

mbudsman Newsletter



Commission Commemorates International
Access to Information
Day in Bungoma County



Commission opens a new office in Garissa in partnership with NGEC



Commission and Kituo cha Sheria Enter into Partnership







Commission on Administrative Justice (Office of the Ombudsman)

Hata Mnyonge ana Haki







EDITOR'S NOTE

Creating a Society that Upholds Administrative Justice and Access to Information

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 and inefficiency in the public sector institutions at national and county level and enforce access to information as enshrined in the Constitution and Access to Information Act, 2016.

to be responsive when serving the public. It expects 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 Commission on Administrative Justice (Office of individual rights, encourages efficient public administration. As the Commission's slogan goes, "Hata Mnyonge ana Haki," the Commission is committed to ensuring that Kenyans enjoy effective and efficient public services.

In this edition, we take you down memory lane with the Huduma Ombudsman Award and it's benefits to the previous three editions' awardees. This financial year, the commission plans to host the 4th Edition of the Huduma Ombudsman Awards.

In addition, the Commission fully participated in the observation and monitoring of the General election that was held on the 9th August, 2022. The Commission also hosted observers from the African Ombudsman and Mediators Association who observed elections and released a preliminary report.

The Commission also marked this year's International Day for Universal Access to Information in Bungoma in partnership with Kituo Cha Sheria by raising public awareness and education through radio programs, public forums and legal clinics. Our Mombasa office also held a public forum at Majaoni in Kisauni.

The Commission also released a report on systemic investigations into the plight of Kenyan migrant domestic workers in the Kingdom of Saudi Arabia. As per its stragegic plan 2019/2023, the Commission continued to decentralise its services to the grassroots level. In collaboration with our sister Commis-

We also have inspiring stories of Kenyans we have helped with complaints ranging from pensions to inmates getting appeal dates and retirement ben-

as we continue to work together to build a society that upholds administrative justice and access to information.

Enjoy the read.



Mr. Osman Mohamed

Director - Public Education, Advocacy and Corporate Communications













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GARISSA OFFICE LAUNCH

Devolving Ombudsman Services: New Office in Garissa



In line with its Strategic Plan (2019-2023) of taking Ombudsman services to the grassroots, the Commission on Thursday, September 22, 2022, inaugurated its sixth regional office in Garissa County. The office will also serve neighbouring counties of Tana River, Kitui, Wajir, and Mandera.

The guest of honour during the ceremony held at the office grounds was Garissa County Deputy Governor, H.E. Abdi Dagane. The Commission was led by Chairperson, Hon. Florence Kajuju, Vice Chairperson, Mr. Washington Sati, Access to Information Commissioner, Lucy Ndung'u, and Commission Secretary, Ms. Mercy Wambua.

The regional office expansion is through a collaboration with the National Gender and Equality Commission (NGEC) which has a presence in Garissa. NGEC Chairperson, Dr. Joyce Mwikali Mutinda, led the Commission to grace the occasion. The national government was represented by Deputy Regional Commissioner, Mr. Mawira Mungania, Garissa County Commissioner, Mr. Solomon Komen, and representatives of various ministries, departments, and agencies.



The leadership of the Commission presenting a branded clock to Garissa County Governor H.E Nadhif Jama during a courtesy call.

GARISSA OFFICE LAUNCH

Ombudsman urges public servants to serve citizens diligently

The Commission of Administrative Justice (Office of the Ombudsman) has called on both national and county



A team from the Commission led by the Director in Charge of Public Education, Advocacy, and Corporate Communication and the Director, Corporate Services conducted public awareness and education ahead of the official launch of the Commission's Garissa Regional Office.

The Commission has called on both national and county government officers to serve their citizens diligently without discrimination.

Speaking after opening a regional office in Garissa, Chairperson, Hon. Florence Kajuju, said that it a constitutional right of citizens as taxpayers to get government services or information as required. The office will serve residents of Garissa, Wajir, Mandera, Tana River and Kitui counties.

"We do not want to hear people saying that 'Garissa is not in Kenya'. If you have any complaints against any office, bring them to us so that we can work on those issues and make sure your rights are adhered to and that justice is served," Kajuju said.

"If you are not satisfied by how an officer has served you or you have been denied certain information, report to our offices so that we may help you. Our work is to ensure that all citizens get services as required in the 2010 constitution. To make sure that the county and national government employees deliver to the citizens," she added.

Hon. Kajuju asked the area residents to take advantage of the office to bring out issues that needs to be addressed by different levels of government to ease governance and service delivery.

"You have leaders who you just elected the other day. We are here to make sure that they do the work you elected them to do. If for example, you need water and the governor is not doing something about it or you needed a health centre but a hospital has been constructed instead, come to us so that we make sure that public participation is implemented," she noted.

On the issue of issuance of national identity cards and passports which has been a 'thorn in the flesh' for the residents in Northeastern region, Kajuju asked the regional and county administrators to work on a plan to ease the process of vetting applicants.

She called for involvement of CAJ in the vetting process so that any complaints can be resolved on time.

"We have asked our regional commissioner that let our representative be a member of the vetting committee so that we may work together and offer an opportunity for residents to complain instantly," she noted.

GARISSA OFFICE LAUNCH

Devolving Ombudsman Services: New Office in Garissa

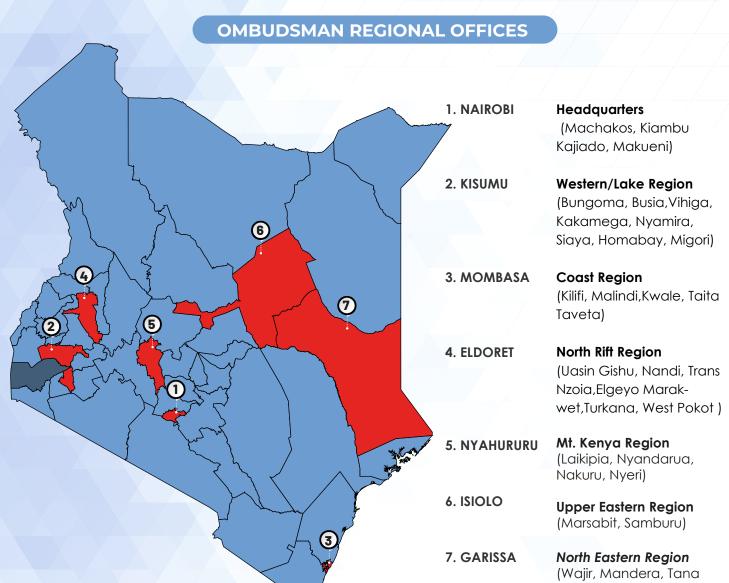
National Gender Equality Commission (NGEC) Chairperson, Dr. Joyce Mutinda, who was also present, reiterated the need for more inclusion of Special Interest Groups (SIGs) in employment opportunities without discrimination.

