other Matter

Unresolved Prior Year Matters

As disclosed in Note 18 on progress on follow-up of prior year's Auditor-General's recommendations, several issues listed in the audit report are indicated to have been resolved. However, Management did not provide explanation and evidence on how the issues were resolved.

Other Information

The Management is responsible for the Other Information set out on page 6 to 10 which comprise of Key Entity Information and Management, Statement of Corporate Governance, Statement by the Commission Secretary, Statement of Performance Against Pre-determined Objectives, Environmental and Sustainability Reporting, Management Discussion and Analysis and the Statement of Management Responsibilities. The Other Information does not include the financial statements and my audit report thereon. My opinion on the financial statements does not cover the Other Information and accordingly, I do not express an audit opinion or any form of assurance conclusion thereon.

In connection with my audit on The Commission's financial statements, my responsibility is to read the other information and in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If based on the work I have performed, I conclude that there is a material misstatement of this Other Information, I am required to report that fact. I have nothing to report in this regard.

REPORT ON THE LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 209(1) of the Constitution, based on the audit procedures performed, except for the effect of the matters described in the Basis for Conclusion on Lawfulness and Effectiveness in the Use of Public Resources section of my report, I confirm that nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

Non-Compliance with 30% Procurement Reservation to Youth, Women and Persons with Disabilities

During the year under review, the Commission had total procurement budget of Kshs 240,000,000, with a targeted reservation of thirty percent (30%) or Kshs 74,000,000 to Access to Government Procurement Opportunities (AGPO) reserved for Youth, Women and People with Disabilities (YWPD). However, the total value of contracts awarded in those groups was Kshs 38,000,000, which represents only sixteen percent (16%) of the total procurement for the financial year. The awarded contracts value was

Report of the Auditor-General of the Commission on Administrative Services for the period ended 31 Dec 2019

below the 3% AGPO target, contrary to Section 157(1c) of the Public Procurement and Asset Disposal Act, 2015.

In the circumstances, the Management was in breach of the law.

The audit was conducted in accordance with ISSAI 3000 and (ISSAI) 4000. The standards require that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements comply in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON THE EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2010 and ISSAI 2000. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal controls, risk management and overall governance were operating effectively in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and The Commissioners

Management is responsible for the preparation and for presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and overall governance.

In preparing the financial statements, Management is responsible for assessing The Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless Management is aware of the intention to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are

Report of the Auditor-General on The Commission on Administrative Services for the year ended 31st Dec, 2024

in compliance with the authorities which govern them, and that public resources are applied in an effective way.

The Commissioners are responsible for overseeing The Commissioner's financial reporting process, reviewing the effectiveness of their Management systems compliance with relevant legislation and regulatory requirements, ensuring that effective processes and systems are in place to address key risks and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

My responsibility is to conduct an audit of the financial statements in accordance with Article 226(4) of the Constitution, Section 38 of the Public Audit Act, 2015 and the International Standards of Supreme Audit Institutions (ISSAIs). The standards require that, in conducting the audit, I obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, whether due to fraud or error and to issue an auditor's report that includes my opinion in accordance with Section 46 of the Public Audit Act, 2015. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In conducting the audit, Article 226(5) of the Constitution also requires that I express a conclusion on whether or not in all material aspects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way. In addition, I consider the entity's control environment in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015.

Further, I am required to submit the audit report in accordance with Article 226(7) of the Constitution.

Detailed description of my responsibilities for the audit is located at the Office of the Auditor-General's website at <http://www.audit.go.ke/for-auditor-general/commitments-for-audit>. This description forms part of my auditor's report.


OFFICE OF THE AUDITOR-GENERAL OF KENYA
AUDITOR-GENERAL

Nairobi

27 December, 2024

Report of the Auditor-General on the Commissioner of Administrative Justice for the year ended 31 Dec. 2024

The Commissioner of Administrative Justice
 Annual Report and Financial Statements for the year ended 30th June 2023

4. Statement of Receipts and Payments for the Year ended 30th June 2023

Description	Units	2023-2024	2022-2023
		Units	Units
Receipts			
Exchange Revenue	1	112,388,891	117,434,807
Other Receipts		162,388,891	271,434,807
Total Receipts			
Payments			
Compensation of Employees	2	471,694,214	502,354,101
Use of Goods and Services	3	228,434,894	194,219,869
Social Security Benefits	4	18,144,186	19,814,807
Transfer to the staff Mortgage and car loan fund	5	12,668,388	12,350,000
Acquisition of Assets	6	75,428,261	18,689,214
Total Payments		806,374,543	847,427,091
Surplus		26,914,348	9,007,716

