
County Visits Report on
**Awareness
Creation**

2012–2013

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ACRONYMS

CAJ	Commission on Administrative Justice
CBOs	Community-Based Organisations
CSOs	Civil Society Organisation
EACC	Ethics and Anti-Corruption Commission
GoK	Government of Kenya
IEC	Information, Education and Communication
KBC	Kenya Broadcasting Corporation
KFS	Kenya Forest Service
KNCHR	Kenya National Commission on Human Rights
MDAs	Ministries, Departments and Agencies
OCPD	Officer Commanding Police Division
OCS	Office Commanding Station
PLWDs	Persons living with disabilities
TB	Tuberculosis

FOREWORD

The Commission on Administrative Justice (Office of the Ombudsman) is a Constitutional Commission established under Article 59(4) and Chapter Fifteen of the Constitution of Kenya, 2010, and the Commission on Administrative Justice Act, 2011, following the restructuring of the Kenya National Human Rights and Equality Commission. The mandate of the Commission is to enforce administrative justice in the public sector.

The Commission was born out of the realisation that endemic institutional and systemic failures in public service can only be addressed if there is a dedicated institution that handles maladministration in the public sector.

As a stop-gap measure to address the challenge of poor accessibility and lack of resources to devolve to the counties, the Commission conducts regular outreach interventions in the counties. Known as county visits, the interventions aim to bring the Office of the ombudsman closer to the people in order to enable them to lodge complaints and seek redress on issues of maladministration in public service. The county visits also seek to increase awareness among public servants and the public on issues relating to administrative justice with a view to promoting compliance, as well as empowering the public to demand efficiency from public bodies.

The institution of Ombudsman is the people's representative that ensures the government delivers on its services to the people. Its mandate is to fight impunity in the public service. The Constitution requires public officers to be responsive when serving the public. It expects that public officers shall be servants and not rulers, and that members of the public are treated with decorum and respect. However, a number public servants do not have a full understanding of what is expected of them by the Constitution and the Commission on Administrative Justice Act.

The mandate of the commission in promoting administrative justice comprises compliance with the Constitution and administrative justice standards. Non-compliance results in abuse of power, misbehaviour, discourtesy, and other unethical behaviours. The negative short-term effect on the citizen in terms of their right to be served and/or their right to fair administrative action. In the long run, these actions affect the factors of production and economic growth, and social cultural progression of a country.

The knowledge of the public on the law is limited, and hence cannot effectively perform their civic duties of holding public servants accountable unless they are sensitised. These are some of the reasons the Commission initiated regular county visits.

This report documents the findings of the County Visits in 2012-2013. In the visits to the 15 counties, the Commission reached at least one million Kenyans through the county forums, media interactions during the visits, and spot checks. The Commission received at least 150 admissible complaints, and visited at least 60 public institutions.

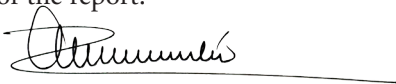
County Visits Report on Awareness Creation

Whereas the primary objective of the visits was to publicise the Commission, that the platform provided a rare opportunity for citizens to share their experiences – joys and grievances alike – remains a major achievement. As such, the programme will, in the long run, foster change and spur accountability in public administration. Through the county visits programme activities such as audits (vide spot checks on public institutions) and complaints handling, the Commission continues to contribute to reforms in the public sector.

We appreciate the valuable work, time, material, intellectual and professional support of everybody who participated and contributed in the county visits and in the development of the report. First and foremost, I would like to acknowledge, with gratitude, the contributions of the Commission’s Vice Chair, Dr. Regina Mwatha, for taking leadership in the development of the report. Her views and contributions are valued, and have significantly shaped the outcome of this report.

We acknowledge the contributions of the secretariat in undertaking the country visits and ultimately developing the report. My sincere thanks to staff members, led by team leaders, Ms Linda Ochiel, Director, Advocacy and Communications, and Mr Micah Nguli, Director, Research and Investigations. Special appreciation also goes to Ms Phoebe Nadupoi, Senior Manager, Advocacy and Communications for compiling this report. My sincere gratitude also goes to Mr Bob Harun Munoko, Compliance Officer and Morgan Keya, Chief ICT Officer and Bibiana Mungai for their contributions. I also wish to thank every other person who played a role in the county visits programme.

Last but not least, I would like to thank the Government of Kenya and our development partners, the UNDP, for generously supporting the county visits as well as the development of the report.



Commissioner Otiende Amollo, EBS
Chairperson/Ombudsman
Commission on Administrative Justice

EXECUTIVE SUMMARY

One of the key strategic issues the Commission has outlined in its Strategic Framework is ‘addressing the relatively low public awareness on matters of administrative justice’. Being a relatively new institution, the Commission is still a stranger to a majority of Kenyans and administrative justice issues it handles are still vague. It is on this premise that the Commission adopted county visits in 2012/2013 as one of the strategic approaches to enhance public awareness and participation in matters of administrative justice. The awareness programmes were anchored on the thinking that when people have the relevant information about the Commission, then they are able to seek its services. The activity is also in line with Strategic Objective 1 which focuses on addressing maladministration in the public sector.

The main goal of the visits was to increase public awareness and accessibility of the commission. The specific objectives were to:

- a) Publicize the Commission and its complaints handling process;
- b) Introduce the CAJ mandate to the public and public servants;
- c) Receive complaints on maladministration;
- d) Assess whether public officers perform their duties in conformity with the Constitution and other regulatory frameworks; and
- e) Create grassroots networks.

The implementation of the programme adopted the following approaches:

- i. Publicity through media;
- ii. Courtesy calls;
- iii. Spot checks on public institutions;
- iv. Public forums;
- v. Mobile complaints desks.

County visits created a platform where members of the public and public servants in the various counties interacted with the Commission and had an opportunity to learn about the mandate and functions of CAJ. The participants of the meetings (mainly opinion leaders) were drawn from different interest groups. It was expected that the information would percolate to their respective constituencies and, thus, reach more people. The public servants also got to know of parameters against which they are being held accountable, particularly in the context of performance contracting where the Commission is responsible for evaluating performance of institutions with regard to the complaints indicator, ‘Resolution of Public Complaints’.

The county visits were also a response to the need for accessibility at the grassroots. During the visits, the Commission set up a complaints desks that allowed any person who had suffered any form of injustice in the context of the Commission's mandate, or one who had a report on maladministration, to access justice. This ensured that those who could not navigate their way to Nairobi accessed services of the Commission without having to incur travel costs.

The project made apparent the challenges that afflict delivery of services in the Public Sector. Despite efforts to reform the Sector, a few challenges are yet to be surmounted, key among them is poor relational skills. There is a need for a paradigm shift in the manner in which public institutions conduct business. Article 1 of the Constitution which, decrees that sovereign power belongs to the people is far from being actualised. Other issues that emerged include the following.

- Lack of complaints desks in a number of institutions;
- Lack of efficient feedback mechanisms in most public offices;
- Poor infrastructure (particularly evident in the Police Service); and
- Lack of service delivery standards in some institutions.

A number of successes were realised through the project. First, the visits enhanced public awareness on the mandate of the Commission and administrative justice issues in general. The Commission brand was also bolstered through media coverage of the visits and corresponding emerging issues. Additionally, the spot checks undertaken and the subsequent feedback provided by citizens is a wake-up call to public servants to be more diligent in their work. The visits also enabled the Commission to identify systemic issues¹ for follow up. Three main systemic issues were identified, namely: land (administration of land transaction, updates and custody of documents), payment of pensions and the processes of acquiring identification documents.

Information gathered from the counties will inform programming at the Commission. Besides generating information for research, the county visits will inform the work of the Commission with respect to performance contracting. Particularly, findings of the spot checks will inform reports to various institutions during performance reviews. Additionally, the Commission has developed a list of frequently asked question that will inform generation of IEC material for public education. The same information will be disseminated through various avenues.

The number of complaints received by the Commission increased as a result of the mobile complaints desk. It is, however, not just the increase in numbers that is significant, rather, the concept that a Kenyan was able to access the services of the Commission at their locality. The public forums served as channels for receiving feedback on the projects and

¹ Problems due to issues inherent in the overall system rather than due to a specific individual, isolated factor.

programmes of the Commission. The public was, for instance, keen on the involvement of the Commission in the electoral process and they engaged the Commission on the subject of vetting of aspirants as well as a report on elections monitoring and observation published by the Commission titled *Championing Values in Hard Times: Election Monitoring and Observation Report, 2013* among other things.

RECOMMENDATIONS

Recommendations to Public Service Commission

Oversee induction of all public servants into the Code of Conduct and Ethics to ensure adherence to values and principles of public service in line with Article 232 of the Constitution. Public servants, particularly those in constant contact with the public, need training in customer care. Spot checks and public fora revealed that most public servants treat the public as beneficiaries of their services and not as clients who have a right to be served.

Recommendations to the Ethics and Anti-Corruption Commission

Oversee adherence to the Code of Conduct and Ethics, and the Act of 2012 to ensure adherence to values and principles of public service.

Recommendations to the Ministry of Interior Coordination of National Government

- i. Address the overlaps that exist in the roles of the representatives of the National Government, specifically Deputy County Commissioners and Assistant County Commissioners and the Police Service. Representatives of the National Government in Isiolo were concerned that they are compelled to undertake duties that are traditionally a preserve of the Police Service such as restoring law and order in respect to cattle rustling without additional resources to enable them to carry out such duties effectively.
- ii. Develop and implement decisive and effective measures to arrest insecurity. Concerns arose that the Government has not done enough to protect its people especially in counties that suffer border conflicts and threats from Al-Qaeda.
- iii. Urgently address the question of poor infrastructure in the Police Service to create an enabling environment for public servants in the Service to deliver on their mandate. The state of some offices and accommodation is appalling and negatively affects the work environment as well as quality of service. It was also noted that, in some instances, the police cars often lack fuel making it difficult for them to respond to distress calls and/or to carry out patrols. Embu is one of the counties facing infrastructural deficits in this respect.

Recommendations to Ministry of Lands, Housing and Urban Development

- i. Restructure processes on issuance of green cards and title deeds
- ii. Address issues of multiple allocation of land
- iii. Streamline conflicting services
- iv. Further decentralisation to tackle with delays
- v. Train officers on relational skills and servant leadership

Recommendations to the National Bureau of Registration of Persons

There is an urgent need to look at the structural arrangement in the process of issuance of ID Cards, while being firm so that non-Kenyans do not get identification documents. It is important to treat Kenyans with respect and dignity, and serve them without delay or discrimination.

Recommendations to the Retirement Benefits Authority

The question of delaying services especially related to retirement benefits for retirees is extremely unfair and unacceptable. The systemic factors leading to delay need to be examined, addressed and rectified urgently. Otherwise, the senior citizens end up living in poverty and misery and blaming the state for it.



SECTION ONE

BACKGROUND AND METHODOLOGY

1.0 The Concept

The county visits concept is anchored in the CAJ Act, 2011. Section 8 (J) of the CAJ Act, mandates the Commission to promote public awareness of policies and administrative procedures on matters relating to administrative justice. The concept is also in line with Strategic Objectives 1 and 3 of the Commissions' *Strategic Framework, 2013 – 2016*. The objectives are to address relatively low knowledge on administrative justice, and to tackle maladministration in the public sector. The Commission visited various counties as part of its outreach programme for the counties.