Mutinda further called on gender mainstreaming in all government institutions and make sure that two-thirds gender rule is achieved.

"We are fighting for gender equality and non-discrimination. We want people to be given equal opportunities especially the youth, women, people living with disabilities and the minorities in this country so that we can all move forward," Mutinda said.

"We will look at the legislation and all the policies in this country, in ministries and private sector, to make sure that they adhere to gender equality and are not discriminative," she added.





River)

IDUAI

Commission Commemorates International Access to Information Day in Bungoma County



CAJ Commissioner in Charge of Access to Information, Ms. Lucy Ndungu making a presentation during a public forum to commemorate IDUAI

The Commission on Wednesday, September 28, 2022, joined the global community in marking the International Day for Universal Access to Information (IDUAI) in Bungoma Town, Bungoma County.

The celebrations were led by the Vice Chairperson, Mr. Washington Sati, and Access to Information Commissioner, Mrs. Lucy Ndung'u, who were joined by representatives of the national government, county government, the County Assembly of Bungoma, and Kituo Cha Sheria.

The theme of this year's celebration which is marked every 28 September is 'Artificial Intelligence, E-governance, and Access to Information'. Mr. Sati said the theme is timely as the world is moving towards e-governance and is meant to spur action on the usage of digital platforms to offer services. He noted that the ATI Act under Section 17 speaks to the computerisation of all government records and that as the oversight agency on the Act, the Commission encourages all public agencies to adhere to this requirement and committed that the Commission will be ready to provide support where necessary.

On her part, Commissioner Ndung'u observed that the importance of access to information to a country's citizenry is premised on the fact that all sovereign power belongs to the people and as public officers all the information they hold is in trust for the people.

She informed the gathering that the Commission recently launched Complaints Management Information System which is a digital platform that allows the public to lodge and monitor their complaints online. The system has reengineered approach the Commission performs its functions and has improved efficiency and effectiveness

Bungoma County Government was represented by County Secretary, Mr. Joseph Wambati, while the Assembly delegation was led by its Attorney, Mr. Ignatius Wangyla. The County Commissioner's Office was represented by Bumula Deputy County Commissioner, Ms. Hayda Salim, and Senior Assistant County Commissioner, Ms. Christine Wafula Chacha.

On Thursday, September 29, the Commission held an engagement forum with civil society organisations based in Bungoma County. The engagement centred on areas the parties can collaborate to advance citizens' access to justice through public service delivery and access to information. The occasion was graced by Commissioner Ndung'u and representatives of various non-State actors.



IDUAI

Commemoration of IDUAI in Mombasa County

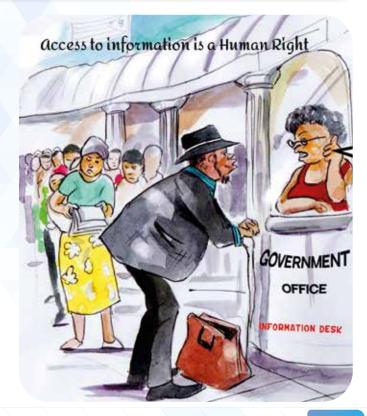


Hon Florence Kajuju, Chairperson of the Commission, and Ms. Mercy Wambua, CEO, at a public forum commemorating IDUAI in Majaoni, Kisauni Constituency, Mombasa County.

In Mombasa County, the Commission's Mombasa Regional Office commemorated the International Day for Universal Access to Information through public awareness and education in Kisauni.

A team from the Commission led by the Chairperson, Hon. Florence Kajuju, joined the community of Majaoni in Kisauni Constituency to commemorate the Day. The team took the opportunity to sensitise the community on their right to access information as enshrined in Article 35 of the Constitution and the Access to Information Act, 2016.

Present at the event were representatives from the Kenya National Commission on Human Rights, the National Gender and Equality Commission, the National Legal Aid Service, and the Assistant County Commissioner, Bamburi, accompanied by her team from the National Government Administration. Also present were the CEO of the Commission, Ms. Mercy Wambua, and Secretariat Staff.



PARTNERSHIPS

Commission and Kituo cha Sheria Enter into Partnership



CAJ Vice Chairperson, Mr. Washington Sati with a Board Member at Kituo cha Sheria, Mr. Justus Munyithia displaying the signed MOU during the ceremony.

The Commission on Tuesday, August 30th, 2022, signed a Memorandum of Understanding (MOU) with the Kituo cha Sheria to advance access to justice by Kenyans.

The collaboration is underpinned by the shared interests of the two institutions in promoting access to justice to particularly poor and needy Kenyans through legal aid, legal representation and advocacy outreach programmes.

The agreement, signed in Nairobi, provides a working framework for the two institutions to collaborate to achieve their respective mandates. The memorandum was signed by the Commission Secretary, Ms. Mercy Wambua, and Dr. Annette Mbogoh, Executive Director, Kituo cha Sheria. It was witnessed by Vice Chairperson, Mr. Washington Sati, and Mr. Justus Munyithya, Chairman, Kituo cha Sheria.

The collaboration will make it possible for the Commission to refer complainants who may need legal advice or legal representation to the Kituo cha Sheria.

The Commission will, where possible, participate in legal aid clinics organised by the organisation and sensitise the communities on its mandates. It will also involve joint fundraising initiatives and participating in joint public education forums to sensitise members of the public.

Kituo Cha Sheria – "KITUO" is the oldest, most experienced legal aid providing and human rights non-governmental organization in Kenya, and perhaps, across the East and Horn of Africa region. It exists to empower the poor and marginalized and to enhance equity and access to iustice for all.

Kituo cha Sheria is a national, human rights non-governmental organisation established in 1973 whose mission is to promote and facilitate access to justice for the poor, indigent and marginalised communities through legal empowerment by way of legal aid education and representation, community paralegal training and empowerment, and law and policy reform.

Currently, the number of lawyers and other full time staff is over sixty (60). With strengthened institutional framework, KITUO has rapidly expanded its programmes and more of its clientele can access justice.



Commission Deploys Election Observers in 34 Counties



CAJ Commissioners and Staff during a briefing for Election Observers ahead of the 9th August 2022 general election

Election observation is a valuable tool for improving the quality of elections. Observers help build public confidence in the honesty of electoral processes. To this end, the Commission participated in the observation of the general elections on 9th August 2022 as part of its mandate of promoting constitutionalism.

The exercise was informed by the centrality of elections in the advancement of good governance which forms the basis for the existence of the Commission.