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The 2023 financial statements were approved on 10/11/2023 and signed by:


 David N. Mwanza, OJTB
 Commission Secretary (CSO)


 Francis M. Karamba
 Director of Corporate Services


 Francis M. Karamba
 Assistant Director - Finance & Accounts
 ICT/HR, M/PA-1142

18. Statement of Financial Assets and Financial Liabilities as at 30th June 2017

Description	Units	2017-2018 Euro	2016-2017 Euro
Financial assets			
Cash and cash equivalents			
Bank balances	76	17,096,000	16,001,000
Cash balances	76	381,210	190,807
Total cash and cash equivalents		18,441,790	16,191,743
Impound and advances	9	13,700	86,100
Total financial assets		18,475,090	16,298,790
Financial liabilities			
Third party deposits and securities	9	18,096,700	17,122,000
Net financial assets		3,544,320	9,098,710
Represented by			
Fund balance held	00	9,098,710	8,147,177
Prior year adjustment	01	18,075,000	17,754,000
Surplus for the year		24,077,000	8,943,100
Net financial position		3,544,320	9,098,710

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entire financial statements were approved by the Board and signed by:



Harry K. Wintour, OCM
Commission Secretary A-EEJ



David M. Kavanagh
Assistant Director – Finance & Accounts
ICJ A-EEJ 2016-2017



David M. Kavanagh
Director of Corporate Services

The Commissioner of Administrative Services
 Annual Report and Financial Statement for the year ended 30th June 2014

11. Statement of Cash Flows For The Year Ended 30th June 2014

Description	Notes	2013-2014	2012-2013
		(\$'000)	(\$'000)
Receipts from Operating Activities			
Exchange interest	1	114,000,000	171,475,000
Other receipts			
Payments for Operating Expenses			
Compensation of employees	1	(81,200,000)	(88,276,000)
Tax of goods and services	1	(28,200,000)	(16,770,000)
Social security benefits	2	(8,740,000)	(8,400,000)
Adjusted for:			
Depreciation during the year			
Dividend received in accounts receivable	10	11,000	180,000
Interest received in deposits and securities	10	100,000	100,000
Financial adjustments		(1,000,000)	(1,750,000)
The Cash Flow from Operating Activities		24,960,000	44,965,000
Cash flow from financing activities			
Transfer to and from government fund	7	(2,000,000)	(12,700,000)
Issuance of notes	8	10,000,000	(10,000,000)
The Cash Flow from financing activities		8,000,000	(22,700,000)
The increase in cash and cash equivalents		12,960,000	22,265,000
Cash & Cash Equivalents at Start of the Year		14,700,000	10,900,000
Cash & Cash Equivalents at End of the Year		27,660,000	33,165,000

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The audit financial statements were approved on 15/06/2014 and signed for:


 Henry K. Weeber, OCM
 Comptroller Secretary (100)


 Robert M. Berman
 Director of Corporate Services


 Robert Pye
 Assistant Director - Finance & Accounts
 JEP:K (100) 1140

12. Comparison of Administrative Budgets
 Annual Budget and Financial Statement for the year ended 31st June 2014

12. Statement of Comparison of Budget and Actual Accounts for FY 2013-14

Account Name	Budget	Actual	Variance	Actual % of Budget	Actual % of Budget
Administrative Expenses	1000000	1000000	0	100.00%	100.00%
Salaries	500000	500000	0	100.00%	100.00%
Grants	500000	500000	0	100.00%	100.00%
Printing	100000	100000	0	100.00%	100.00%
Telephone	50000	50000	0	100.00%	100.00%
Travel	50000	50000	0	100.00%	100.00%
Postage	50000	50000	0	100.00%	100.00%
Stationery	50000	50000	0	100.00%	100.00%
Repairs	50000	50000	0	100.00%	100.00%
Lighting	50000	50000	0	100.00%	100.00%
Security	50000	50000	0	100.00%	100.00%
Insurance	50000	50000	0	100.00%	100.00%
Interest	50000	50000	0	100.00%	100.00%
Depreciation	50000	50000	0	100.00%	100.00%
Other	50000	50000	0	100.00%	100.00%
Total	1000000	1000000	0	100.00%	100.00%

The Budget for the year is approved by the Board of Directors on 15th June 2013.