The main goal of the visits was to increase public awareness and accessibility of the commission. The specific objectives were to:

- publicise the Commission and complaints process;
- introduce the CAJ mandate to the public and public servants;
- receive complaints on maladministration;
- assess the extent to which public officers perform their duties in conformity with the Constitution and other regulatory frameworks; and
- create grassroots networks.

The visits were designed to provide a structured way for the Commission to have meaningful interactions at the counties. Providing a rare opportunity for the Commission to go where the people are, the visits gave county residents an opportunity to receive legal and advisory services in their localities and present complaints on maladministration to the Commission without having to travel to the Commission offices.

1.1 Methodology

The approach adopted at the county visits triangulated the outreach, the educating strategies as well as the categorisation of the participants in order to realise the objectives of the project. First, on outreach, the following were employed:

- Publicity through media
- Courtesy calls
- Spot checks on public institutions
- Public forums
- Mobile complaints desks

(i) Publicity through Media

In every county visited, the media was invited to cover the event. The media was also given opportunity to interact with those in the forum as well as interview the Commissioners and other Commission staff.

(ii) Courtesy Calls

Courtesy calls were made to the County Commissioners for those visits made before the Governors were elected, but once they were elected, courtesy calls were made to the County Governor's office. The County Commissioners would also be present in these meeting as well as other key National and County Government officials. That environment created an opportunity to discuss key emergent concerns in the counties as well as a common ground of a working relationship in the future.

(iii) Spot Checks

CAJ conducted spot checks in various public institutions to assess efficiencies in service delivery. The spot checks were, however, only conducted in selected areas to make the exercise unpredictable so as to get an accurate picture of the quality of service delivery.

(iv) Public Forums

Education strategies, including training, discussions as well as question-and-answer sessions were used. In response to the citizens, the public servants in the forum were also accorded an opportunity to respond to concerns raised. In order to appreciate how the government ought to deliver to citizens, the people participated in drawing timelines on when to begin and stop the sessions, who would be allowed to ask questions and how many questions each speaker would ask.

(v) Mobile Complaints Desks

Mobile complaints desks were set up during the visits. These gave citizens opportunity to either lodge complaints with the Commission or follow up on existing cases. At the same time, the mobile complaints desks offered advice to citizens.

The third level of triangulation was on the choice of the people to participate in the forum which was dictated by budgetary allocations. However, under all circumstances participants were deemed to be opinion-shapers and educators in their counties. The Commission's organising team, therefore, had to make deliberate effort to ensure the inclusivity of citizens of both genders within the following categorisation; (i) community

leaders, (ii) private sector, (iii) public service, (iv) religious leaders, (v) women leaders, (vi) youth leaders, (vii) representatives of persons living with disabilities, (viii) the community-based organisations, (ix) the civil society and (x) the media.

Given that the choice of participants in every forum were leaders in their own right, the commission anticipated that information would percolate to their respective constituencies and, thus, reach more people.

The fifteen counties visited within the 2012-2013 Financial Year and the dates are indicated in Table 1.1.2 and Fig 1.1

Table 1.1.1: Counties Visited by CAJ in 2012/2013 Financial Year

	County	Date forum was held
1	Embu	31 st May 2013
2	Narok	23 rd May 2013
3	Kericho	22 nd May 2013
4	Isiolo	14 th May 2013
5	Kilifi	21 st November 2012
6	Turkana	22 nd November 2012
7	Mombasa	30 th October 2012
8	Machakos	25 th October 2012
9	Nakuru	23 rd October 2012
10	Kakamega	18 th October 2012
11	Kisumu	17 th October 2012
12	Kisii	16 th October 2012
13	Uasin Gishu	11 th October 2012
14	Nyeri	27 th September 2012
15	Garissa	26 th September 2012

Both Table 1.1.1 and the Fig 1.1 indicate that the visits were mapped in a manner that traversed most of the country. Counties like Turkana, Garrissa, Isiolo and Kilifi were considered pertinent in terms of locality and possibility of access to information on the work of CAJ and, thus, the need to reach them within the first round of visits.

Fig 1.1 Counties Visited by CAJ



SECTION TWO

THE COUNTY EXPERIENCE

2.0 INTRODUCTION

This section discusses each of the counties visited. The public forums were the highlight of the visits. Other activities included spot checks, and the receiving of complaints through the mobile desks. The public forums not only served to create awareness but also enabled the participants to engage and raise issues of concern in their counties in the presence of their Governors and public officers from both the National and County Governments. The county visits enabled the Commission to engage on a face-to-face basis with a total of about 2,000 Kenyans, 1,298 (65%) of whom were male and 699 (35%) female (Table 2.1.1) .

Table 2.1.1: Number of Citizens the Commission Interacted with during County Visits

NO.	NAME OF COUNTY	PARTICIPANTS BY SEX					
		Male		Female		Total	
		No.	%	No.	%	No.	%
1	Garissa	102	81	24	19	126	6
2	Nakuru	130	63	75	37	205	10
3	Uasin Gishu	126	67	61	33	187	9
4	Nyeri	102	66	52	34	154	8
5	Machakos	105	70	45	30	150	8
6	Kericho	84	79	22	21	106	5
7	Narok	50	68	23	32	73	4
8	Isiolo	79	62	49	38	128	6
9	Kisii	136	80	33	20	169	8
10	Mombasa	30	56	24	44	54	3
11	Kilifi	58	61	37	39	95	5
12	Kisumu	114	65	62	35	176	9
13	Kakamega	23	29	56	71	79	4
14	Turkana	108	50	108	50	216	11
15	Embu	51	65	28	35	79	4
Total		1,298	65	699	35	1,997	100

* These figures exclude journalists present in the forums

Promoting public awareness is a mandate of the Commission under Section 8 (j) of Commission on Administrative Justice Act (2011). The ability to deliver on its mandates was dictated by availability of finances. The number of persons present in every forum was also dictated purely by the money available to the Commission within the financial year 2012-2013.

Participants in the county forums represented different sectors and interest groups as earlier indicated. This means every participant was drawn from either of these sectors within the respective counties - community leaders, private sector, public service, religious leaders, women leaders, youth leaders, representatives of persons living with disabilities, community-based organisations, the civil society and the media.

There was a huge presence of public servants and state officers in all the forums, which provided a great opportunity for them to listen to citizens' perceptions and realities on the kind of service they provide, and an opportunity to respond to issues raised.

This section presents a descriptive analysis of the events in each of the fifteen counties visited.

2.1 THE FIFTEEN COUNTIES

2.2 EMBU COUNTY

Embu County is located in the former Eastern Province for which it served as the headquarters. The county has four constituencies (Manyatta, Runyenjes, Gachoka and Siakago). The two districts in the county are Embu and Mbeere. The population stands at 516,212, with a population density of 183 per square kilometre. Majority of people in Embu are farmers with the main cash crops being coffee, tea and macadamia nuts.

The Commission visited the county on 31st May 2013 and held a public forum at the Izaak Walton Hotel.

2.2.1 Public Awareness on the Commission and Its Mandate

It was noted that there was at least some knowledge of the Commission at the county as it was depicted during the public forum at Izaak Walton Hotel. Some of the participants indicated they had ongoing matters filed with the Commission. Participants also engaged the Commission on some of its projects. For instance, they were aware that the Commission had launched an election monitoring and observation report and



Participants during the Embu County forum

were interested to know the outcome. The visit, thus, was an important platform for receiving feedback on the Commission’s work. Majority of participants, however, still had no information on the mandate of the Commission. Expectations of the participants, which pointed to the need for awareness about the Commission, can be summed as follows:

- A desire to learn about the office of the Ombudsman;
- A need to know how the public can access justice; and
- The need for people to access the office at the grassroots.

A total of 79 persons attended the forum - 28 women and five men. Representatives from the public service were 26, 10 women and 16 men. CSOs also sent their representatives who were 12 in number. The community leaders were represented by one woman and seven men, and person’s living with disabilities were also represented, as well as women leaders. (Table 2.2.1).

Table 2.2.1: Embu County Forum Participants

Organisation/ Leadership Position	Female		Male		Total	
	No	%	No	%	No	%
Community Leaders	1	12.50	7	87.50	8	10.1
Private Sector	0	-	3	100.00	3	3.8
Public Service	10	38.46	16	61.54	26	32.9
Religious Leaders	2	25.00	6	75.00	8	10.1
Women Leaders	5	100.00	0	-	5	6.3
Youth Leaders	4	57.14	3	42.86	7	8.9
PLWDs	1	100.00	0	-	1	1.3
CBOs	4	33.33	8	66.67	12	15.2
CSO	1	11.11	8	88.89	9	11.4
Total	28	35.44	51	64.56	79	100

2.2.2 Complaints Received

The mobile complaints desk set up gave personalised attention to persons reporting complaints and those making general inquiries. A total of ten complaints from nine MDAs were received as indicated in Table 2.2.2

Table 2.2.2: List of Complaints Received during the Embu County Visit

Classification	Total No. of complaints	No. of complaints per Institution	Respondent
Unfair treatment	3	1	Embu Provincial Hospital
		1	Kenya Police Service
		1	Ministry of Lands
Unresponsive official conduct	2	1	County Commissioner of Kirinyaga
		1	Ministry of Forestry and Wildlife
Administrative injustice	4	1	Independent Electoral and Boundaries Commission
		1	Ministry of Social Services
		1	Ministry of Gender, Sports, Culture and Social Services
		1	Ministry of Lands*
Delay	1	1	Ethics and Anti-Corruption Commission

**This case was a follow-up of a matter already filed with the Commission*

Given that these were actual complaints, inquiry files were opened and the Commission is following up on the matters raised.

2.2.4 Emerging Issues

- There was an outcry over the collapse of the Macadamia Project. The Government had established a multi-million factory in the early 2000s, which collapsed due to mismanagement. The government-owned plant was well equipped but not operational due to lack of funds and farmers were now compelled to sell their raw produce to Chinese companies at throw-away prices. There was, however, no formal complaint filed in this regard.
- The feedback mechanism tools – mostly suggestion boxes – are not efficient in addressing matters that may require urgent attention. It was found that some suggestion boxes go for as long as a month before they are opened.

2.2.5 Spot Checks

The Commission undertook spot checks in the Ministry of Lands and Immigration and Registration of Persons offices, Embu Police Station, Embu General Hospital as well as the Judiciary.

- i. The citizens, in their own parameters, rated the Judiciary as the best institution. Persons interviewed by the Commission expressed satisfaction with service delivery at the institution. It was clear from the infrastructure the institution had gone through a physical structural change, attributable to the ongoing Judicial Reforms.

- ii. It was eminent that poor infrastructure is hampering service delivery, specifically, with regard to the Police. It was noted the police station had only two cars, one of which was very old. It was also reported that the vehicles in most cases had no fuel, which made it difficult for officers to respond to distress calls and to undertake regular patrols. The public raised similar concerns noting that the Police are not properly equipped to enable them carry out their responsibilities efficiently and/or in a timely manner.