Put differently, the Commission participated in the elections out of the appreciation of the critical role of monitoring and observation in ensuring the quality, credibility, transparency, and fairness of the elections. Indeed, monitoring and observation of elections are essential pillar of electoral governance and play a critical role in building public confidence as well as providing a valuable feedback for reforms of the electoral system thereby promoting good governance.

To prepare for the exercise, the Commission's Elections Monitoring and Observation Working Group headed by the Vice Chairperson, Mr. Washington Sati, on 1st August 2022 held a briefing meeting with staff who had been accredited by the Independent Electoral and Boundaries Commission (IEBC) to observe the elections.

The observers were taken through the Code of Conduct, Election Observers Security Guide, and Election Observation Tools. The Commission had 126 accredited observers out of which 21 were long-term observers.

The observers were deployed in 690 polling stations across 34 counties. The African Ombudsman and Mediators Association (AOMA) deployed a team of 14 observers.



AOMA Observer Mission Briefed on Election Observation Exercise



The AOMA Election Observer Mission, led by Ms. Grace Malera and the Commission Chairperson, Hon Florence Kajuju, at the Bomas of Kenya after a meeting with the Independent Electoral and Boundaries Commission (IEBC) Commissioners

To prepare the African Ombudsman and Mediators Association (AOMA) Observer Mission for the election observation exercise, the Commission on Sunday, August 7, 2022, held a briefing session for the AOMA observer mission which had been accredited by the Independent Electoral and Boundaries Commission (IEBC) to observe the 9th August 2022 general elections.

Speaking during the briefing, the Commission Secretary/CEO, Ms. Mercy Wambua, thanked the AOMA delegation for honouring the invitation to observe Kenya's 2022 general elections and noted that this is the first election in Africa with the highest number of Ombudspersons observing.

The Commissioner in Charge of Access to Information, Ms. Lucy Ndung'u, emphasised the importance of access to information during the election as a tool for democratic governance and that without access to information the electoral process may not be transparent and credible. Ms. Ndung'u committed that as the oversight body for the access to information law, the Commission will continue working with other election stakeholders to ensure that access to information is enhanced during the election.

On her part, the Chairperson of the Commission and the Secretary General of AOMA, Hon. Florence Kajuju, appreciated the Ombudspersons and their delegations for honouring the invitation to observe the election and noted the integral role that observers play in ensuring a free, fair, credible, transparent and accountable election. Hon. Kajuju informed the team that the briefing was aimed at informing them on what to expect during the observation at the counties and that they would be accompanied by

regions and that the Ministry of Interior would support with security arrangements. She also reemphasised that the AOMA Observer Mission report will be submitted to the AOMA Executive Committee and the African Ombudsman Research Center (AORC).

The Ombudsman of Malawi and the Head of Mission-AOMA Observer Mission, Ms. Grace Malera, thanked colleague Ombudspersons who availed themselves for Ombudspersons would be observing the election, of administrative justice. This includes adherence to all tation of the observer mission. The team comprising five Ombudspersons from Angola, Benin, Burundi, Malawi,

Present at the meeting were the Ombudsman of Benin, Hon Pascal Essou Ombudsman of Angola, Hon. Antonia Rights Commission, Hon Mathew Mwaimu, Representative of AORC Secretariat, Mr. Franky Lwelela, and accompanying delegation.

teams that the IEBC will support them.



He also assured the observer team that the IEBC was on track in election preparations and they were on the last logistical miles gearing up for Tuesday 9th August.

On her part, Hon Kajuju reemphasised the role of the Commission on Administrative Justice in election observation and monitoring in line with the Commission's mandate of addressing all forms of maladministration and enforcing the right of access to information.

Ms. Grace Malera informed the IEBC team that the AOMA Observer Mission will observe the election in 11 counties and will share their final report with the Commission.

The IEBC Chief Executive Officer, Mr. Marjan Hussein appreciated the effort of the AOMA for its dedication to ensuring the IEBC gets credible observer reports after the exercise.

Ombudsman Preliminary Report on Election Observation

The Commission participated in observation of the 9th August 2022 general elections. This was in line with Articles 10 and 249 of the Constitution that seek to promote national values and principles of governance and the Commission on Administrative Justice Act, which vests on the Commission the mandate to promote good governance, constitutionalism and administrative justice. It is worthwhile to note that elections play an important role in promoting good governance in Kenya.

The Commission deployed 126 accredited observers consisting of the Commissioners and staff to more than 700 polling stations across 33 Counties. The electoral observation covered opening of the polling stations, voting, closure of the polling station, vote counting and tallying.

Upon analysing the reports from the various polling stations observed, the Commission arrived at the following preliminary findings: -



The AOMA Election Observer Mission, led by Ms. Grace Malera and the Commission Chairperson, and the AOMA Secretary General Hon Florence Kajuju, at the Bomas of Kenya during a meeting with the Independent Electoral and Boundaries Commission (IEBC) Commissioners.

Voting Process



- i. Voting started on time in most of the stations and was conducted peacefully except in Makueni and Kakamega that experienced some challenges occasioned by the operation of the KIEMS kit and therefore opened late.
- ii. There were only a few cases of sporadic violence witnessed in Siaya and Homo Bay Counties.
- iii. There was notable delay in identification of some voters using the KIEMS kit, in various stations, which slowed the voting process. However other identification methods such as the facial and Identity card bar-coding were used which ensured affected voters were not disenfranchised.
- iv. The voters maintained calmness throughout the voting process.
- v. The IEBC officials executed their duties with professionalism and were courteous.
- vi. The security personnel executed their duties diligently.
- vii. The Political Parties Agents and Election Observers were granted access to the polling centers.
- viii. The IEBC officials were cooperative and on hand to respond to any concerns raised.
- ix. The necessary preliminaries and procedures of closing the polling stations. vote-counting and tallying were generally complied with, at the polling stations where the CAJ Observers were deployed.

Counting, Tallying and Transmission

- The process of vote counting and tallying for the positions observed, was transparent and carried out in the presence of Agents and Observers. Concerns raised were addressed promptly which prevented conflicts.
- ii. Transmission of results at the polling stations observed, was done through the KIEMS kit and the Agents and Observers accorded a chance to take pictures of the relevant forms used to relay the results to the Tallying Centers.
- iii. Agents were provided with copies of the relevant Forms used in vote-tallying.

Challenges and Recommendations

The Commission noted a number of challenges, which affected efficient administration of the election as follows: -

- i. Court pronouncement on various court cases lodged in the run up to the polling day. Some of the court decisions were delivered too close to the polling day, which inhibited the IEBC from effectively training their staff on voting systems. For example, the staff had varying interpretation on the use of manual voter register post the High Court decision on 5th August 2022 and the subsequent Court of Appeal ruling on 8th August 2022.
- ii. Conflicting legal framework that negate the letter and spirit for which they were legislated. There is need to harmonize the electoral laws, to foster synergy.
- iii. Disenfranchisement of most of the personnel involved in the administration of the general election, including IEBC officials and Security officers who were deployed far from where they were registered voters. Such officers did not get the opportunity to exercise their constitutional right to vote. IEBC should consider establishing a mechanism that would enable those on to exercise their voting rights.
- iv. Delay in identification of voters through the KIEMS Kit. In some cases, voters could not be identified biometrically.