The actual figures are approved by the Board of Directors on 30th June 2014.
 Director, Finance
 Director, Administration

Director, Finance
 Director, Administration

The Commission on Administrative Justice
 Annual Report and Financial Statements for the year ended 30th June 2024

14 (a) Statement of Comparison of Budget and Actual Amounts for FY 2023/24

Particulars	Highly Budgeted		Under Budget		Over Budget		Budget
	Actual	Budget	Actual	Budget	Actual	Budget	
Expenditure amount	10,110,000	10,110,000	10,110,000	10,110,000	10,110,000	10,110,000	100%
Other income							
Total Budget							
Actuals							
Comparison of expenditure	10,110,000	10,110,000	10,110,000	10,110,000	10,110,000	10,110,000	100%
Total of expenditure	10,110,000	10,110,000	10,110,000	10,110,000	10,110,000	10,110,000	100%
Amounts already recognized and							
in other fund	10,110,000						100%
Amount already spent	10,110,000						100%
Amounts to be spent							100%
Total payments	10,110,000						100%
Amounts to be							

The figures between the original and final budget are a result of re-allocations within the budget and supplementary budget.

The only re-allocations was approved on 27.11.2024 by Shri B. Venkatesh, CEO
 Commission Secretary, CEO
 Budget Support
 Assistant Director - Finance & Accounts
 (CPA No. 01/1)

Shri M. Srinivas
 Director of Corporate Services

The Commission on Administrative Justice
 Annual Report and Financial Statements for the year ended 30th June 2018

14 (B) Budget Execution by Programme and Sub-Programme for FY2018/19

Programme/ Sub-Programme	Original Budget (Rs.)	Adjustment (Rs.)	Final Budget (Rs.)	Actual as on 30/06/2019 (Rs.)	Budget utilisation percentage (Rs.)
Programme: Purchase of Administrative Justice	211,704,028	(11,258,285)	200,445,743	194,081,482	96.83%
General Administration and Support services	173,871,024	(11,379,030)	162,491,994	151,841,000	93.47%
Academy for Administrative Services	37,832,904	8,879,255	46,712,159	42,240,482	90.43%
Total	249,536,932	(2,409,025)	247,127,907	236,081,482	95.53%

This statement is a disclosure statement indicating the utilization of the allocations in the various Budgets in the Commission's Budgets which are programme based. The actual financial statement is an approval of the Commission's Budgets and spending.



George K. Wanjau, (ACT)

Commission Secretary (CEO)



Kenya

Assistant Director – Finance & Accounts

PO Box 14700 Nairobi



George M. Mwangi

Director of Corporate Services

7.3.4. Pending Bills

Due to factors beyond its control, the Commission carried forward Pending bills amounting to Kshs **3,161,769.15**. The bills will be settled in the 2024/2025 Financial Year as a first charge on the budgetary allocation. The bills are indicated in the table below.

Table 20: List of the Commission's pending bills

S/No	Supplier/Contractor	Nature of Goods/Services	Outsatnding Amount
1	M/s Mukau Ltd	Rent and service charges	315,000.00
2	M/s Fast Choice Ltd	Supply of office furniture	49,400.00
3	M/s Communication Authority of Kenya	Charges for SMS shortcode	320,000.00
4	M/SHenia Anzala & Associates	Legal Services	26,000.00
5	M/s New KCC	Supply of milk to Isiolo office	3,960.00
6	M/s Konza Technopolis Development Authority	Supply of e-mail licenses	349,883.00
7	M/s African Touch Safaris	Provision of air travel tickets	36,200.00
8	M/s Proactive Networks Ltd	Maintenance serevice for the UPS in quarter 3	31,320.00
9	M/s Ramji Haribhai Devani Ltd	Fuel supplies	901,706.15
10	M/s Stoni Athi Resort Ltd	Conference facility	621,000.00
11	M/s Sarova Panafric	Conference facility	368,300.00
12	M/s Little Limited	Hire of transport	139,000.00
	TOTAL		3,161,769.15

CHAPTER EIGHT

8. CHALLENGES AND RECOMMENDATIONS

8.1. Challenges

The Commission faced a number of challenges in the period under review, which hindered achievement of some of the targets as follows: -