2.3 NAROK COUNTY

Narok County is located in the South Rift, and has a population of 850,920 with a population density of 47 per square kilometre. It has three constituencies - Kilgoris, Narok North and Narok South, and three districts - Narok North, Narok South, and Trans Mara. The county is home to world famous Maasai Mara National Reserve. Besides tourism, cash crops such as pyrethrum and wheat drive the economy.

The Commission visited the county on 23rd May 2013 and held a public forum, established a complaints desk and undertook spot checks at various Government institutions.

2.3.1 Public Awareness Forum on the Commission and Its Mandate

The Commission hosted a public forum at Seasons Hotel in Narok where the public was educated on the CAJ mandate. Participants had expressed the need to know the mandate of the Commission and how they could access its services.

Table 2.3.1: Narok County Forum Participants

Organisation/ Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	6	67	3	33	9	8
Private Sector	4	67	2	33	6	6
Public Sector	24	73	9	27	33	31
Religious Institutions	3	100	0	0	3	3
Women Leaders	0	0	5	100	5	5
Youth Leaders	1	50	1	50	2	2
CBOs	5	100	0	0	5	5
CSOs	7	70	3	30	10	9
Total	50	68	23	32	73	69

The public awareness programme had a total of 79 participants. Among them, 50 were male and 23 female. In the group, nine participants represented community leaders out of which six were male and three female. The public sector was represented by 33 heads of departments or their representatives, and 22 male and nine female. These figures are indicated in Table 2.3.1.

2.3.2 Complaints Received

Four complaints were received as captured below.

Table 2.3.2: List of Complaints Received during Narok County Visit

Classification	Total No. of complaints	No. of complaints per institution	Respondent
Unresponsive Official Conduct	2	1	Ministry of Lands
		1	Former Arid Lands Resource Management Project
Maladministration	1	1	Ministry of Finance
Delay	1	1	Kibera Law Courts*

**This case was a follow-up of a matter already filed with the Commission*

The complaints received echoed the observations made during the spot checks as well as the emerging issue that unresponsive official conduct is a challenge the public sector needs to address.

2.3.2 Emerging Issues

- There were concerns that the county residents have challenges getting title deeds. They alleged that there is favouritism as those who settle in the county are facilitated faster than the locals.
- There was an outcry over the behaviour of public servants. Participants at the forum indicated that public servants are largely discourteous and unresponsive.
- It emerged that the relations between the County Governor and the County Commissioner (representative of the National Government) were strained and were likely to adversely affect service delivery if not addressed. This could, however, be a teething issue with the new system of government (devolution).



Participants during the Narok County forum

2.3.3 Spot Checks

Spot checks were undertaken at the Narok Police Station, Narok Law Courts, the Narok District Hospital and the Ministry of Lands offices. It was established that:

- i. At the National Registration Bureau, the complaints desk was located inside the office of the Deputy Registrar. It was, therefore, not accessible. Narok District Hospital did not have a complaints desk.
- ii. At the National Registration Bureau, the suggestion boxes are not opened frequently, thus, delaying feedback.
- iii. A number of staff members at the Narok District Hospital did not adhere to official working hours; a number of them had not reported to work by 9.00 am.
- iv. Members of staff at the Ministry of Lands were unresponsive. During the spot check, they either did not attend to clients, or took too long to do so. It was also noted that the Ministry of Lands offices did not have a suggestion box which meant the public had no avenue to channel their sentiments.
- v. It was observed that some public servants at the Ministry of Lands and at the District Hospital were discourteous when dealing with clients.

2.4. KERICHO COUNTY

Kericho County is home not only to the world famous Kenyan Tea but also one of the largest water catchment areas (Mau). Some of the largest tea companies, including Brook Bond, Unilever Kenya, James Finlay and Williamson Tea, are based at the county. It is also home to the popular Ketepa brand. The county's population stands at 758,339 with a population density of 306 per square kilometre.

The Commission visited the county on 22nd May 2013 and held a public forum, set up a complaints desk and undertook spot checks on various public institutions.

2.4.1 Public Awareness on the Commission and Its Mandate

The Commission held a public forum at Sunshine Hotel in Kericho town. Members of the public were taken through different aspects of the CAJ mandate. Majority of participants had no knowledge of the Commission and sought to know more about establishment of the Commission as well as its functions.

In total, there were 106 participants in the forum, of which 79 were male and 22 female. Heads of Departments from the public sector or/and their representatives were the majority, totalling 52: 46 male and six female. The rest of the participants are captured in Table 2.4.1.

Table 2.4.1: Kericho County Forum Participants

Organisation/ Leadership Position	Male		Female		Total	
	%	No.	%	No.	%	No.
Community Leaders	14	64	8	36	22	21
Private Sector	4	67	2	33	6	6
Public Sector	46	88	6	12	52	49
Religious Institutions	6	75	2	25	8	8
Women Leaders	0	0	1	100	1	1
Youth Leaders	6	75	2	25	8	8
CBOs	1	50	1	50	2	2
CSOs	6	100	0	0	6	6
Not Indicated	1	100	0	0	1	1
Total	84	79	22	21	106	100

2.4.2 Emerging Issues

In the awareness discussion forum, some issues emerged as major concerns. They are listed below.

- A concern was raised that the Kenya Forest Service (KFS) continues to fell trees in the county despite owing the county government 400 million shillings in compensation. Participants appealed to the Commission to intervene in order to stop further felling of trees and ensure that the debt is paid.
- The land question emerged as a contentious issue, with Talai Kipsigis alleging they have remained internally displaced persons for years as they have never been given alternative land to settle after they were displaced from the land where the county headquarters sit.

2.4.3 Complaints Received

Participants made inquiries on different issues at the complaints desk set up, and files were opened for four complaints as reflected in Table 2.4.2.

Table 2.4.2: List of Complaints Received during the Kericho County Visit

Classification	Total No. of complaints	No. of complaints per institution	Respondent
Unfair treatment (dismissal)	1	1	Ministry of Roads and Public Works
Abuse of office	1	1	Police Service
Breach of contract	1	1	Private Entity
Unfair administrative action	1	1	Ministry of Special Programmes

2.4.4 Spot Checks

Spot checks were undertaken at the Kericho District Hospital, Law Courts, Kenya Revenue Authority Offices, Registration of Persons offices and the Ministry of Lands offices. From the spot checks, it was established that:

- i. Some public institutions lacked efficient feedback mechanism tools. For instance, the spot check revealed that suggestion/complaints box at the Registration of Persons offices were opened once a month, while, the one at the District Hospital was broken.
- ii. The Kenya Revenue Authority office had no complaints desk.
- iii. There were complaints of discourtesy by clients at the Ministry of Lands offices.
- iv. In some instances, there were no dedicated complaints desks: at the Law Courts, the service desks doubled up as the complaints desks, and at the District Hospital, the customer care desk also served as the complaints desk.

2.5 ISIOLO COUNTY

Isiolo County falls within the upper part of former Eastern Province and is part of the former colonial Northern Frontier District, which was the site of Somali irredentist armed struggle dubbed the Shifta War of 1963-1967 (UKaid, 2010). The county is the second least populated in Kenya with a total of 143,294 persons: 43,118 in Garbatulla District and 100,176 in Isiolo District (GoK 2009). The main inhabitants of the county are Somali, Borana, Meru, Samburu and Rendile with the urban centres, particularly Isiolo, being more cosmopolitan (GoK Ministry of State for Planning, National Development and Vision 2030).

The county is bedeviled by challenges that confront most arid and semi-arid areas, as well as spill-over of problems that face cross-border communities even though it is not at the periphery *per se*. These include instances of insecurity and huddles in acquiring registration documents.

Isiolo is defined as a resort city in Vision 2030, the Nation's blue print that seeks to transform Kenya into a newly industrialised, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. The prospects of the resort city has awakened a lot of interest in the county, particularly Isiolo town and its environs with claims of land grabbing by people in 'high offices' rampant. Isiolo, just like most parts of Northern Kenya which historically have been considered economically insignificant, now have great potential and promise with the prospects of the resort city in the offing. However, service delivery is still wanting and urgent measures need to be taken to ensure customer satisfaction and spur development.

2.5.1 Public Awareness on the Commission and Its Mandate

During the visit, the Commission held meetings with various stakeholders in the county, including a public forum held on 14th May 2013, and courtesy calls to the offices of the

county government and representatives of the National Government. The public forum was held on 14th May 2014 at the Bishop Albino Mensa Pastoral Centre.

A total of 128 participants representing different institutions and positions of leadership in the county were present. Among these, 36 were Community Leaders of whom 25 were men and 11 women. 19 public servants also attended - 16 male and three female. Also represented in the forum were persons with disabilities who had four participants (all male). Six participants were women leaders and four were religious leaders.

Table 2.5.1: Isiolo County Forum Participants

Organisation/ Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	25	69	11	31	36	28
Private Sector	7	78	2	22	9	7
Public Sector	16	84	3	16	19	15
Religious Institutions	4	31	9	69	13	10
Women Leaders	0	0	6	100	6	5
Youth Leaders	3	75	1	25	4	3
PLWDs	4	100	0	0	4	3
CBOs	4	36	7	64	11	9
CSOs	16	62	10	38	26	20
Total	79	62	49	38	128	100

It was evident from interactions during the visit that representatives of the national and county governments were aware of the existence and some of the functions of the Office of the Ombudsman. It was, however observed that members of the public knew little about the Commission. As demonstrated by the expectations that the participants shared at the beginning of the discussions, which included the need to understand:

- the mandate of the commission
- the complaints handling procedure; and
- how the Commission carries out its mandate.

2.5.2 Publicity through Media

Heralding the visit was a one-hour talk show on 13th May 2013 on Borana Service owned by the State broadcaster, Kenya Broadcasting Corporation (KBC). The show saw a

representative of the Commission educate listeners on the mandate of the Commission. The interactive programme which ran from 9.30 to 10.45 pm saw callers from Marsabit, Nairobi and Mpeketoni in Lamu to ask questions. The highest number of callers was from Marsabit, no one called from Isiolo. The questions from listeners focused on aspects such as delay in payment of pension, corruption in the public sector and land matters.



CAJ Legal Officer, Winnie Tallam (right), receives complaints during the Isiolo County Visit

2.5.3 Complaints Received

The mobile complaints desk gave personalised attention to 24 persons, a majority of whom raised complaints while others made general inquiries. 15 complaints were recorded and one referral made.

Table 2.5.2 details the complaints received, which are an indication that the county government of Isiolo has a lot of work to do since one third of the complaints that cut across all the categories were levelled against it.

Table 2.5.2: List of Complaints Received during the Isiolo County Visit

Classification	Total No. of complaints	No. of complaints per Institution	Respondent
Maladministration	3	1	Ministry of Local Government
		1	Isiolo County Government
		1	Police Service
Unfair treatment	5	1	Private Entity
		1	Ministry of Livestock and Development
		1	Isiolo County Government
		1	Independent Electoral and Boundaries Commission (IEBC)
Delay	5	3	Judiciary
		1	Isiolo County Government
		1	Ministry of Lands
Manifest injustice	1	1	Isiolo County Government
Abuse of office	1	1	Ministry of Lands

The complaints on delay revealed cases are taking too long before determination. Again,

one third of complaints are on unfair treatment, a strong indication that the mind-set of public servants on their roles as servants of the people need to change.