The Commission noted with appreciation that the measures taken by IEBC to address the shortcomings that led to the nullification of the 2017 Presidential election greatly improved the 2022 electoral processes. The Commission will release its final report later in the year.

INVESTIGATION

Ombudsman Investigation Reveals Systemic Gaps in Existing Labour Policies, Processes, and Procedures Relating to Recruitment and Management of Kenyan Migrant Domestic Workers in Saudi Arabia



The Commission Chairperson, Hon Florence Kajuju presenting a copy of an investigation report to Ms.

Rebecca Chesang, a former migrant domestic worker during the launch.

The Commission on Administrative Justice has recommended that the Office of the President to initiate a multi-agency working platform in form of an electronic single window integrated system for all stakeholders. This will not only ensure the digitalisation of the recruitment process, but also reduce bureaucracies in the process and promote the credibility of the recruitment and management of migrant domestic workers by enhancing interagency collaboration, coordination, and cooperation. It's also a sure way of ensuring the country has accurate and verifiable data regarding migrant workers.

The Commission is also recommending that the Government of Kenya ratify the International Labour Organization (ILO) Convention adopted by the General Conference of ILO in 2011 that requires the Member States to take measures to ensure the effective promotion of human rights of all domestic workers.

The Commission lodged an investigation following several media reports highlighting the unfair mistreatment, injustice, and oppression of Kenyan domestic workers in the Kingdom of Saudi Arabia, the Commission conducted a systemic investigation to interrogate the shortfalls in the measures put in place by the Kenyan Government to protect Kenyan migrant workers.

Particularly, the investigation sought to examine the existing labour policies, processes, and procedures relating to recruiting and managing Kenyan migrant domestic workers in Saudi Arabia.

The investigations established that;

- i. The major forms of abuses experienced by Kenyan migrant domestic workers in Saudi Arabia were: Passport Confiscation, Physical Abuse, Sexual Abuse, Sleep Deprivation, Food Deprivation, Labour Exploitation, Movement Restriction, Imprisonment prior to deportation, racism, Religious intolerance and Psychological Abuse.
- **ii.** The National Employment Authority (NEA) lacks a sufficient legal and enforcement framework for dealing with rogue Private Employment Agencies (PEAs) and rouge migrant workers.
- iii. The time allocated for the pre-departure training is not sufficient. The training is allocated 189 hours which is conducted even on weekends against the recommended 200 hours, the content is equally not detailed enough to empower the prospective migrant domestic workers. Additionally, the National Industrial Training Authority experiences interference in the management of training centres which are mostly owned by either influential persons or Private Employment Agencies (PEAs) thus creating a conflict of interest and undue political interference in their management.
- iv. The Commissioner for Labour faces some challenges in the attestation process including; Rogue Private Employment Agencies migrating domestic workers with unattested (unauthentic)-Foreign Contracts of Service, Medical assessment being done majorly by private hospitals approved by the Saudi Embassy, overlap of roles between The National Employment Authority and Commissioner for Labour in the facilitation of migrant domestic workers and the use of manual systems to attest travel documents
- v. The Labour attaché faces the challenges of shortage of staff which hinders effective supervision and service delivery to migrant workers in distress, inadequate funding, lack of safe houses for Kenyans in distress, lack of comprehensive complaints handling and dispute resolution mechanisms and lack of a legal framework for dealing with rogue migrant workers. There is only one Labour attaché is a vast country which covers two million square kilometers.



INVESTIGATION

The investigations established that;

- vi. The Kenyan Embassy in Riyadh faces the challenges of; irregular transfer of sponsorship, lack of shelter/safe houses, poor accessibilities to authorities by domestic migrant workers, vastness of the kingdom and rogue migrant domestic workers.
- vii. Kenya has many labour laws, but the relevant ones do not refer directly to Labour exportation, thus cannot protect migrant workers. Additionally, there are provisions in the Bilateral Agreement between GoK and the Kingdom of Saudi Arabia on the recruitment of domestic workers which have not been fully implemented, they include; the constitution of a joint technical committee, payment of minimum wage, provision for rest hours, non-confiscation of travel documents, compliance to the site of employment, and provisions of sick offs. Further, the Bilateral Agreement was not negotiated to the advantage of the Kenyan Migrant Workers.
- viii. There are gaps in the Bilateral Agreement including; Kenyans being paid lower wages in comparison to their counterparts doing the same kind of work from other countries, unequal timelines for notice of termination of employment, and a lack of clear sanctions for rogue domestic workers.
- ix. Some of the best practices in migrant domestic worker labour management identified from the Philippines, Sri Lanka and Indonesia include; the enactment of national labour migrations laws, adoption or ratification of multilateral conventions, declarations or resolutions relating to the protection of workers, establishment of overseas labour Offices, the establishment of Safe houses, negotiation of a bilateral agreement with host countries, expansion of Consular services for migrant workers, empowerment of Migrant workers through the setting of minimum requirements to qualify for labour migration, pre-departure training and a multi Sectoral approach in the management of labour migration.



In light of these findings, the Commission has proposed a range of recommendations to various agencies as follows;

Recommendations to the Ministry of Labour

- i. The Cabinet Secretary for Labour to fast track the review of the Bilateral Agreement between the Government of Kenya and the Kingdom of Saudi Arabia to adequately cover identified gaps and emerging issues; specifically renegotiate; wages for migrant Kenyan domestic workers in Saudi, equal timelines for notice of termination of employment, and clear sanctions for rogue domestic workers and employers. The Bilateral Agreement should also provide comprehensive complaint handling and dispute resolution mechanisms for migrant workers and their employers.
- ii. The Cabinet Secretary for Labour to fast track the finalization of the Draft Labour Migration Bill and consider including the recommendations by CAJ on gaps identified but not included in the bill.
- iii. To deploy additional labour attaches in Saudi Arabia and sufficiently fund their offices to cater for the needs of distressed migrant workers who are spread in the expansive size of the Kingdom of Saudi Arabia and to facilitate the establishment of safe houses for accommodating those in distress awaiting repatriation

Recommendations to the National Employment Authority

- i. National Employment Authority to cause all licensed Private Employment Agencies to file accurate and updated returns through the NEAIMS system at the beginning of each year and quarterly indicating the number of migrant domestic workers they have recruited and dispatched to Saudi Arabia, their next of kin, the period of work for ease of supervision, monitoring and accountability purposes.
- ii. NEA to develop a policy or manual on complaints management for migrant domestic workers that stipulates clearly the roles or responsibilities of each relevant department in so far as distress handling is concerned.