- I. Financial Constraints which include:
 - a. Low budgetary allocation to the Commission in comparison with its resource requirements;
 - b. Austerity measures implemented during the financial year that reduced the budgetary allocation to some critical areas. For instance, the Commission carried forward bills for services procured in the period under review, due to factors beyond its control, among them, the budgetary cuts whereby, its budgetary allocation was reduced by KES 300 Million;
 - c. Delayed release of the quarterly allocations and especially the fourth quarter hindered timely implementation of planned activities;
 - d. Lack of investment in modern tools of communication thus hindering effective packaging of stories and other content;
- II. Difficulties in enforcement of some of the decisions of the Commission due to insufficient legal framework;
- III. Failure to have digitization of Government Records as envisaged under section 17 of the ATI Act which required that by September 2019 all public entities should have digitized its records. This has curtailed quick retrieval and access to information; and
- IV. The culture of secrecy, unresponsiveness and impunity in the public sector which has led to continued resistance by duty bearers being public entities and relevant private bodies, from complying with their obligations under the Act.

8.2. Recommendations

- I. There is need for consultation when revising the budgetary allocation, to avoid a one-size-fit all, given that MDAs are better placed to rationalize their budgets, whenever the need to institute austerity measures may arise;
- II. Government should ensure timely release of budgetary allocation;
- III. Increased budgetary allocation to the Commission to allow for better enforcement and oversight by the Commission of its mandate;
- IV. Strengthen the Commission's legal framework to ensure that its decisions and recommendations are binding to curb impunity;
- V. Digitization of the records of Government MDAs be done as per the ATI Act which required under Section 17 that by September 2019, all public entities should have digitized their records;
- VI. Intensify public education and awareness creation campaigns as well as decentralize ombudsman services;
- VII. Continued engagements, sensitization and capacity building on ATI

8.3. Priorities – FY 2024/25

Some of the key issues that the Commission will focus on moving forward include:

- I. Development of the Commissions strategic plan (2024-2029).
- II. Strengthening policy, legal and regulatory framework.
- III. Deepen digitization and automation of systems and processes.
- IV. Enhancement of resource mobilization and partnerships.
- V. Intensify capacity building and collaboration with MDACs to advance CAJ mandate.
- VI. Intensify outreach, public education and awareness creation initiatives.
- VII. Decentralization of Ombudsman services to enhance accessibility.
- VIII. Enhance complaints resolution rate from 23% to 50%.



Hata Mnyanga ana Hata

Head Office

Head Office, Kariakoo Post Office Box 1000
 P.O. Box 10414, 10002 Nairobi
 Tel: 020 2712345 / 2712346 / 2712347
 Email: cenco@kenya.com / cenco@kenya.go.ke

Eastern Regional Office

Central Office Building, 27th Floor
 Central Energy House
 P.O. Box 1000, Nairobi
 Tel: 020 2712345 / 2712346
 Email: cenco@kenya.com / cenco@kenya.go.ke

Nairobi Regional Office

Post Office Box 10000, 27th Floor
 State House, Nairobi
 P.O. Box 1000, Nairobi
 Tel: 020 2712345 / 2712346
 Email: cenco@kenya.com / cenco@kenya.go.ke

Central Regional Office

New Halls, State House, P.O. Box 1000
 Head Office, Nairobi
 Tel: 020 2712345 / 2712346
 Email: cenco@kenya.com / cenco@kenya.go.ke

Western Regional Office

1, Upper Street
 Nairobi, Kenya Post Office Box 1000
 P.O. Box 1000, Nairobi
 Tel: 020 2712345
 Email: cenco@kenya.com / cenco@kenya.go.ke

State Regional Office

County Office, State House, 27th Floor
 Head Office
 P.O. Box 1000, Nairobi
 Tel: 020 2712345
 Email: cenco@kenya.com / cenco@kenya.go.ke

Western Regional Office

Head Office, Regional Office
 State House, Nairobi
 P.O. Box 1000, Nairobi
 Tel: 020 2712345
 Email: cenco@kenya.com / cenco@kenya.go.ke

Head Regional Office

Head Office
 Head Office, Post Office Box
 Nairobi, Kenya
 Email: cenco@kenya.com / cenco@kenya.go.ke

Regional Office

Head Office, Regional Office
 Nairobi, Kenya
 Tel: 020 2712345 / 2712346
 Email: cenco@kenya.com / cenco@kenya.go.ke

www.cenco.com/ke | www.cenco.go.ke