2.5.4 Emerging Issues

A number of pertinent issues emerged as enumerated below.

- Land is a major concern in the county. Issues of concern revolved around three main aspects, namely; title deeds, boundaries and management of public land. The residents expressed concern over delivery of services in the Ministry of Lands offices. There were numerous complaints of multiple allocations of land. It was reported that this has caused disharmony since many people lay claim to same property. It was also said to have resulted in protracted land ownership disputes as it is difficult to ascertain the authentic owner. Secondly, there was a general concern of non-issuance of title deeds.
- It was alleged that only about 300 title deeds have been issued. Participants at the forum indicated they feared missing out on opportunities tied to the resort city because they have no documents to certify they own land that they believe belongs to them.
- The other concerns in the public discussions were largely pilferations of some of the issues observed during the spot checks. The concerns addressed themselves to discourtesy and not keeping to office time which, in turn, affects service delivery negatively, as well as failure to properly label offices thus making citizens take a long time to locate them.
- Concerns emerged over delays and rigorous vetting processes before issuance of identification documents. It was reported that there is delay in issuance of National Identification Cards (IDs). It was alleged that applicants seeking to get IDs, particularly those of Somali origin, are subjected to rigorous vetting processes and made to wait for long before they acquire the documents.
- The public was also concerned that TB Manyatta has no in patient facilities. As a result, patients who need to be admitted were sent back home thus increasing chances of spreading the airborne disease.

2.5.5 Spot Checks

The Commission undertook spot checks at the Law Courts, Ministry of Lands offices, the Police Station, Ministry of Immigration and Registration (National Registration Bureau and Births and Deaths Registration), Local Authorities, Isiolo Hospital, TB Villages (Manyatta), Ewaso Nyiro Development Authority, and the Constituency Development Fund offices.

Below are the findings of the exercise.

- i. Ewaso Nyiro North Development Authority stood out from the institutions visited. The facility seemed efficient and employees were observed to be responsive.

- ii. In a number of institutions, the customer care desk doubled up as the complaints desk. This was particularly the case at the Judiciary. In other instances, institutions did not have complaints desks but claimed to have structures for handling complains, that is, a designated person to handle complaints.
- iii. Some institutions such as TB Manyatta and the Constituency Development Fund had no complaints handling infrastructure at all.
- iv. It was observed that whereas some institutions had service charters, some of them displayed very small ones that were hardly noticeable thus raising questions on whether clients did benefit from the information displayed.
- v. Delivery of services in some institutions was affected by structural factors beyond the control of the officers on the ground. TB Manyatta, for instance, had only one vehicle which was expected to deliver drugs to dispensaries in an expansive area, including parts of Marsabit.
- vi. It was observed that delivery of services was also affected by various acts of maladministration such as discourtesy, untimeliness. Further, a number of offices were not labeled and it was, therefore, difficult to locate them.

2.6 KILIFI COUNTY

Kilifi County sits on a 12,610 square kilometre area in the Coastal region and constitutes five constituencies - Bahari, Kaloleni, Ganze, Malindi and Magarini. The county a population of 1,109,735 and a population density of 88 per square kilometre, is cosmopolitan, with the predominant inhabitants being from the Mijikenda groups (mainly Giriama and Chonyi). Other groups include the Islamic Swahili-Arab descendants. Like other Coastal towns, fishing is one of the historical economic activities. With time, the town has slowly been transforming from a fishing village to basic industrial and service.

Since the establishment of Pwani University in 2008, there has been substantial expansion of the service sector in the county. Whereas retail business and hospitality industry (hotels) have historically been significant economic activities, banking and microfinance are expanding.

The Commission visited the county on 21st November 2012 and held a public forum at the Kilifi County Hall, as well as set up a complaints desk.

2.6.1 Public Awareness on the Commission and Its Mandate

The public awareness forum at Kilifi County Hall was attended by 95 citizens of whom 58 were male and 37 female. Private sector had the highest participation with 27 male and 24 female representatives. Representation is captured on Table 2.6.1.

Table 2.6.1: Kilifi County Forum Participants

Organisation/Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	1	50	1	50	2	2
Private Sector	27	53	24	47	51	54
Public Sector	12	86	2	14	14	15
Religious Institutions	5	100	0	0	5	5
Youth Leaders	1	25	3	75	4	4
CBOs	5	71	2	29	7	7
CSOs	7	58	5	42	12	13
Total	58	61	37	39	95	100

Public awareness on the establishment and mandate of the Commission was timely as it was noted there was limited knowledge on the same. In the public forum, the citizens from the county expressed interest to know more about the Commission, specifically to:

- Understand the mandate of the Commission;
- Know how the Commission carries out its mandate; and
- Understand the complaints handling procedure.



Participants during the Kilifi County forum

2.6.2. Complaints Received

Delays, administrative injustice and unfair treatment were major concerns to the Kilifi County residents. The mobile complaints desk registered five complaints as captured in Table 2.6.2.

Table 2.6.2: List of Complaints Received during Kilifi County Visit

Classification	Total Number of Complains	No. of Complaints per Institution	Respondent
Administrative injustice	1	1	County Council of Kilifi
Delay	2	1	Pension /Finance Department
		1	Office of the President
Unfair treatment	2	1	Vipingo Sisal Farm*
		1	County Council of Kilifi

**The complaint was against a private entity, thus, it was referred.*

2.6.3 Emerging Issues

- Registration of persons emerged as a key concern, with residents lamenting about rigorous vetting processes and delays in issuing national identification cards. There were also concerns over lack of clear citizenship as cross-border communities have inter-married from Tanzania and other countries.
- There were also complaints of marginalisation in respect to development. Residents of the county complained of poor infrastructural development and unemployment.
- There were concerns over registration of land. Most people complained of lack of title deeds, a matter they said affects personal development as people are not able to develop their land. Residents of the county further claimed that natives from the county are not facilitated to get title deeds but ‘immigrant’ (those from other counties) are facilitated to register the land they acquire.

2.7 TURKANA COUNTY

Turkana County is a vast, semi-arid, remote area inhabited by semi nomadic pastoralists. The county, with a population of 855,399 and population density of 13 per square kilometre, is the most affected by food insecurity, earning the distinction of the third poorest county. Levels of illiteracy are phenomenal, the climate is hostile, and the security of persons and property is near non-existent. Mwangi (2012) notes that the Turkana attribute their woes to their geographical positioning and wealth endowments.

The county has been plagued by a myriad of issues, key among them, insecurity. Instability in the neighbouring countries has impacted on security of the county. The crosscurrents in Ethiopia continue to have a huge influence on conflict, with porous borders being a major driver of conflict. ITDG-EA (2003) indicates that, the causes of these conflicts include but are not limited to intensified cattle rustling, proliferation of illicit small arms, inadequate policing and state security arrangements, the diminishing role of traditional

governance, competition over control and access of natural resources (pasture, water and land use) political incitements, ethnocentrism, increasing levels of poverty and idleness among the youth.

The Commission visited the county on 22nd November 2012 where it held meetings with various stakeholders, hosted a public forum and set up a complaints desk.

2.7.1 Public Awareness on the Commission and its Mandate

The Commission held a public forum at the County Council Hall, which provided an opportunity to create awareness on the Commission and its mandate. It also gave the CAJ an opportunity for it to gauge public perception and knowledge of the Commission. Table 2.7.1 gives details participation during the public forum.

Table 2.7.1: Turkana County Forum Participants

Organisation/ Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Private Sector	14	64	8	36	22	10
Public Sector	10	67	5	33	15	7
Religious Institutions	11	48	12	52	23	11
Women Leaders	0	0	5	100	5	2
Youth Leaders	9	45	11	55	20	9
CBOs	20	40	30	60	50	23
CSOs	1	33	2	67	3	1
Not Indicated	43	55	35	45	78	36
Total	108	50	108	50	216	100

As it was the case in most counties visited, members of the public knew little regarding the mandate of the Commission, with most seeking to know the following:

- Mandate of the Commission;
- Complaints handling procedure; and
- The role of the Commission in the working of county governments.

2.7.2 Emerging Issues

- Land emerged as a very contentious issue in the county. Participants allege that there was no transparency in management of land. They claimed Mount Kenya University acquired tracts of community land in unclear circumstances. There were also concerns over boundaries with a neighbouring county (Pokot). Residents also complained of speculation of land in the urban areas occasioned by oil prospects.
- There was a strong feeling by residents that the State is not taking decisive

and effective measures to arrest insecurity. It was reported that many lives were lost due to internal and external conflicts (internally with the Pokot and Samburu and externally, aggression from Toposas of Sudan, and Ethiopians).

- There were concerns over the process of oil exploration in the area. It was alleged the land acquisition process was not transparent, as the county council and community were not properly involved. Secondly, residents indicated the dissemination of the proceeds from the same - as enshrined in the Constitution - was not clear.
- Registration of Persons was cited as a major challenge in the county. Residents complained not only of delays and vetting, but also unavailability of registration services in the interior parts of the county. The expansive county only has one registration point: the head quarters. This deprives many residents of the county, especially the youth, of their democratic and economic rights.
- Residents also raised concerns over marginalisation in respect to development. A serious infrastructural deficit has left citizens feeling excluded. The Government was accused of making little infrastructural developments. It was reported that lack of a proper transport system has particularly affected business in the county. As a result, communities in the area do not have sustainable livelihoods, which explains their overreliance on donor aid.

2.8 MOMBASA COUNTY

Mombasa County lies on the coastline of the Indian Ocean and was the headquarters of former Coast Province. Mombasa's population, which stands at 939,374 with a population density of 4,292 per square kilometre, is cosmopolitan especially at the urban centres. The county is strategic to the economy of Kenya and the entire Eastern Africa region because of the port of



A participant asks a question during the Mombasa County public forum

Mombasa which serves landlocked countries including Uganda, Rwanda and Burundi. The county is one of the pillars of the tourism industry given its expansive beaches and nearby game parks including the world famous Tsavo National Park.

The Commission visited the county on 30th October 2012 and held a public forum at Sapphire Hotel where it also established a complaints desk.

2.8.1 Public Awareness on the Commission and Its Mandate

The public forum in Mombasa was attended by 54 participants: 30 male and 24 female. The private sector had the highest representation at 17 followed by the public sector at 16.

Table 2.8.1 captures details of the participants.

Table 2.8.1: Mombasa County Forum Participants

Organisation/ Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	4	67	2	33	6	11
Private Sector	10	59	7	41	17	31
Public Sector	7	44	9	56	16	30
Religious Institutions	4	100	0	0	4	7
Women Leaders	0	0	2	100	2	4
Youth Leaders	2	67	1	33	3	6
CBOs	1	50	1	59	2	4
CSOs	1	100	0	0	1	2
Not Indicated	1	33	2	67	3	6
Total	30	56	24	44	54	100

From the entry behaviour of participants as depicted by their expectations, very little was known about the Commission in the county. Expectations of the participants can be summed up as follows to:

- Understand why the Commission was set up;
- Know how the Commission can be accessed with ease;
- Understand the mandate of the Commission;
- Know what action can be taken against government officials who abuse office; and
- Understand the complaints handling procedure of CAJ.