INVESTIGATION

Recommendation to the National Industrial Training Authority

- i. National Industrial Training Authority(NITA) to offer homecare management courses as per its curriculum by ensuring learners cover 200 hours in the normal 8 hours per day for 5 working days. Further, NITA to ensure that the minimum requirement of basic education for trainees is strictly adhered to.
- ii. The Homecare management course to include a unit in basic Arabic language for those going to Saudi Arabia, an understanding of the contractual terms, Complaints and distress handling channels and the procedure of registration with the Kenyan embassies at the host countries upon arrival.

Recommendations to the Commissioner for Labour

i. Formulate policies that will ensure Labour Attachés register migrant workers upon arrival at the host country and avail them a complaint reporting channel for easy reporting in case of distress and evacuation when a need arises. This will also enable GOK to have solid data on its labour exports.



The Director in Charge of Complaints, Investigations & Legal Services Ms. Florence Mumbi making a presentation on the draft Labour Migration Bill.



The Assistant Director, Investigations Division, Ms Morine Akinyi making a presentation of the systemic investigation report during the release.

Recommendation to the Ministry of Foreign Affairs

- i. The Embassy to consider negotiating with the Kingdom of Saudi Arabia during diplomatic engagements to set up complaint resolution mechanisms arising from migrant domestic workers and their employers.
- ii. Ministry of Foreign to ensure that the Kingdom of Saudi Arabia adheres to its responsibility in the execution of the Bilateral Labour Agreement between the government of Kenya and the Kingdom of Saudi Arabia.

Recommendations for Immigration

i. The Immigration Department to only use the list officially provided by the Commissioner of Labour to clear prospective domestic workers to Saudi Arabia.

FEATURE

Huduma Ombudsman Award

The Commission begin preparations for Fourth Edition of the Huduma Ombudsman Award

By Edward Opany

The Commission has embarked on preparations for the fourth edition of the Huduma Ombudsman Award. Huduma Ombudsman Award is one of the approaches the Commission has adopted to enhance accountability and responsiveness in public service as well as promote compliance with administrative justice standards. The Award is aimed at recognising and rewarding excellence in public service delivery. The broad objective of the Award is to reward contributions of a public officer or institution that lead to a more effective, accountable and responsive public service.

The Award is an incentive for those who have - in their service to the public - aligned themselves to the values and objectives of the Constitution. It also augments efforts designed to restore public trust and confidence in public institutions. The Award is also based on the thinking that rewarding individuals enhances their contribution to organisations as there is a positive correlation between reward and recognition, and performance. Recognising hard work, dedication and innovation in public service will go a long way in motivating public officers and consequently, enhancing service delivery in the public sector.

The Commission has since hosted three Hduma Ombudsman Award ceremonies;

Inaugural Huduma Ombudsman Award-2014

the Commission received a total of, 1,141 nominations out of which, 400 were eliminated at the preliminary stage for not meeting the deadline. A total of 741 nominations were assessed by the Steering Committee based on a scorecard that guided the grading to arrive at the final shortlist of

The winners of the inaugural Huduma Ombudsman Award were awarded during a high-level ceremony officiated by the former President His Excellency Uhuru Kenyatta on 14th May 2014 at (KICC). During the event over 1,500 delegates

as deserving of the Inaugural Huduma Ombudsgories were identified as deserving of letters of commendation. To represent gallant officers who lose their lives in the line of duty, a deceased member of the, disciplined forces/services was man Valuor Award as follows.

INDIVIDUAL CATEGORY 2014			
NAME OF AWARDEE	POSITION	SECTOR	POSITION
Hellen Nechesa Machuka	Principal, Kombeni Girls' Secondary School, Kilifi County	Education	Winner
Peter Kamande Mbugua	Assistant County Commissioner, Marsabit County	National Government Officer	First- runner up
Andrew Kipkurgat Rumenya	Chief, Kimalel Location, Baringo County	National Government Officer	Second-runner up
Josephat Murungi Ithali	Chief, Kendani, Maua, Meru County	National Government Officer	Fourth Position
Daniel Omondi Obure	Chief, Lambwe West Location, Homa Bay County	National Government Officer	Fifth Position

INSTITUTION CATEGORY 2014			
AWARDEES	COUNTY	SECTOR	POSITION
Othaya Boys' High School	Nyeri County	Education	Winner
Kenya School of Government	Baringo County	Education	First- runner up
Shimo Borstal Institution	Kilifi County	Correctional Facility	Second- runner up
Kenya School of Government	Nairobi County	Education	Fourth Position
Kaptech Dispensary	Kakamega County	Health	Fifth Position

FEATURE

Huduma Ombudsman Award



President Uhuru Kenyatta with the Principal of Kombeni Girls, Ms. Hellen Machuka, the winner in the individual category of the Inaugural Huduma Ombudsman Award.

Ombudsman Valuor Award 2014

Late Police Constable **Martin Munene Githinji** – National Police Service

Huduma Ombudsman Award Second Edition-2015

In the Second edition of the Huduma Ombudsman Award, the Commission received over 1,200 nominations out of which, 1,161 were considered for the Individual and Institution categories.

The Award ceremony was held at the Kenyatta International Convention Center on 31st July 2015 and was officiated by the former Attorney General Prof. Githu Muiaai on behalf of the President.

Three institutions and individuals were identified as deserving of the second Huduma Ombudsman Award. Three individuals and one institution were identified as deserving of letters of commendation. To represent gallant officers who lose their lives in the line of duty, a deceased member of the, disciplined forces/services was identified for a posthumous award, the Ombudsman Valuor Award as follows.

INDIVIDUAL CATEGORY 2015			
NAME OF AWARDEE	POSITION	SECTOR	POSITION
Mr. Samuel kimiti	Deputy County Commissioner, Meru	National	Winner
	Central	Government Officer	
SSP Nicholas Kipsanga'	Officer In Charge, Manyani Maximum	Kenya Prisons	First- runner up
Maswai	Prison and County Prison Commander,	Services	
	Taita Taveta		
Hon. Sheikh Abdulhalim H	Principle Khadhi Mombasa	Judiciary	Second-runner
Athman			ир
Ms Milkah Njoki Gaita	Teacher, Ndururumo High School,	Education	Fourth Position
	Laikipia County		
Mrs Sophia Atieno Odumo	Teacher, Kamondi Primary School,	Education	Fifth Position
	Migori County		
Mr Richard Mwangi Macharia	Teacher, Nadir Primary School, Garissa	Education	Sixth Position
-	County		

INSTITUTION CATEGORY 2015			
AWARDEES	COUNTY	SECTOR	POSITION
Huduma Kenya Secretariat	Nairobi County	Public Service	Winner
Sing'ore Girls Secondary School	Elgeyo Marakwet County	Education	First- runner up
Kenya Forest Service, Ndaragua	Nyandarua County	Kenya Forest Service	Second-runner up
Forest Station			
Sinyolo Girls High School	Siaya County	Education	Fourth Position

Ombudsman Valuor Award 2015

The Late corporal Bernard Kipkemoi Tonui - National Police Service

FEATURE

Huduma Ombudsman Award

Third Huduma Ombudsman Award Third Edition- 2017

The Third Edition of the Award saw the public submit 801 nominations for consideration for both individual and institution categories. The Advisory Panel scrutinised the nominations and verified information presented before coming up with the final shortlist. Seven individuals were enlisted to receive the award whereas one public entity - out of those nominated - met the threshold as follows.

