

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT -SIXTH SESSION

THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS


REPORT

ON THE APPROVAL HEARING FOR APPOINTMENT OF MS. ROSELINE DOREEN ADHIAMBO ODHIAMBO - ODEDE AS CHAIRPERSON AND PROF. MARION MUTUGI WANJIKU, DR. RAYMOND PLAL SANGSANG NYERIS, MS. SARA TALASO BONAYA AND DR. DENNIS NYONGESA WAMALWA AS MEMBERS OF THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

(VOLUME 1)

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PARLIAMENT BUILDINGS,  
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Dr NA

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## **ABBREVIATIONS AND ACRONYMS**

<b>DCI:</b>	Directorate of Criminal Investigations
<b>HELB:</b>	Higher Education Loans Board
<b>EACC:</b>	Ethics and Anti-Corruption Commission
<b>HON:</b>	Honourable
<b>H.E:</b>	His Excellency
<b>KRA:</b>	Kenya Revenue Authority
<b>MP:</b>	Member of Parliament
<b>PSC:</b>	Public Service Commission
<b>KNCHR:</b>	Kenya National Commission on Human Rights
<b>LSK:</b>	Law Society of Kenya

## **CHAIRPERSON'S FOREWORD**

On 29<sup>th</sup> December, 2021 pursuant to Standing Order 42 (1), the Speaker communicated to the House a message from His Excellency the President, Hon. Uhuru Kenyatta regarding the approval of Ms. Roseline Doreen Adhiambo Odhiambo - Odede as Chairperson and Prof. Marion Mutugi Wanjiku, Dr. Raymond Plal Sangsang Nyeris, Ms. Sara Talaso Bonaya and Dr. Dennis Nyongesa Wamalwa as members of the Kenya National Commission on Human Rights (KNCHR).

The Message dated 21<sup>st</sup> December, 2021 was addressed to the Speaker of the National Assembly in accordance with the provisions of section 11(5) and (6) of the Kenya National Commission on Human Rights Act, 2011 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011. The Message also included a copy of a letter to H.E the President conveying the decision by the Public Service Commission forwarding the names for appointment as Chairperson and members of the Kenya National Commission on Human Rights (KNCHR).

The above statutory provisions require that before making appointments of the members of KNCHR, the President shall seek the approval of the National Assembly. The Speaker of the National Assembly referred the Message together with the nominees' curricula vitae to the Departmental Committee on Justice and Legal Affairs for consideration pursuant to the provisions of Standing Order 45.

The Committee's Report contains observations, findings and recommendation by members of the Committee that the nominees are suitable and qualified for appointment as members of the Kenya National Commission on Human Rights (KNCHR).

The Committee conducted the approval hearings of the nominee with reference to the Constitution of Kenya 2010, the Public Appointments (Parliamentary Approvals) Act, 2011, Kenya National Commission on Human Rights Act, 2011, the Leadership and Integrity Act, 2012 and other relevant legislation.

On behalf of the committee, I wish to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

Finally, pursuant to Standing Order 216(5) (f), it is my pleasure and duty to present to the House, the Report on the approval hearing for appointment of Ms. Roseline Doreen Adhiambo

Odhiambo - Odede as Chairperson and Prof. Marion Mutugi Wanjiku, Dr. Raymond Plal Sangsang Nyeris, Ms. Sara Talaso Bonaya and Dr. Dennis Nyongesa Wamalwa as members of the Kenya National Commission on Human Rights.

**Hon. Clement Muturi Kigano, M.P**

## CHAPTER ONE

### 1.0 PREFACE

#### **1.1 Establishment and Mandate of the Committee**

1. The Departmental Committee on Justice and Legal Affairs is one of the Departmental Committees established under Standing Order No. 216 (1) of the National Assembly Standing Orders. The Committee has mandate to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments).
  
2. The Committee derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-
  - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - b) *study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
  - c) *study and review all legislation referred to it;*
  - d) *study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - e) *investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
  - g) *examine treaties, agreements and conventions;*
  - h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - i) *consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and*
  - j) *examine any questions raised by Members on a matter within its mandate.*

3. The Second Schedule of the Standing Orders on Departmental Committees further outlines the subjects of the Committee, as follows-

- (a) Constitutional affairs;
- (b) The administration of law and Justice
- (c) The Judiciary;
- (d) Public prosecutions;
- (e) Elections;
- (f) Ethics, integrity and anti-corruption; and
- (g) Human rights.