2.8.2 Emerging Issues

A number of issues emerged from the forum as outlined below.

- Concerns were raised over alleged rampant corruption in government offices and failure by public officers to adhere to principles of good governance and integrity as envisaged by the Constitution. County residents at the forum claimed public officers reported to work drunk and in other instances they were reluctant to serve the public without being bribed.
- Campaign tool with projects being rolled out only in areas perceived to pay their allegiance to those entrusted with political power.
- Concerns were raised over the state of Shimo la Tewa Prison. The prison was said to be in a deplorable state.
- Delay in payment of pensions also emerged as a major concern with claims that in some instances, the retirees had waited for up to 20 years and in other cases dying before they got their retirement benefits.

- Mombasa County residents also lamented over delays in delivery of judgments by the law courts. This drained parties involved in the form of legal fees, and unresolved issues had costly ramifications on their lives and the conduct of business.

2.9 MACHAKOS COUNTY

Machakos County, which fell under the former Eastern Province, and that borders Nairobi on the eastern side, has a population of 1,098,584 with a population density of 177 per square kilometres. The County has been selected as the home to the upcoming Konza Technology City – Africa’s first techie city - due to its proximity to Nairobi, good infrastructure and availability of massive chunks of land. The County is also home to important industrial and residential centres like Athi River and Mlolongo.

CAJ visited the County on 25th October 2012 where it held a public forum at the Municipal Council Hall, conducted a spot check on the Machakos GK Prison as well as established a complaints desk.

2.9.1 Public Awareness on the Commission and Its Mandate

The public Forum was attended by 150 persons. Among the participants were community leaders, three male and one female, public sector heads of departments or their representatives: 27 male and 12 female, and the private sector representatives: 25 male and 11 female. About 49 of the participants did not indicate their institution or leadership position in the community (Table 2.9.1).

Table 2.9.1 Machakos County Forum Participants

Organisation/ Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	3	75	1	25	4	3
Private Sector	25	69	11	31	36	24
Public Sector	27	69	12	31	39	26
Religious Institutions	7	88	1	13	8	5
Women Leaders	0	0	5	100	5	3
Youth Leaders	4	57	3	43	7	5
CBOs	1	100	0	0	1	1
CSOs	1	100	0	0	1	1
Not Indicated	37	76	12	24	49	33
Total	105	70	45	30	150	100

Discussions at the public forum indicated that there was limited understanding on the mandate of the Commission, especially by members of the public. However, some people knew about some of the projects the Commission was undertaking. They, for instance, sought to know involvement of the Commission in the vetting of political candidates ahead

of the general elections.

Public servants understood the work of the Commission more as compared to members of the public. Participants at the forum identified the following as their expectations to:

- Understand the Commission’s functions and mandate;
- Learn what role the Commission has on the electoral process;
- Know how the Commission ensures that justice is administered at the grassroots.

2.9.2 Complaints Received

Most complaints received related to delay in issuance of ID cards.

Table 2.9.2: List of Complaints Received during the Machakos County Visit

Classification	No. of Complaints	No. of Complaints per Institution	Respondent
Delay	4	1	National Registration Bureau
Unresponsive official conduct	1	1	Machakos high Court
Total	5	2	

2.9.3 Emerging Issues

It was reported that there is delay in issuance of National Identification Cards (IDs). It was alleged that applicants seeking to get IDs, particularly those of Somali orientation, are subjected to rigorous vetting processes and made to wait for long before they acquire the documents.

2.9.4 Spot Checks

Section 51 of the CAJ Act mandates the Commission to correspond with persons in custody for purposes of undertaking its mandate. During the visit, the Commission activated this mandate and undertook a spot check at the Machakos GK Prison.

The spot check revealed the following:

- The Prison’s land had been encroached upon by private developers. The Commission noted that there were private



CAJ Chairperson, Cmmr. Otiende Amollo, addresses inmates during a spot check at the Machakos GK Prison

establishments within the precincts of the Prison. Incidentally the owners of the private establishment were using the main Prison’s gate to access their facilities;

- ii. It was also noted that the residential houses owned by private developers situated within the compound of the Prison were being leased to Prison staff; and
- iii. The remandees complained of delays in the hearing of appeals, and unjustifiably long incarcerations.

2.10 NAKURU COUNTY

Nakuru County was the headquarters of former Rift Valley Province and it is Kenya’s fourth largest town. The county is inhabited by diverse communities with its population standing at 1,603,325 and a population density of 214 per square kilometre. Agriculture is the backbone of the economy. Tourism also contributes to the county’s economy accounting for almost 70% of revenue to some of the local governments in the county. Nakuru County is made up of six constituencies (Naivasha, Nakuru town, Kuresoi, Molo, Rongai and Subukia).

The Commission visited the county on 23rd October 2012 and held a public forum at the Municipal Hall as well as establishing a complaints desk.

2.10.1 Public Awareness on the Commission and Its Mandate

There were 205 participants in the Nakuru County public forum. 130 were men and 75 were women. Among the participants were 52 representatives of the private sector, 53 representatives of the public sector and 24 representatives of religious institutions. Women and youth leaders were also represented (Table 2.10.1).

Table 2.10.1: Nakuru County Forum Participants

Organisation/Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Private Sector	39	75	13	25	52	25
Public Sector	34	64	19	36	53	26
Religious Institutions	22	92	2	8	24	12
Women Leaders	0	0	3	100	3	1
Youth Leaders	4	50	4	50	8	4
CBOs	0	0	2	100	2	1
CSOs	1	33	2	67	3	1
Not Indicated	30	50	30	50	60	29
Total	130	63	75	37	205	100

It was observed that the members of the public had an idea about the work of the Commission although they could not distinctly spell out its mandate and functions. During the meeting, the public defined their knowledge needs being to:

- Learn more about the Commission and its functions;

- Understand what “*haki ya mnyonge*” means;
- Follow up with cases already lodged with the Commission;
- Understand the procedures for lodging and handling complaints at the CAJ;
- Understand the distinction between the CAJ and other Constitutional Commissions; and
- Learn what the role of the Commission is in the general elections and vetting of the candidates to political office.

2.10.2 Emerging Issues

- County residents lamented the unresponsiveness of the Kenya Wildlife Service (KWS). They claimed wild animals from Nakuru National Park destroy their crops and despite filing numerous complaints with KWS, the human-wildlife conflict was yet to be addressed.
- The question of land emerged as critical in the County. County residents complained of double allocation of land and failure to handle issues of settlement/re-settlement effectively and fairly.
- The Judiciary was also on the spot, with complaints levelled against them for failure to resolve cases in a timely manner for all parties.
- There were concerns that a number of those running for political offices did not meet the leadership and integrity threshold.

2.11 KISUMU COUNTY

Kisumu County is located in Nyanza and was the headquarters of former Nyanza Province. The County constitutes six constituencies (Kisumu Town East, Kisumu Town West, Kisumu Rural, Nyando, Muhoroni and Nyakach). Kisumu’s population stands at 968,909 with a population density of 465 per square kilometre.

The County largely draws its economic life from Lake Victoria which supports the fishing and fish processing industry which is the County’s main economic activity. Agriculture is also a common economic activity with sugar and rice irrigation industries employing a good number of its residents.

The Commission visited the County on 27th October 2012 and held a public forum at Kisumu Social Hall, undertook spot checks and set up a mobile complaints desk.

2.11.1 Public Awareness on the Commission and Its Mandate

The Commission educated the public on various aspects of its mandate. The public had stated their expectations of the forum being to:

- Understand the mandate of the Commission;

- Learn how the Commission carries out its mandate; and
- Understand the complaints handling procedure.

There was a total of 176 participants at the Kisumu forum. 114 were male and 62 female (Table 2.11.1). The participants like in all the other Counties were drawn from various institutions and were regarded by the communities as leaders in their own right.

Table 2.11.1: Kisumu County Forum Participants

	Male	Female	Total
No.	114	62	176
%	65	35	100

2.11.2 Emerging Issues

- The land question emerged as a contentious matter. Representatives of a Peace Committee present at the public forum indicated that 90% of the complaints they handle relate to land and sought the intervention of the Commission in the way the Ministry of Lands offices at the county conduct business.
- The public raised concern that construction of the Provincial Head Quarters had taken a long time. The building had been undergoing construction for over 20 years. To make matters worse, the building was inaccessible for the older persons of society and persons with disabilities because of its architectural design.

2.11.3 Spot Checks

The Commission undertook spot checks at the Maseno University Town Campus, Kisumu Police Headquarters, Jaramogi Oginga Odinga Referral Hospital, Kisumu Law Courts, Municipal and County Councils of Kisumu. The following were the findings:

- i. It was established that at Maseno University Town Campus and Municipal Council of Kisumu the suggestion boxes were opened once a month, and were thus not effective for addressing urgent matters.
- ii. A number of institutions were observed not to have a dedicated complaints desk. It was noted that they used the service desk or assigned an individual to handle complaints. In Kisumu Central Police Station and Oginga Odinga Referral Hospital for instance, there was no complaints desk and it was reported that clients were directed to the relevant offices to have their complaints addressed. In the Kisumu Law Courts, the service desk doubled up as complaints desk.
- iii. It was observed that the service charter in some instances as in the case of the Police charter does not capture all the charges (fees) a client is required to pay. At the Police Station for instance, clients who required abstracts were required to pay photocopy charges.
- iv. It was noted that some public offices lacked signage to lead clients to the service outlets

hence a lot of time was wasted searching for them. This was the case in the Department of Gender and Social Development.

- v. It was noted that some of the public servants were not punctual in reporting to work. A spot check at the Kisumu Law Courts between 8.20 and 9.00 am indicated that only 50% of staff at the Magistrates' Courts and High Court had reported.

2.12 KAKAMEGA COUNTY

Kakamega County is Kenya's second most populous County after Nairobi. The County has nine constituencies, namely Butere, Mumias, Matungu, Khwisero, Shinyalu, Lurambi, Ikolomani, Lugari and Malava. The County's population is 1,660,651 with a population density of 544 per square kilometre. Kakamega was the headquarters of the former Western Province. Agriculture is a major economic activity, with sugar cane farming extensively practiced. The county is home to one of the largest sugar producing firm in Kenya: Mumias Sugar.

The Commission visited the County on 18th October 2012 and held a public forum at the Kakamega Town Hall as well as establishing a mobile complaints desk.

2.12.1 Public Awareness on the Commission and Its Mandate

The Commission educated the public on its mandate so that they understand in what areas they can get assistance and how to. Their expectations at the beginning of the forum revealed they knew little about the Commission. Their expectations summed up as being to:

- Learn about the functions of the Commission;
- Understand what administrative justice is all about;
- Understand the process of lodging and handling complaints;
- Understand the term "Ombudsman" and learn how the Commission functions; and
- Know how to access the Commission.