The Award ceremony was held at The Kenyatta International Convention Center (KICC) on 9th March 2017 and was officiated by the former Attorney General Prof. Githu Muigai on behalf of His Excellency the President.



UNDP County Director, Maria- Threase Keating presents a letter of Commendation to Sinyolo Girls High School led by their Principal Mrs. Hellen Juma

	INDIVIDUAL CATEGORY 2017		
NAME OF AWARDEE	POSITION	SECTOR	POSITION
Corporal David Kipng'eno Chumo	Bomet Police Station (Traffic Department)	National Police Service	Winner
SACP Olivia L. A. Obell	Officer-In-Charge, Lang'ata Women Maximum Security Prison	Prison Services	First- runner up
Ms. Jennifer Wangari	Senior Children Officer with the Ministry of East AfricanCommunity, Labour and Social Protection	Public Service	Second-runner up
Mr. Wilson Lanoki,	Head Teacher of Sarmach Primary School in West Pokot County	Education	Fourth Position
Mr. Joseph N. Ngondu	Senior Chief of Ngenda Location in Gatundu South	National Government Officer	Fifth Position
Mr. George Natembeya,	County Commissioner of Isiolo	National Government Officer	Sixth Position
Mr. Erick Ngondi, Environment Officer	National Environment Management Authority	Public Service	Seventh Position

INSTITUTION CATEGORY 2017			
AWARDEES	COUNTY	SECTOR	POSITION
Independent Police Oversight	Nairobi County	Oversight Institution	Winner
Authority (IPOA)			

Impact of the Huduma Ombudsman Award

The Commission has hosted three editions of the Huduma Ombudsman Award ceremony. In the three editions a total of 17 individuals and 10 institutions from different sectors have been awarded and commended. This has motivated the awarded public institutions and officers and others to appreciate the value of efficient and effective service delivery and good governance.

A good number of the awardees have been promoted on the recommendation of the Commission as captured in the next page;



FEATURE Huduma Ombudsman Award



Winners have a photo moment with some of the guests during the Third Edition of the Huduma Ombudsman

Award Ceremony

NAME OF AWARDEE	POSITION HELD BEFORE THE AWARD	POSITION AFTER THE AWARD
Mr. Samuel Kimiti	Deputy County Commissioner II (Job Group P)	Senior Deputy County Commissioner (Job Group R) and to County Commissioner, Nyandarua County.
SSP Nicholas Kipsanga' Maswai	Officer In Charge, Manyani Maximum Prison and County Prison Commander, Taita Taveta (PG 18/ Job Group L)	Senior Assistant Commissioner of Prisons (PG 10/ Job Group N)
Ms. Jennifer Wangari	Senior Children Officer (Job Group L) with the Ministry of East African Community, Labour and Social Protection	Chief Children officer (Job Group M)
Ms. Lilian Achieng Obell	Officer- In -Charge of the Lang'ata Women Maximum Prisons - Assistant Commissioner of Prisons (PG9) to Senior Assistant	Commissioner of Prisons (PG10).
Mr. Joseph N. Ngondu	Senior Chief of Ngenda Location, Gatundu South	Principal Chief (Job Group M)
Mr. George Natembeya	The Isiolo County Commissioner	A salary increments by two notches within the scale of his current job group.

All the individual awardees in the 2014, 2015 and 2017 Huduma Ombudsman Award have been awarded with the Head of State Commendation on the recommendation of the Commission for their achievement and efforts towards improving service delivery.

In preparation of the fourth Huduma Ombudman Award Ceremony to be held in March 2023, the Commission has embarked on the preparation by inviting the variousgovernment agencies to nominate officers to the Steering Committee which is tasked with the responsibility of shortlisting nominees from the list of nominations received, verification of the information received (for the shortlisted candidates) through field visits, and recommending a list to the Commission for consideration and ratification. The nomination process will open in October 2022 to give the public an opportunity to nominate public officers and institutions.

2022

HOW WE HELPED - SUCCESS STORIES

Police Officer's Interdiction Lifted and Salary Arrears Paid



The National Police Service (NPS) finally lifted the interdiction of a police officer and his withheld salary paid in full following the intervention of the Commission in a case of inordinate delay.

The officer, Mr Jeff Ochieng', lodged a complaint with the Commission alleging delay by the NPS to lift his interdiction following his acquittal of charges under section 204 of the Penal Code. According to Ochieng, he was charged in Kisumu Criminal Case No. 105 of 2020 and the complainant withdrew the case against him.

Following the intervention of the Commission, the NPS lifted the interdiction. While the interdiction was lifted in November 2021 and was reinstated, his full monthly pay had not been reinstated as at February 2022 and he was still receiving half pay. In addition, he had not been paid his half salary that had been withheld for the period he was on interdiction. This predicament impelled him to seek the intervention of the Commission's Kisumu Office

The Commission by way of inquiry took up the outstanding issues with the NPS. Mr. Ochieng', in an email to the Commission on 23rd May 2022, confirmed receipt of all his monthly salary in full plus the withheld salary.

Accident Claim Settled a Decade Late

The Ministry of Agriculture, Livestock, Fisheries and Cooperatives finally settled an accident claim, thanks to the intervention of the Ombudsman.

Mr Samuel Mawere lodged a complaint with the Commission alleging delay by the Ministry to settle an accident claim following a judgment issued on 10th February 2012 by a Kisumu court in his favour. The delay by the Ministry to settle the claim pushed him to seek the intervention of the Commission.

Following the Commission's intervention, the Attorney General followed up on the matter with the Ministry and subsequently the accident claims of Ksh239, 879.60 was paid to Mr. Mawere in May 2022.

Deceased's Estate Distributed Three Years Later

The Public Trustee at Eldoret finally distributed the estate of the late Charles Otodo following his demise in a case of inordinate delay.