4. The Committee has overall mandate over all matters relating to;

- (a) State Law Office;
- (b) The Judiciary;
- (c) Ethics and Anti-Corruption Commission;
- (d) Independent Electoral and Boundaries Commission;
- (e) Commission on Administrative Justice; and
- (f) Political parties.



## 1.2 Committee Membership

5. The Committee was constituted on Thursday, 14<sup>th</sup> December, 2017. The current membership is as follows-

### Chairperson

Hon. Clement Muturi Kigano, M.P.  
**Kangema Constituency**  
**Jubilee Party**

### Vice Chairperson

Hon. T. J Kajwang, M.P.  
**Ruaraka Constituency**  
**ODM - Party**

Hon. John Olago Aluoch, M.P.  
**Kisumu West Constituency**  
**FORD-Kenya**

Hon. George Peter Kaluma, M.P.  
**Homa Bay Town Constituency**  
**ODM-Party**

Hon. Roselinda Soipan Tuya, M.P.  
**Narok County**  
**Jubilee Party**

Hon. Junet Sheikh Mohammed, M.P.  
**Suna East Constituency**  
**ODM-Party**

Hon. Emmanuel Wangwe, M. P  
**Navakholo Constituency**  
**Jubilee-Party**

Hon. W. Kamoti Mwamkale, M.P.  
**Rabai Constituency**  
**ODM-Party**

Hon. Josephine Naisula Lesuuda, M.P.  
**Samburu West Constituency**  
**KANU-Party**

Hon. Zuleikha Hassan, M.P.  
**Kwale County**  
**ODM-Party**

Hon. Jennifer Shamalla, M.P.  
**Nominated MP**  
**Jubilee Party**

Hon. Robert Gichimu Githinji, M.P.  
**Gichugu Constituency**  
**Jubilee-Party**

Hon. Anthony Oluoch M.P.  
**Mathare Constituency**  
**ODM-Party**

Hon. Daniel Kipkogei Rono, M.P.  
**Keyio South**  
**Jubilee -Party**

Hon. George Gitonga Murugara, M.P.  
**Tharaka Constituency**  
**Democratic Party (DP)**

Hon. Anthony Githiaka Kiai, M.P.  
**Mukurueni Constituency**  
**Jubilee-Party**

Hon. John Kiarie Waweru, M.P.  
**Dagoretti South Constituency**  
**Jubilee-Party**

Hon. Japheth Mutai, M.P.  
**Bureti Constituency**  
**Jubilee-Party**

Hon. Adan Haji Yussuf, M.P.  
**Mandera West Constituency**  
**Economic Freedom Party**

### 1.3 Committee Secretariat

6. The Committee Secretariat is as follows-

Mr. Abenayo Wasike  
**Principal Clerk Assistant**  
**Lead Clerk**

Mr. Denis Abisai  
**Deputy Director-Legal Services**

Ms. Halima Hussein  
**Clerk Assistant II**

Ms Emma Essendi  
**Legal Counsel I**

Mr. Clive Oyunge Onyancha  
**Clerk Assistant III**

Dr. Donald Manyala  
**Research Officer**

Mr. Omar Abdirahim  
**Fiscal Analyst III**

Ms. Roselyne Ndegi  
**Serjeant-at-Arms I**

Ms. Noelle Chelagat  
**Media Liaison Officer**

7. Minutes of sittings of the Committee on the consideration of the appointment.  
(Annexure 2)

## CHAPTER TWO

### 2.0 BACKGROUND

#### **2.1 Establishment and functions of the Kenya National Commission on Human Rights**

8. The Kenya National Commission on Human Rights is a constitutional commission established pursuant to Article 59 of the Constitution and sections 3 and 4 of the Kenya National Commission on Human Rights Act, 2011. Article 59 of the Constitution provides as follows:

*(1) There is established the Kenya National Human Rights and Equality Commission.*