There were 79 participants at the Kakamega forum: 23 were female and 56 male. They were drawn from various leadership positions within the society. They included community leaders, religious leaders, public servants, and women leaders, persons with disabilities and youth leaders. The private sector as well as the civil society, the media and community based organisations were also represented (Table 2.12.1).

Table 2.12.1: Kakamega County Forum Participants

	Male	Female	Total
No.	23	56	79
%	29	70.89	100

2.12.2 Emerging Issues

- There was concern over the opaque manner in which the appointment of County Commissioners was done. Participants at the public forum sought intervention of the Commission in remedying the situation.
- The public servants were concerned with poor infrastructure and pointed out that they needed to be fully equipped to be able to deliver their mandates and services more effectively to the public.
- The land question was a concern in this County and emerged as a significant issue that needed attention. Participants sought to know from the Commission where to get help so that land problems bedeviling them could be addressed. The problems that related to land were varied ranging from non-issuance of title deeds to double allocations among others.

2.13 KISII COUNTY

Kisii County is most known for its association with soap-stone, which is extensively used in the production of curios that form a large part of Kenya's tourism trade merchandise. The County has a population of 1,511,422 and a very high population density of 595 per square kilometre. Agriculture is the main economic activity with tea, bananas, maize and coffee being the dominant crops, with some farmers practicing dairy farming.

The Commission visited the County on 16th October 2012 where it held a public forum, set up a mobile complaints desk and undertook spot checks.

2.13.1 Public Awareness on the Commission and its Mandate

The Commission hosted a public forum at the Kisii Municipal Hall. It was evident from the expectations little was known about the commission. The public expectations raised were basically threefold. These were to:

- Understand the mandate of the Commission;
- Learn how the Commission carries out its mandate; and
- Understand the complaints handling procedure.

2.13.2 Emerging Issues

- There were complaints of delays in issuance of national identity cards.
- There were also allegations that the Kenya National Highways Authority office previously in Kisii County had been relocated to Nyeri without the consent of residents as well as stakeholders, leaving the roads in Kisii unconstructed and their previously occupied offices vacant.

2.13.3 Spot Checks

Spot checks were undertaken at the Judiciary, Kisii Level 5 Hospital, Lands Offices, Police, Municipal Council & County Council of Kisii, and Registration of Persons, Births and Deaths. The following were the findings:

- i. Interviews by a team that visited the Ministry of Lands revealed that issuance of green cards by the Ministry of Lands was unnecessarily delayed.
- ii. It was noted that public servants use mother tongue while conducting business. In some instances, the public servants engaged clients in their mother tongues before ascertaining the language(s) they spoke. This was, for instance, observed at the local authorities – County and Municipal Councils.
- iii. A spot check at the County Council offices revealed different aspects of maladministration. First, about 50% of the officers had not reported to work by 8.30 am. Second, the service charter was written on a small paper in a crowded notice board, thus, proving difficult for citizens to read. Additionally, the suggestion boxes were not strategically positioned, and it also emerged from discussions during the public forum that they were not frequently opened. Similar concerns on the same were raised against the Registration of Persons office.
- iv. In other public offices, there was no designated complaints desk and the customer care desk handled complaints. This was witnessed at the Kisii Law Courts and at the Kisii Level 5 Hospital. The result was that this desk tended to be overcrowded at times.
- v. It was also noted that some public offices such as the Lands offices lacked signage to guide clients to the service outlets hence a lot of time was wasted in locating them.
- vi. Some offices, such as Lands and the Police Service, had no clear feedback mechanisms.



CAJ Commissioners address media after the Kisii County public forum

2.14 UASIN GISHU COUNTY

Uasin Gishu County, famed for producing the County's top athletes is located in Rift Valley and has a population of 894,179, translating to a population density of 267 per square kilometre. The County is very cosmopolitan, particularly around Eldoret.

The main economy activity is agriculture, and the county is considered as one of the food baskets of the county. Wheat growing, maize farming and dairy keeping are the leading agricultural activities. The county has a relatively well established infrastructural base, including Eldoret International Airport which handles large amounts of cargo.

The Commission visited the County on 21st October 2012 and held a public forum at the Eldoret Municipal Council Hall in Eldoret Town where it also set up a complaints desk.

2.14.1 Public Awareness on the Commission and Its Mandate

The public awareness forum was attended by 187 participants in total. Out of this, 126 were male and 61 female. Table 2.14.1 shows the data.

Table 2.14.1: Uasin Gishu County Forum Participants

Organisation/Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	7	88	1	13	8	4
Private Sector	33	57	25	43	58	31
Public Sector	32	78	9	22	41	22
Religious Institutions	6	86	1	14	7	4
Women Leaders	0	0	3	100	3	2
Youth Leaders	4	67	2	33	6	3
CBOs	1	33	2	67	3	2
CSOs	2	67	1	33	3	2
Not Indicated	41	71	17	29	58	31
Total	126	67	61	33	187	100

The public forum provided an ideal opportunity to educate the public on the mandate of the Commission. At the beginning of the forum, participants expressed their expectations as being to:

- Understand the role, function and mandate of the Commission;
- Know the Commission's role in the electoral process;
- Understand the complaint handling process;
- Learn what the powers of the Commission are;
- Understand the difference between CAJ, the Ethics and Anti-Corruption Commission (EACC) and the Kenya National Commission on Human Rights (KNCHR).



CAJ Vice Chairperson, Cmmr. Dr. Regina Mwatha makes a presentation during the Uasin Gishu County public forum in Eldoret

2.14.2 Emerging Issues

- The County residents raised concerns regarding land, particularly pertaining to

multiple allocation of land by the local authorities, and difficulties in acquiring title deeds.

- It was reported that service delivery at the Moi Teaching and Referral Hospital and the Uasin Gishu District Hospital was poor. It was alleged that in most cases doctors at the two hospitals report to work late, serve few patients and refer them to their private clinics.

2.14.3 Spot Checks

Spot checks were undertaken at the Eldoret Magistrates Courts, Divisional Police Headquarter and Uasin Gishu District Hospital, Immigration and Registration of Persons offices. The findings were as follows:

- i. All the four institutions visited had no complaints desks although they reported to have mechanisms of handling arising complaints. For instance, in the Eldoret Magistrates Courts, it was reported that the Chief Executive Officer handled complaints; at the Divisional Police Headquarters, it was established that the complaints were handled by the OCS and OCPD; at the District Hospital, those with complaints were referred to the Medical Officer in charge. At the Immigration and Registration of Persons Offices, it was not clear how complaints were handled.
- ii. There were no evident feedback mechanism tools at all the offices visited.
- iii. The Immigration and Registration of Persons Offices and the Eldoret Magistrates Courts had no service charters.
- iv. It was observed that maintenance of public utilities in these offices was poor. For instance, some of the offices housing public servants (the Immigration and Registration of Persons and at the Divisional Police Headquarters) were dilapidated. This poor environment could affect the morale and, consequently, service delivery of the concerned public officers.

2.15 NYERI COUNTY

Nyeri County is located in the productive central highlands of Kenya. The county has a population of 693,558 and a population density of 208 per square kilometre. Cash crops, mainly tea and coffee are the major drivers of its economy.

The county has private ranches that supply dairy and beef products. Some of the ranches serve as private wildlife sanctuaries that host local and foreign tourists and augment the vibrant tourism sector which is another contributor to the county's economy. The nearby Mount Kenya and Aberdare National Park attract a good number of tourists.

The Commission visited the county on 27th September 2012 and held a public forum, undertook spot checks and established a mobile complaints desk.

2.15.1 Public Awareness on the Commission and its Mandate

The public forum had 154 participants of whom 102 were male and 52 were female. The largest section of participants was from the public sector - 48 male and 19 female mainly heads of department or their representatives. 61 of the participants did not indicate their institution or position of leadership in the community. However, as seen in Table 2.2.1, the private sector,

religious institutions women leaders the youth and persons with disability were also represented.

Table 2.15.1: Nyeri County Forum Participants

Organisation/Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Private Sector	5	83	1	17	6	4
Public Sector	48	72	19	28	67	44
Religious Institutions	5	83	1	17	6	4
Women Leaders	0	0	5	100	5	3
Youth Leaders	4	50	4	50	8	5
PLWDs	0	0	1	100	1	1
Not Indicated	40	66	21	34	61	40
Total	102	66	52	34	154	100

The need for awareness about the Commission in the county was buttressed by the knowledge gaps on its mandate as depicted in the expectations expressed at the beginning of the forum. Participants expressed the need to understand:

- The mandate and functions of the Commission;
- Complaints handling procedure;
- The meaning of Ombudsman; and
- The distinction between the role of the Commission and that of other Constitutional Commissions.

2.15.2 Emerging Issues

- The land question, as in the other counties previously discussed, was amongst uppermost concerns from the public. The complaints revolved around double or more allocations of one parcel of land.
- The public also raised concerns that, in some instances, public servants treat them disrespectfully, unfairly and unjustly, and were unhelpful. Further, they complained that public servants did not report to work promptly. They, therefore, felt there was no commitment by government in providing the required services.

2.15.3 Spot Checks

Spot checks were undertaken in five institutions, namely: the Lands Office, Nyeri Law Courts, Police Headquarters, Agricultural Finance Corporation and the Kenya Bureau of Standards. Following were the findings:

- i. It was observed that public servants at the Ministry of Lands office were discourteous to the clients.
- ii. There was no Cause List at the Magistrates Courts. At the time of the spot check, the Cause List that was displayed was dated 29th June 2012. This means clients had a difficult time establishing matters that were set for mention or hearing, and the

designated venues where they were to be conducted.

- iii. Some institutions did not have complaints desks although they indicated they had mechanisms for handling complaints. For instance, at the Magistrates Courts, it was reported that complaints were handled by the Chief Executive Officer. The Ministry of Lands office lacked a complaints desk, and it was noted that by 9.00 am, only two officers had reported to work.
- iv. At the Police Headquarters, it was observed that the service charter did not capture photocopying charges that clients are asked to pay to obtain abstracts. Further, buildings housing the Police Headquarters were dilapidated.
- v. Service delivery at the Agricultural Finance Corporation was noted to be efficient, and staff were observed to exercise decorum.

2.16 GARISSA COUNTY

Garissa was the headquarters of the former North Eastern Province and was part of the North Frontier District (NFD). The County’s population stands at 623,060, with a population density of 14 per square kilometre. It is semi-arid, hot and suffers from inadequate and unreliable rainfall characterised by the prevalence of long dry spells. The region has, for a long time, relied on relief food from the government and the donor agencies, reducing most residents to beggars. Livestock production is a significant part of the County’s economy with cattle being sold in both the domestic and overseas markets.

The Commission visited the county on 26th September 2012 and held a public forum, set up a complaints desk and undertook spot checks.

2.16.1 Public Awareness on the Commission and its Mandate

The public forum had 126 participants - 102 male and 24 female. Those from the public sector were 48 and community leaders representatives were 17. Also presented at the forum were 14 women leaders and 14 youth leaders. 19 participants did not indicated their affiliation.