Ms. Beatrice Olang, one of the beneficiaries, lodged a complaint with the Commission alleging delay by the Public Trustee at Eldoret in the distribution of the estate of the late Otodo following his demise on 2nd February 2019.

Following the intervention of the Commission, the Public Trustee undertook all the procedural measures for the distribution of the estate among the respective dependents. Subsequently, Ms. Olang among other dependents were invited to the office of the Public Trustee in April 2022 where they were issued with their respective cheques.

Ms. Olang, in a phone call to the Commission's Kisumu Regional Office on 12th June 2022, confirmed receipt



School Fees Refunded

A parent was finally refunded school fees she paid to a school following the decision of her daughter not to take up a placement offer at the school.

According to Ms. Agnes Ogumbe, the principal and the accounts office at St. Theresa's Eregi Girls High School had failed to refund school fees amounting to Kshs. 20,317 which she had paid for her daughter following her decision not to take up the placement offer. The inaction by the school forced her to seek the intervention of the Commission's Kisumu Regional Office.

The Commission by way of inquiry took up the matter with the school leading to the refund of the amount. Ms. Ogumbe, in a letter to the Commission, confirmed receipt of the monies.

HOW WE HELPED - SUCCESS STORIES

Inmate Gets Appeal Date

They say that justice delayed is justice denied. This has been the predicament of an inmate at the Kisumu Maximum Prison following the delay in the admission of his appeal at the High Court.

According to Chrisostom Wakuha, there had been inordinate delay in the admission of his appeal by the High Court at Bungoma following a conviction at Kimilili Senior Principal Magistrate's Court in 2018. Mr Wakuha was forced to seek assistance from the Commission to have his matter expedited.

Following the Commission's intervention, the Senior Principle Magistrate's Court at Kimilili, through a letter dated 28th April 2022, confirmed that Mr. Wakuha's file had been forwarded to the High Court at Bungoma. The High Court, in a letter dated 11th May 2022, confirmed to the Commission that the matter was proceeding with a hearing date which was set for 24th May 2022.



NHIF Redirects Erroneous Payment

The National Hospital Insurance Fund (NHIF) has effected the reversal of erroneous payment following the intervention of the Commission.

Mr. Ben Oselle lodged a complaint with the Commission alleging refusal by the NHIF to re-direct or otherwise reverse payment being NHIF contribution to account, ID No.03...96 in favour of David Oselle instead of 58...18 for Rosa Oselle.

According to him, the payment was intended to cater for the costs of chemotherapy and urgent treatment of his father. Oselle had thus opted to use the mother's account as the father's account had no funds and could not be used until the beginning of the following fiscal year.

Considering the urgency of the matter, the Commission initiated an urgent inquiry with the NHIF Kisumu Branch Manager on the 16th June 2022 and on the 26th June 2022, Mr Oselle reported to the Commission that his complaint was satisfactorily resolved as the money paid was re-directed to the correct account.

Eldoret Regional Office

NTSA Registers Moto Vehicles Following Ombudsman Intervention



A trader can breathe a sigh of relief following the registration of motor vehicles and issuance of logbooks by the National Transport and Safety Authority (NTSA) following the intervention of the Commission.

Anthony Kaimba lodged a complaint with the Commission alleging inordinate delay by the NTSA in registering seven Ex-Government of Kenya motor vehicles he had purchased through a public auction in 2021. The vehicles registration numbers were as follows: EX GK Z900, EX GK A408A, EXGKZ589, EX GKZ899, EX GK Y544 and EX GK Y548.

According to Mr. Kaimba, he initiated the process of transfer but NTSA had failed to do its duty despite his numerous complaints. The delay occasioned him financial constraints due to loss of time and money. Following the Commission's intervention, NTSA duly inspected and registered all the vehicles. Mr. Kaimba was finally issued with the logbooks for the vehicles.

Kenya Power Addresses Meter Anomaly

A trader in Turkana County can now enjoy electricity following the intervention of the Ombudsman in a case of unresponsiveness by the Kenya Power.

According to Rebecca Kurui, Kenya Power Company, Lodwar, Turkana County, had been unresponsive in addressing her complaint on anomaly with her meter number 1428....62. According to Ms. Kurui, her meter number could not load tokens purchased from Kenya Power. Further, it came to her attention that this could be attributed to inefficiency by Kenya Power staff who while responding to an emergency complaint by her neighbour interfered with her meter box as the same was not in its rightful position.

This, therefore, meant that she could not access electricity supply to her premises and the delay in addressing her complaint was occasioning her inconveniences in addition to the insecurity due to the darkness engulfing her premises. Her predicament impelled her to seek the intervention of the Commission's Eldoret Regional Office.

Following the Commission's intervention, the anomalies were duly addressed and the electricity supply restored.

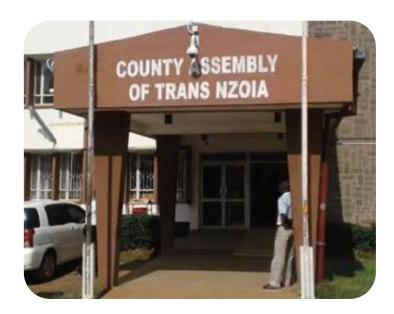
HOW WE HELPED - SUCCESS STORIES

Retirement Dues Processed

A retired county employee can finally enjoy his retirement following the processing of his retirement dues.

Mr. Julius Munai lodged a complaint with the Commission alleging that the County Government of Trans Nzoia had delayed in processing dues owed to him following his retirement from service on 1st July 2018. Further, the delay was occasioning him financial constraints.

The Commission took up the matter with the county government leading to the payment of Kshs. 400,000 owed to him.



Lands Registry Rectify Tittle Deed

The Laikipia Lands Registry finally rectified an error in a title deed following the intervention of the Commission.

Ms. Margaret Mwangi lodged a complaint with the Commission alleging delay by the Laikipia Lands Registry to rectify an error on the proprietorship details in the title deed for land parcel number Ngobit/Supuko Block 4/73.

According to her, they had jointly purchased land parcel number Ngobit/Supuko Block 4/73 with one Ms. Susan Nyawira. Upon transfer of the land parcel and issuance of title deed, her name was missing in the proprietor section leaving her joint proprietor's name which would negate the joint ownership arrangement.

Following the Commission's intervention, the error was rectified and her name included as a joint proprietor to the land parcel.

Excess Rental Deduction Refunded

The State Department of Housing finally refunded excess rental deductions owed to Mr Evans Buhasio. Mr. Buhasio had lodged a complaint with the Commission alleging failure by the Department to refund him Ksh8,250 being excess rental deductions for the period 1st October, 2018, and 31st August, 2019.