*(2) The functions of the Commission are—*

*(a) to promote respect for human rights and develop a culture of human rights in the Republic;*

*(b) to promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development;*

*(c) to promote the protection, and observance of human rights in public and private institutions;*

*(d) to monitor, investigate and report on the observance of human rights in all spheres of life in the Republic, including observance by the national security organs;*

*(e) to receive and investigate complaints about alleged abuses of human rights and take steps to secure appropriate redress where human rights have been violated;*

*(f) on its own initiative or on the basis of complaints, to investigate or research a matter in respect of human rights, and make recommendations to improve the functioning of State organs;*

*(g) to act as the principal organ of the State in ensuring compliance with obligations under treaties and conventions relating to human rights;*

*(h) to investigate any conduct in state affairs, or any act or omission in public administration in any sphere of government, that is alleged or suspected to be prejudicial or improper or to result in any impropriety or prejudice;*

*(i) to investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct;*

*(j) to report on complaints investigated under paragraphs (h) and (i) and take remedial action; and*

*(k) to perform any other functions prescribed by legislation.*

*(3) Every person has the right to complain to the Commission, alleging that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.*

***(4) Parliament shall enact legislation to give full effect to this Part, and any such legislation may restructure the Commission into two or more separate commissions.***

*(5) If Parliament enacts legislation restructuring the Commission under clause (4)—*

*(a) that legislation shall assign each function of the Commission specified in this Article to one or the other of the successor commissions;*

*(b) each of the successor commissions shall have powers equivalent to the powers of the Commission under this Article; and*

*(c) each successor commission shall be a commission within the meaning of Chapter Fifteen, and shall have the status and powers of a commission under that Chapter.*

9. Further, sections 3 and 4 of the Kenya National Commission on Human Rights Act, 2011 provides as follows:

### ***3. Establishment of the Commission***

*(1) There is established a Commission to be known as the Kenya National Commission on Human Rights.*

*(2) The Commission is established as a successor Commission pursuant to the provisions of Article 57. 9(4) of the Constitution.*

### ***4. Status of successor Commission***

*For the avoidance of doubt, the Commission shall, pursuant to Article 59(5)(c) of the Constitution, be a commission within the meaning of Chapter Fifteen of the Constitution and shall have the status and powers of a Commission under that Chapter.*

## 2.2 Functions of the Kenya National Commission on Human Rights

10. Pursuant to Article 59 (5) (a) of the Constitution, the functions of the Commission are provided under section 8 of the Kenya National Commission on Human Rights Act, 2011 as follows:
11. *The functions of the Commission shall be to—*
  - (a) *promote respect for human rights and develop a culture of human rights in the Republic;*
  - (b) *promote the protection and observance of human rights in public and private institutions;*
  - (c) *monitor, investigate and report on the observance of human rights in all spheres of life in the Republic;*
  - (d) *receive and investigate complaints about alleged abuses of human rights, except those relating to the violation of the principle of equality and freedom from discriminations under the gender and equality commission, and take steps to secure appropriate redress where human rights have been violated;*
  - (e) *on its own initiative or on the basis of complaints investigate or research a matter in respect of human rights, and make recommendations to improve the functioning of State organs;*
  - (f) *act as the principal organ of the State in ensuring compliance with obligations under international and regional treaties and conventions relating to human rights except those that relate to the rights of special interest groups protected under the law relating to equality and nondiscrimination;*
  - (g) *formulate, implement and oversee programmes intended to raise public awareness of the rights and obligations of a citizen under the Constitution;*
  - (h) *work with the National Gender and Equality Commission and the Commission on Administrative Justice to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration;*
  - (i) *perform such other functions as the Commission may consider necessary for the promotion and protection of human rights; and*



*(j) perform such other functions as may be prescribed by the Constitution and any other written law.*

### **2.3 Membership of the commission**

12. Section 9 of the Act provides that the Commission shall consist of a chairperson and four other members appointed in accordance with the Constitution and the provisions of this Act.