Table 2.16.1: Garissa County Forum Participants

Organisation/Leadership Position	Male		Female		Total	
	No.	%	No.	%	No.	%
Community Leaders	14	82	3	18	17	13
Private Sector	10	91	1	9	11	9
Public Sector	45	94	3	6	48	38
Religious Institutions	3	100	0	0	3	2
Women Leaders	0	0	14	100	14	11
Youth Leaders	14	100	0	0	14	11
Not Indicated	16	84	3	16	19	15
Total	102	81	24	19	126	100

Members of the public who had little or no knowledge about the Office of the Ombudsman were educated on the mandate of the Commission. Their key concerns were to understand the mandate of the Commission, its complaints handling process and how they can access the services of the Ombudsman.

2.16.2 Emerging Issues

- It was reported that there are undue delays in the issuance of identification documents (National Identity Cards and Passports) in the County. There were concerns that, unlike in other Counties, the documents are processed in Nairobi. The rigorous vetting process which had up to five levels was also contested because it was only practiced among communities living in what was previously known as the Northern Corridor. The public viewed this practice as discriminatory because the same standards were not being applied in other parts of the country.
- The citizens also noted that the Garissa Provincial Hospital did not have a morgue, the nearest being in Meru. Lack of the facility had caused serious challenges to County residents who needed to preserve bodies before burial or transportation to other destinations for burial.



Participants during the Garissa County forum

2.16.3 Complaints Received

The commission had also set up a complaints desk to make it easy for participants to make fresh complaints or follow up on ongoing cases already filed with CAJ. 27 complaints were received as illustrated in Table 2.23.

Table 2.16.2: List of Complaints Received during the Garissa County Visit

Classification	No. of Complaints	Total No of complaints per institution	Respondent(s)
Discrimination	12	12	Ministry of Immigration
Delay	10	10	Ministry of Immigration
Unfair Treatment	5	5	Ministry of Water and the Water Board
Total	27	27	

2.16.3 Spot Checks

The Commission visited the County on 26th September 2012 and carried out spot checks at the Garissa Provincial Hospital, Immigration and Registration of Persons offices. Following were the findings:

- i. Results showed that some of the public servants do not follow official working hours. At the time the spot checks were undertaken (8.30 am), many members of staff at the Garissa Law Courts and the Garissa Provincial Hospital had not reported to work. This was also the case at the Immigration and Registration of Persons offices.
- ii. It was also noted that the Garissa Law Courts did not have a complaints desk.
- iii. Discussions with staff present revealed that the institution did not have a clear feedback mechanism.

SECTION THREE

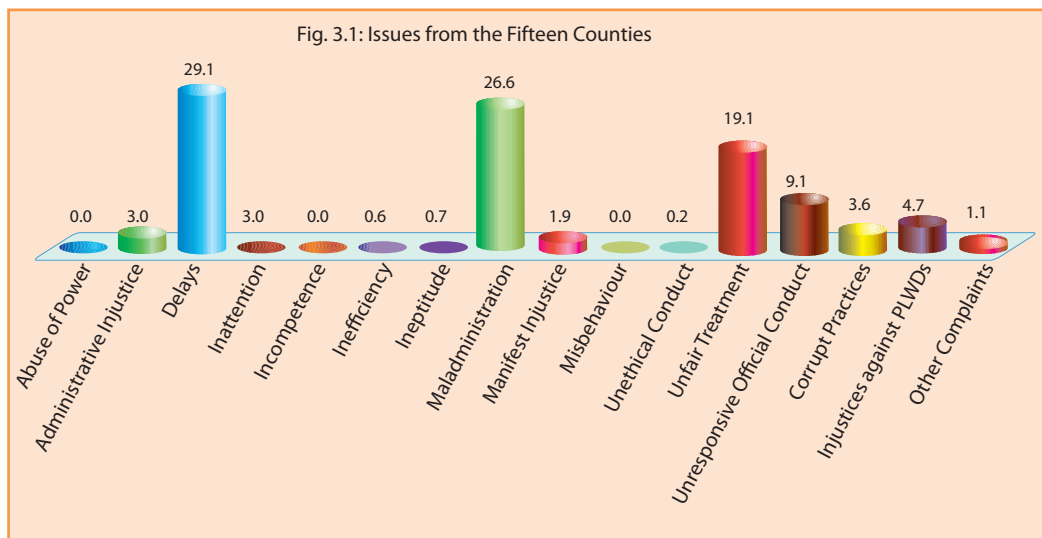
ANALYSIS OF THE FINDINGS

3.1 Introduction

A further analysis of the emerging issues from the county visits showed that delay in provision of services accounted for 29.1% of the concerns raised. Maladministration accounted for 26.6% and unfair treatment 19.1%. Manifest injustice constituted 8.2%, ineptitude 6.0% and injustices to persons with disabilities 4.7%.

Data from various visits shows that delay - the highest concern raised by citizens in the fifteen counties - was experienced mostly at the Ministry of Lands, which made up for 53% of the concerns, followed by the National Bureau of Registration of Persons at 36% and Retirement Benefits Authority at 7%. In maladministration practices, the Ministry of Lands, again, led at 90%, followed by Ministry of Health at 5%.

Six main concerns emerged from the visits, namely: delays in service provision, administrative injustice, unfair treatment, maladministration, inefficiency and unresponsive official conduct.

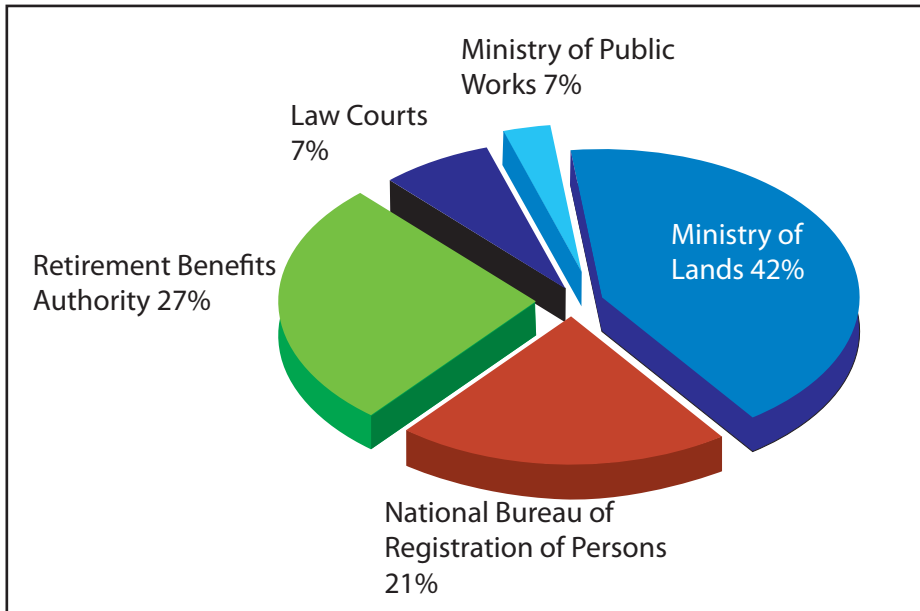


3.2 Delays in Service Provision

A majority of complaints in this respect were against the Ministry of Lands, which had 368 (42%) mentions. Concerns that were raised related to issuance of title deeds, green cards and other services. Similar concerns against the National Registration of Persons stood at 184 (21%), and those against Retirement and Benefits Authority at 237 (27%).

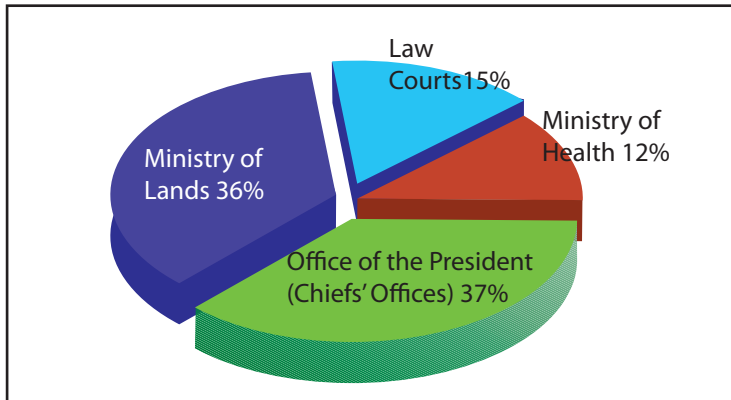
Delays in service delivery have far reaching implications. First, they hinder growth of the economy because citizens spend a lot of their time to get services delivered instead of engaging in productive activities. Delays in issuance of registration documents, for instance, deny citizens a voice, presence and identity. Additionally, they lower the productivity of the nation as the persons affected – largely youthful men and women – cannot enroll for higher education, seek employment and begin businesses.

Fig.3.2: Delays in Service Provision



Further, delays in the issuance of these documents are often associated with perpetual harassment of young people by police. Delay, therefore, not only frustrates the individual but it also has cost implications in terms of loss for the country. In fact, according to the Kenya National Human Development Report (2009), only 44% of the youth in Kenya can afford a livelihood above the poverty line. “The challenge the nation faces is how to translate education and a high survival index into income for the youth”. The ability to have National IDs promptly is the first ticket towards actively participating in growing the Kenyan economy, because it has wider implications on the ability to achieve government plans, including Vision 2030.

Fig.3.3: Administrative Injustice



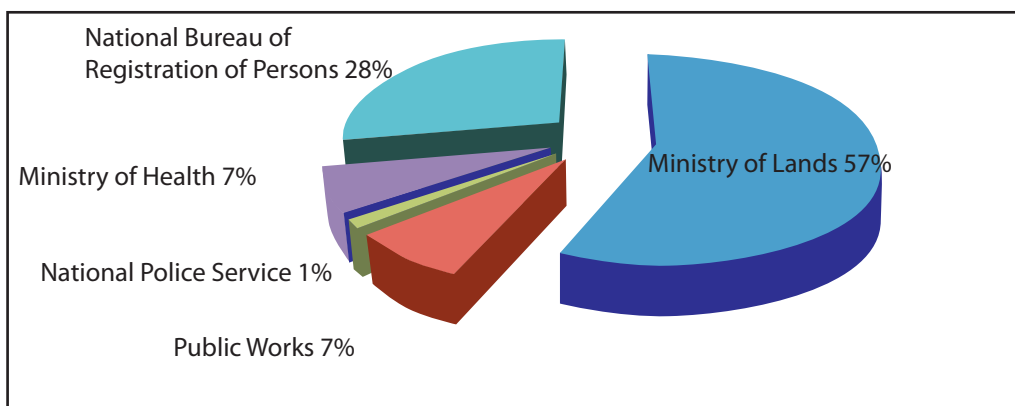
3.3 Administrative Injustice

Administrative injustice emerged as a primary concern, with most Kenyans expressing dissatisfaction with the Office of the President (mainly the Chiefs' offices), Ministry of Lands, the Judiciary (Law Courts) and the Ministry of Health.