The Commission initiated an inquiry with the Ministry of Transport, Infrastructure, Housing and Urban Development. The Ministry, in its response, acknowledged to have erroneously calculated Mr. Buhasio's rent deductions and went ahead to refund the complainant an excess market rent deduction of Ksh. 6,500. On his visit to the office, Mr. Buhasio confirmed receipt of the money and was satisfied with the outcome.



Lodge your complaint with the Commission today.



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PUBLIC EDUCATION & ADVOCACY

Supporting Counties to Promote Administrative Justice and Information Access

The Commission continued to support the counties in their effort to promoting Administrative Justice and Access to Information.

The Chairperson, Hon. Florence Kajuju, facilitated a presentation on good governance at the recently concluded induction workshop for Governors and DeputyGovernors held from the 14th to the 17th of September 2022, under the theme 'Towards better governance and outcome driven service delivery in the Counties,' and attended by all 47 Governors and their Deputies.

The Commission, in collaboration with GIZ, also provided technical assistance to six counties, which included both executive arms and county assemblies. County officials developed an implementation matrix that will guide the Commission's technical support in the future.

The Commission also sensitised over 100 Members of County Assemblies from Kakamega, Kiambu, and Kisii during their induction.

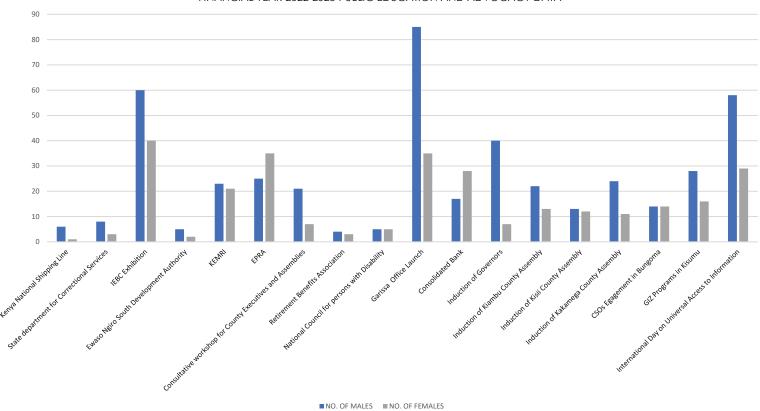


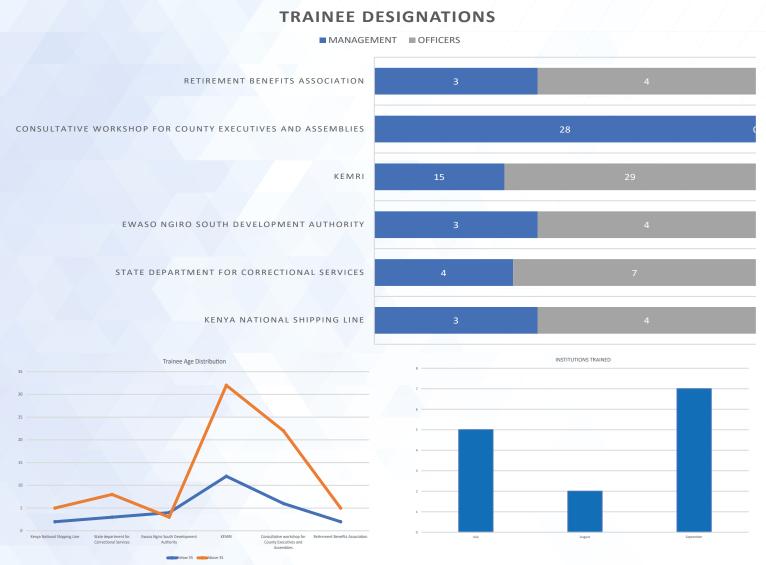
CAJ officer during the Key Stakeholders meeting held on 19th August, 2022 at the Council of Governors to validate the County Leadership induction program, and also prepare for the Governors and Deputy Governors induction workshop.



A team from the Commission during a consultative forum with members of the County Executive and County Assemblies from six counties under the support of GIZ program at Ole Ken Hotel, Nakuru.

FINANCIAL YEAR 2022-2023 PUBLIC EDUCATION AND ADVOCACY DATA







The Commission staff pose for a photo during a launch of a Systemic Investigation Report on the Plight of Kenyan Migrant Workers in Saudi Arabia



CAJ Commissioners with some of the guests during the launch of the Garissa Regional Office



CAJ Chairperson branding the Deputy County Commissioner, Solomon Chesut with a Kikoy during a courtesy call ahead of the launch of Garissa Regional Office.



New staff of the Commission during an induction workshop at the Kenya School of Government, Kabete



The Head of the AOMA Election Observer Mission, Ms. Grace Malera together with the CEO of the Commission, Ms. Mercy Wambua addressing the media at St Mary's Boys Primary School in Machakos county on the election day



CAJ staff during a retreat to discuss the Election Observation and Monitoring Report



Commission staff posing for a photo with the complaints committee members of Ewaso Nyiro South Development Authority during a training on public complaints management and access to information.



Commission staff during a training for the long and short term election observers conducted with the support from the European Center for Electoral Support (ECES).



CAJ officer Mr. Martin Orony branding a boda boda rider in Bungoma County with a reflector jacket during the commemoration of the International Day for Universal Access to Information (IDUI)



A team from the Commission led by the Vicechair person Mr. Washington Sati during an introductory meeting for the incoming program manager for GIZ, Good Governance Programme, Mr. Thomas Ansorg who takes over from Ms. Sylvia Aluoch.



CAJ Commissioner and CEO with the members of the AOMA Election Observer Mission during a farewell luncheon at the Sarova Panafric Hotel, Nairobi



The Commission in partnership with Kituo cha Sheria offering legal services during a legal clinic in Bungoma Town.



A team form the Commission engaging with the residents of Garissa Town during a roadshow.



CAJ Chairperson Hon Florence Kajuju with the CEO, Ms. Mercy Wambua during a meeting with the Ogiek People's Development Programme on the implementation of the African Court Decision.



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Eldoret Branch Office

Kerio Valley Development Authority (KVDA) Plaza, 7th Floor Oloo Street P.O. Box 10326 - 30100, Eldoret Tel: 020-8106515

Isiolo Branch Office

County area, along kiwandani road, Near KRA office Tel: 020 2007671

Nyahururu Branch Office

Laikipia County
Opposite Nyahururu Referral Hospital
Tel: 0800221349
Email: nyahururu@ombudsman.go.ke

Garissa Branch Office

Hosted by National Gender and Equality Commission KRA Route, Off Lamu Road P O Box 485 - 70100, Garissa

Huduma Centres: Nairobi, Embu, Nyeri, Nakuru, Kajiado, Kakamega, Kisii, Bungoma, Kwale, Wundanyi, Makueni and Meru.

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