### **2.4 Qualification for Appointment as Chairperson or Member of the Commission**

13. Section 10 (1) and (2) of the Kenya National Commission on Human Rights Act, 2011 provides the qualification for appointment as a chairperson or member as follows:

*(1) A person shall be qualified for appointment as the **chairperson** of the Commission if the person—*

*(a) has knowledge and at least fifteen years experience in matters relating to law and human rights;*

*(b) holds a degree from a university recognized in Kenya; and*

*(c) meets the requirements of Chapter Six of the Constitution.*

*(2) A person shall be qualified for appointment as a **member** of the Commission if the person—*

*(a) holds a degree from a university recognized in Kenya;*

*(b) has knowledge and at least ten years' experience in matters relating to any of the following fields—*

*(i) law;*

*(ii) public administration;*

*(iii) economics or finance;*

*(iv) gender and social development;*

*(v) human rights;*

*(vi) management; or*

*(vii) social sciences;*

*(c) has had a distinguished career in their respective fields; and*

*(d) meets the requirements of Chapter Six of the Constitution.*

## **2.5 Disqualification for Appointment as Chairperson or Member of the Commission**

14. Section 10 (3) of the Kenya National Commission on Human Rights Act, 2011 provides for the disqualification for appointment as a chairperson or member as follows:

*(3) A person shall not be qualified for appointment as the chairperson or a member if such person—*

*(a) is a member of Parliament or a County Assembly;*

*(b) is a member of a local authority;*

*(c) is an undischarged bankrupt; or*

*(d) has been removed from office for contravening the provisions of the Constitution or any other law.*

## **2.6 Parliamentary Approval of Appointments to Public Offices**

15. Parliamentary approval of appointments to public offices is governed by the Constitution of Kenya, the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders.

## **2.7 Notification of nomination**

16. In accordance with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the Speaker of the National Assembly received a letter from the Head of Public Service on behalf of the President notifying the House of the nomination by the President of Ms. Roseline Doreen Adhiambo Odhiambo-Odede, Prof. Marion Wanjiku Mutugi, Dr. Raymond Plal Sangsang Nyeris, Ms. Sara Talaso Bonaya and Dr. Dennis Nyongesa Wamalwa for appointment as Commissioners to the Kenya National Commission on Human Rights. The letter was accompanied by the nominees' Curricula Vitae and testimonials. **(Annexure 3)**

17. As stipulated under section 5(3) of the Public Appointments (Parliamentary Approval) Act, 2011 the notification for nomination must be accompanied by information concerning the nominee, taking into consideration the issues for determination as outlined in section 7 of the Public Appointments (Parliamentary Approval) Act, 2011.

**(Annexure 4)**

## **2.8 Notification of vetting**

18. Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 216 (5) (f), the names of the nominees have were submitted to the Departmental Committee on Justice and Legal Affairs for approval hearing and reporting to the House.

## **2.9 Approval hearing/ Notification of the Public**

19. Article 124 (4) of the Constitution provides as follows on approval hearing:
  - (4) When a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament—*
    - (a) the appointment shall be considered by a committee of the relevant House;*
    - (b) the committee's recommendation shall be tabled in the House for approval; and*
    - (c) the proceedings of the committee and the House shall be open to the public.*
20. Further, as required by section 6 (1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly is required to invite the Committee to hold an approval hearing. The Clerk is also required to notify the nominees and the public of the time, date and venue for holding the approval hearing.
21. In accordance with section 6 (3) of the Public Appointments (Parliamentary Approval) Act, 2011 the Clerk placed advertisements in the local dailies on January 17, 2022 notifying and inviting the nominees to attend the vetting on Thursday, February 3, 2022 at the Mini Chamber in County Hall. This notification was followed up with letters to the nominees inviting them to attend the vetting and requesting them to submit the completed questionnaire in the schedule to the Public Appointments (Parliamentary Approval) Act, 2011 together with clearance certificates from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Office of the Registrar of Political Parties (ORPP) and Directorate of Criminal Investigations (DCI).**(Annexure 5)**
22. Pursuant to the provisions of Article 118 of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk did, by way of advertisements in print media, notify the general public of the intention of the Committee to conduct the approval hearings on Thursday, February 3, 2022 at the Mini Chamber in County Hall.