3.4 Unfair Treatment

With respect to unfair treatment, findings from the county visits revealed that most Kenyans are dissatisfied most with the Ministry of Lands. There were also concerns against the National Bureau of Registration of Persons, Ministry of Health, the Police, and Ministry of Public Works. These were more prominent in Narok, Kericho, Garissa, Kilifi, Nakuru and Embu Counties.

Fig. 3.4: Unfair Treatment

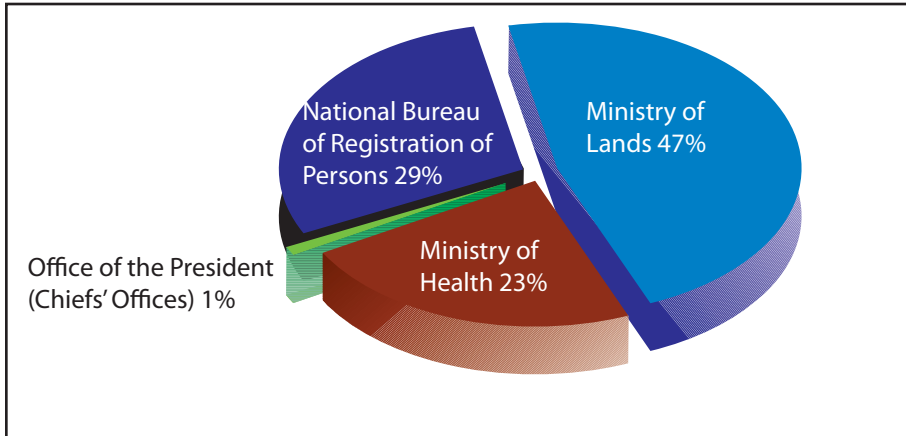


3.5 Maladministration

The public raised concerns on maladministration in the Ministry of Lands, National Bureau of Statistics, Ministry of Health and Office of the President (Chief's offices).

Concerns on maladministration largely featured in Kisumu, Narok, Mombasa, Uasin Gishu, Nakuru, Nyeri, Kisii, Isiolo and Turkana Counties.

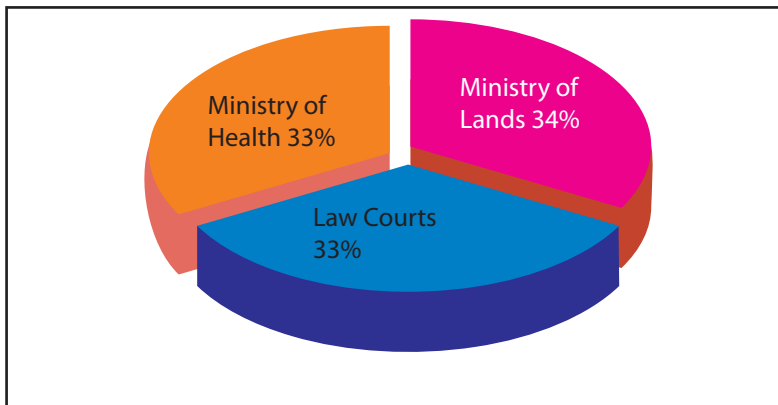
Fig.3.5: Maladministration



3.6 Inefficiency

Inefficiency was yet another emerging concern among citizens from the counties visited, particularly Mombasa, Garissa, Uasin Gishu, Narok and Kilifi. Complaints on inefficiency were voiced largely against the Law Courts, the Ministry of Health and Ministry of Lands.

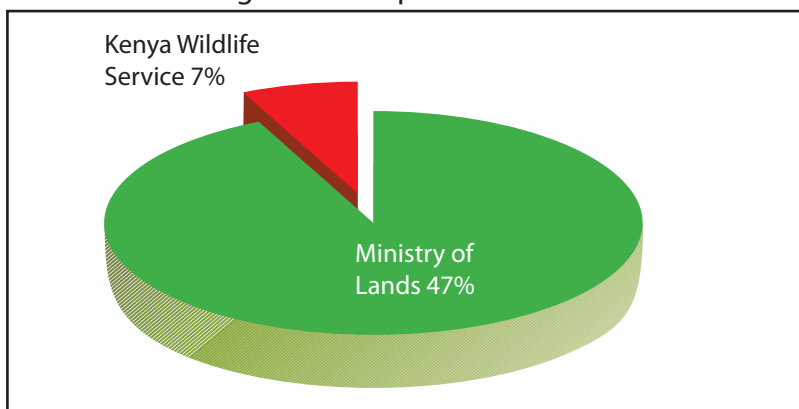
Fig. 3.6: Inefficiency



3.7 Unresponsive Official Conduct

A huge chunk of allegations of unresponsive official conduct were made from the Ministry of Lands, with complaints emerging across all the counties visited. Similar concerns were raised regarding the Kenya Wildlife Service (KWS) for allegedly failing to resolve concerns revolving around the human-wildlife conflict around Lake Nakuru National Park.

Fig. 3.7: Unresponsive Official Conduct



3.8 Other Concerns

Other concerns that emerged during the visits include abuse of power, corruption, unethical conduct and incompetence.

In Garissa, corruption was alleged to have taken root at road blocks and border points. Corrupt practices were also alleged to be rampant in Kisii, Mombasa, Nakuru and Uasin Gishu.

Use of mother tongue was also identified as another matter affecting public service. Spot checks conducted by the Commission revealed some public servants used mother tongue while transacting official business, even before ascertaining what languages the client understood, or whether or not they understood the national and official languages. This was observed in at the local authorities' offices in Kisii and Kakamega, and at the Kisumu Law Courts.

Further, Kenyans raised concerns regarding persons they deemed inappropriate to hold public office because of integrity concerns, but who had been cleared to run for elective offices.

Lastly, citizens raised concerns over poor maintenance of public amenities, specifically offices and public servants offices.

3.9 BENEFITS OF THE COUNTY VISITS

The County visits provided fora for wide outreach, thus, enhanced public awareness on the mandate of the Commission, and provided a platform for candid discussions on administrative justice issues.

The Commission brand was also bolstered through media coverage of the visits and corresponding emerging issues.

The spot checks undertaken and the subsequent feedback from the public was an awakening call to the public servants. This is one way of clipping maladministration from derailing service delivery in the public sector, and expediting accountability in public institutions.

The visits enabled the Commission to identify systemic issues and other matters that have a significant impact to considerable large numbers of people which will inform its research work. Three main issues were identified: namely, land (administration of land transactions, and the updates and custody of documents), payment of pensions to retirees, and the processes of acquiring identification documents.

Information gathered from the Counties will inform programming at the Commission. Besides generating information for research and investigations, the County visits will inform the work of the Commission with respect to performance contracting. Particularly, findings of the spot checks will inform report to various institutions during performance review. Additionally, the Commission has developed a list of frequently asked questions that will inform generation of IEC material for public education. The same information will be disseminated through various avenues.

The number of complaints received by the Commission increased as a result of the mobile complaints desk as well as awareness creation in the public fora. However, it is not just the increase in numbers that is significant rather the concept that a Kenyan was able to access the services of the Commission at their locality.

The public forums served as channels for receiving feedback on the projects and programmes of the Commission. The public was, for instance, keen on the involvement of the Commission in the electoral process and they engaged the Commission on the subject of vetting aspirants as well as a report on election monitoring and observation published by the Commission titled *Championing Values in Hard Times: Election Monitoring and observation Report, 2013* among other things.

3.10 RECOMMENDATIONS

The report clearly shows that there are systemic issues within given MDAs such as Ministry of Lands, National Bureau of Registration of Persons which need to be tackled.

3.10.1 Recommendations to Public Service Commission

Oversee induction of all public servants into the Code of Conduct and Ethics to ensure adherence to values and principles of public service in line with Article 232 of the Constitution. Public servants, particularly those in constant contact with the public, need training in customer care. It was noted that most public servants treat the public as beneficiaries of their services and not as clients.

3.10.2 Recommendations to the Ethics and Anti-Corruption Commission

Oversee adherence to the Code of Conduct and Ethics, and the Act 2012 to ensure adherence to values and principles of public service.

3.10.3 Recommendations to the Ministry of Interior Coordination of National Government

- Address the overlaps that exist in the roles of the representatives of the National Government, specifically Deputy County Commissioner and Assistant County Commissioner and the Police Service. Representatives of the National Government in Isiolo were concerned that they are compelled to undertake duties that are traditionally a preserve of the police service such as restoring law and order in respect to cattle rustling, without additional resources to enable them to carry out such duties effectively.
- Develop and implement decisive and effective measures to arrest insecurity. Concerns arose that the Government has not done enough to protect its people.
- Urgently address the question of poor infrastructure in the Police Service to create an enabling environment for public servants in the Service to deliver on their mandate. The state of some offices and accommodation is appalling and may negatively affect the work environment as well as quality service. It was also noted that in some instances the police cars have no fuel, making it difficult for them to respond on distress calls, and/or carry out patrols. Some of the Counties where these infrastructural deficits concerns arose include Embu, Nyeri, and Kisumu Counties.

3.10.4 Recommendations to Ministry of Lands, Housing and Urban Development

- i. Restructure processes on issuance of green cards and title deeds
- ii. Address issues of multiple allocation of land
- iii. Streamline conflicting services
- iv. Further decentralisation to tackle with delays

- v. Train officers on relational skills and servant leadership

3.10.5 Recommendations to the National Bureau of Registration of Persons

There is an urgent need to look at the structural arrangement in the process of issuance of ID Cards, while being firm so that non-Kenyans do not get Identification documents. It is important to treat Kenyans with respect and dignity, and serve them without delay or discrimination.

3.10.6 Recommendations to the Retirement Benefits Authority

The question of delaying services especially related to retirement benefits for retirees is extremely unfair and unacceptable. The systemic factors leading to delay need to be examined, addressed and rectified urgently. Otherwise, the senior citizens end up living in poverty and misery and blaming the state for it.

3.11 REFERENCES

- Commission on Administrative Justice (2013) *Championing Values in Hard Times: Election Monitoring Observation Report*. Unpublished.
- Government of Kenya (2009), *Population and Housing Census*, Kenya National Bureau of statistics, Nairobi, Kenya.
- Government of Kenya (2011), *Commission on Administrative Justice Act*, Kenya Gazette Supplement No 110, 23
- Kenya Vision 2030. *A Globally Competitive and Prosperous Kenya*. 2007. Nairobi: Government of the Republic of Kenya.
- Government of Kenya (2010) *The Constitution of Kenya* , Kenya Gazette Supplement No 55
- Government of Kenya 2008a. *First medium-term plan 2008-2012 for Kenya Vision 2030*. Nairobi: Government printer.
- ITDG-EA (2003). *Conflict in Northern Kenya*, Nairobi, Kenya
- Mwangi, M. (2012). *Conflicts and More Conflicts in Turkana County: The Price of Being Forgotten?* Unpublished Manuscript.
- Ukaid (2010). *Embracing the Practice of Conflict Sensitive Approaches: An Analysis of the Kenyan Context*. UKaid. Nairobi, Kenya
- United Nations Development Programme, UNDP Kenya (2010) *Kenya National Human Development Report 2009, Youth and Human Development: Tapping the Untapped Resource*. UNDP Kenya Country Office