23. The advertisement also invited the public to submit memoranda on the suitability or otherwise of the nominees. Indeed, section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 permits any person to provide the Clerk of the National Assembly with evidence contesting the suitability of a candidate to hold the office which the candidate has been nominated. Notably, such evidence should be provided to the Clerk in the form of a written statement made on oath and must be submitted prior to the approval hearing.
24. As a matter of principle, the Committee is required to hold its sittings in an open manner except where, in exceptional circumstances, the Speaker determines that there are justifiable reasons for the exclusion of the public (S.O. 198).
25. It is worth noting that section 6 (7) of the Act guides that the approval hearing should focus on a candidate's academic credentials, professional training and experience, personal integrity and background.
26. With respect to personal integrity, the Committee should consider whether the nominee is in good standing with relevant institutions such as the Kenya Revenue Authority and the Higher Education Loans Board. It is also crucial for the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations to conduct background checks on the nominee to ascertain whether there are any corruption or criminal proceedings pending against the nominee. Lastly, the Office of the Registrar of Political Parties should confirm that the nominee does not hold an office in a political party.

## 2.10 Timelines

27. Section 11 (7) of the Kenya National Commission on Human Rights Act, 2011 provides as follows:  
*The National Assembly shall, within twenty-one days of the day it next sits after receipt of the names of the nominees under subsection (6), consider all the nominations received and may approve or reject any nomination.*
28. On the other hand, section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011 provides as follows:  
*Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within twenty-eight days from the date on which the notification of nomination was given in accordance with section 5.*

29. The provision of the Kenya National Commission on Human Rights Act, 2011 with regard to timelines, therefore prevails. However, the Speaker in his Communication on December 29, 2021 directed that the Committee should undertake approval hearings and submit their report within the 28-day period provided for in the Public Appointments (Parliamentary Approval) Act, 2011, being the most recent amendment made by Parliament with respect to the general period of vetting of State appointees.
30. In this regard, the Committee is expected to consider the nomination and table its report in the House by **15<sup>th</sup> February, 2022** as directed by the Speaker.
31. It is also worth noting that section 9 of the Public Appointments (Parliamentary Approval) Act, 2011 stipulates that where the House does not meet the prescribed timelines, the nominee shall be deemed to have been approved.
32. Notably, however, section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 allows for extension, in exceptional circumstances, of the period for performing an act or taking a proceeding required under the Act for a period not exceeding fourteen (14) days. Such an extension can only be granted once.

### **2.11 Criteria for vetting**

33. Pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, the criteria for vetting is comprehensively contained in the questionnaire in the schedule to the Act. The questionnaire allows the committee to obtain information on, among other things:
  - (a) Name - the Committee will be able to ascertain the regional background and ethnicity of the nominee. This is so as to ensure compliance with Article 232 (1) (h) of the Constitution and section 11 (13) of the Kenya National Commission on Human Rights Act, 2011 which contemplates a Commission that reflects Kenya's diverse communities;
  - (b) Gender- the Committee will be able to ascertain the gender of the nominee. This is so as to ensure compliance with Article 27(8) of the Constitution and section 11 (13) of the Kenya National Commission on Human Rights Act, 2011 that require the State to take measures to ensure that not more than two thirds of members of appointive bodies shall be of the same gender;
  - (c) Age -the Committee will be able to ascertain compliance with the provisions of Article 55 of the Constitution on the youth;



- (d) Nationality - the Committee will be able to ascertain the nationality of the nominee. This is so as to ensure compliance with Article 78 of the Constitution that State officers must be Kenyan Citizens. It is worth noting the Article 78 (3) (a) of the Constitution exempts judges and members of commissions from this requirement;
- (e) Education background;
- (f) Employment record;
- (g) Honours or awards given to the nominee;
- (h) Membership to professional bodies;
- (i) Public office and political affiliations held - the Committee will be able to ascertain whether the nominee holds office in a political party. This is so as to ensure compliance with Article 77(2) of the Constitution that proscribes an appointed state officer from holding office in a political party;
- (j) Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State Officer who has been removed from office under Article 75 (3) from holding any other State Office;
- (k) Nominee's Finances;
- (l) Outside commitments that the nominee intends to undertake while in office (if appointed) - Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment. Section 14 (2) of the Kenya National Commission on Human Rights Act, 2011 provides that the chairperson and members of the Commission shall serve on a fulltime basis;
- (m) Tax compliance status;
- (n) Potential conflict of interest -Article 75(1) of the Constitution bars state officers from engagements or association that may give rise to conflict between official or public duties and personal interest;
- (o) Whether the nominee has been charged in a court of law in the past three years; and
- (p) Whether the nominee has been adversely mentioned in a report of Parliament or a Commission of inquiry in the past three years.

34. The questionnaire is largely formulated based on Constitutional and statutory requirements for State Officers and other considerations that are of importance in order to make a determination on the suitability of a nominee.

## **2.12 Issues for Consideration**

35. Section 7 of the Act outlines the issues for consideration by the House in relation to nomination of the nominee as-
- a) the procedure used to arrive at the nominee;
  - b) the constitutional and statutory requirements relating to the office in question; and
  - c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.

## **2.13 Procedure for appointment of chairperson and members**

36. The procedure for appointment of members of the Commission is outlined under section 11 of the Kenya National Commission on Human Rights Act, 2011 which provides as follows:

- (1) Whenever there is a vacancy in the Commission the President shall, within fourteen days of the occurrence of the vacancy, convene a selection panel for the purpose of selecting suitable candidates for appointment as the chairperson or member of the Commission.*
- (2) The selection panel convened under subsection (1) shall consist of—*
  - (a) one person nominated by each of the following bodies—*
    - (i) the Office of the President;*
    - (ii) deleted by Act No. 20 of 2020, Sch.;*
    - (iii) the Office of the Attorney General;*
    - (iv) the Ministry responsible for matters relating to gender and social development;*
    - (v) the Public Service Commission;*
    - (vi) the Law Society of Kenya; and*
    - (vii) the National Council for Persons with Disabilities; and*
  - (b) two persons nominated by the Association of Professional Societies in East Africa.*
- (3) The selection panel shall, subject to this section, determine its own procedure, and the ministry responsible for public service shall provide it with such facilities and such other support as it may require for the discharge of its functions.*

(4) *The selection panel shall, within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in the Gazette and two daily newspapers of national circulation.*

(5) *The selection panel shall within seven days of receipt of applications under subsection (4) consider the applications, interview and shortlist at least three persons qualified for appointment as chairperson and eight persons qualified for appointment as members of the Commission and shall forward the names of the selected candidates to the President for nomination.*

(6) *Until after the first general election after the commencement of this Act, the President in consultation with the Prime Minister shall, within seven days of receipt of the names forwarded under subsection (5), nominate one person for appointment as chairperson and four persons for appointment as members of the Commission, and shall forward the names of the persons nominated to the National Assembly.*

(7) *The National Assembly shall, within twenty-one days of the day it next sits after receipt of the names of the nominees under subsection (6), consider all the nominations received and may approve or reject any nomination.*

(8) *Where the National Assembly approves the nominees, the Speaker shall, forward the names of the approved persons to the President for appointment.*

(9) *The President shall, within seven days of the receipt of the approved nominees from the National Assembly, by notice in the Gazette, appoint the chairperson and members approved by the National Assembly.*

(10) *Where the National Assembly rejects any nomination, the Speaker shall, within three days, communicate the decision of the National Assembly to the President to submit fresh nominations.*

(11) *Where a nominee is rejected by Parliament under subsection (10), the President in consultation with the Prime Minister shall, within seven days, submit to the National Assembly a fresh nomination from amongst the persons shortlisted and forwarded by the selection panel under subsection (5).*

(12) *If Parliament rejects all or any subsequent nominee submitted by the President for approval under subsection (11), the provisions of subsections (5) and (6) shall apply.*



*(13) In shortlisting, nominating or appointing persons as chairperson and members of the Commission, the selection panel, the National Assembly and the President shall ensure that not more than two-thirds of the members are of the same gender, shall observe the principle of gender equity, regional and ethnic balance and shall have due regard to the principle of equal opportunities for persons with disabilities.*

*(14) After the first elections after the commencement of this Act, the member of the selection panel under subsection (2)(b) shall be replaced by a representative of the Public Service Commission.*

*(15) Despite the foregoing provisions of this section, the President, in consultation with the Prime Minister may by notice in the Gazette, extend the period specified in respect of any matter under this section by a period not exceeding twenty-one days.*

## **2.14 Constitutional and Statutory requirements**

37. The Constitution in addition gives guidelines on how to appoint persons to public office which include –

### **(i) Two-third Gender Rule**

38. Article 27(8) of the constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. This requirement is also provided under section 11 (13) of the Kenya National Commission on Human Rights Act, 2011 which provides as follows:

*In shortlisting, nominating or appointing persons as chairperson and members of the Commission, the selection panel, the National Assembly and the President shall ensure that not more than two-thirds of the members are of the same gender, shall observe the principle of gender equity, regional and ethnic balance and shall have due regard to the principle of equal opportunities for persons with disabilities.*

39. In order to ensure compliance with the Constitution and the Kenya National Commission on Human Rights Act, 2011 on the gender rule, the Commission should comprise of three men and two women or vice versa.

40. If the nominees are approved, the Commission will comprise of three (3) women and two (2) men as follows:

NAME	GENDER
1. Ms. Roseline Doreen Adhiambo Odhiambo-Odede, HSC	Female
2. Prof. Marion Mutugi Wanjiku	Female
3. Dr. Raymond Plal Sang Nyeris	Male
4. Ms. Sarah Talaso Bonaya	Female
5. Dr. Dennis Nyongesa Wamalwa	Male

**(i) Representation of regional and ethnic diversity**

41. Article 232 (1) (h) of the Constitution contemplate a Commission that reflects Kenya’s diverse communities. It is worth noting that section 9 of the Kenya National Commission on Human Rights Act, 2011 limits the number of Commissioners to five and therefore there cannot be representation from each county. The Committee should, however, be keen to observe compliance with this requirement.

**(ii) Persons with Disability**

42. Article 232 (1) (i) of the Constitution provides that the values and principles of public service include –

- (a) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—
- (b) men and women;
- (c) the members of all ethnic groups; and
- (d) persons with disabilities

43. Further Article 54(2) of the Constitution mandates the State to ensure the progressive realization of the principle that at least five per cent of members of the public in appointive bodies are persons with disabilities.

**(iii) Youth**

44. Article 260 of the Constitution defines a “youth” as the collectivity of all individuals in the Republic who—

- (a) have attained the age of eighteen years; but



*(b) have not attained the age of thirty-five years.*

45. Article 55 mandates the State to take measures, including affirmative action to ensure that the youth have opportunities to associate, be represented and participate in political, social and economic spheres of life.

**(iv) Leadership and Integrity**

46. The Committee, in determining the suitability of the nominee, ought to be guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73 (2) of the Constitution provides that the guiding principles of leadership and integrity include –

- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- (c) selfless service based solely on the public interest, demonstrated by —
  - (i) honesty in the execution of public duties; and
  - (ii) the declaration of any personal interest that may conflict with public duties;
- (d) accountability to the public for decisions and actions; and
- (e) discipline and commitment in service to the people.

47. Of importance also is Article 77(5) of the Constitution that requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a State Officer who has been removed from office under that Article from holding any other State Office.

48. Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.

49. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.

50. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.

51. Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual citizenship. It is worth noting the Article 78 (3) (a) of the Constitution exempts judges and members of commissions from this requirement.

52. In addition, section 10 of the Leadership and Integrity Act, 2012 in particular provides that –

*A State officer shall, to the best of their ability—*

*(a) carry out the duties of the office efficiently and honestly;*

*(b) carry out the duties in a transparent and accountable manner;*

*(c) keep accurate records and documents relating to the functions of the office; and*

*(d) report truthfully on all matters of the organization which they represent.*

*a) Suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made*

53. The suitability of the nominee was holistically gauged after scrutiny of the nominee's credentials, experience, background and qualities as well as the performance of the nominee during the approval hearing.

### **2.15 Power to call for evidence**

54. It is important to note that the committee is empowered to call for evidence pursuant to Article 125 of the Constitution, section 12 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 191. In this regard, the Committee may summon any witnesses it so wishes in order to obtain all relevant information that will enable it discharge its mandate effectively.

### **2.16 Submission of Memoranda**

55. Pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee, through the Clerk of the National Assembly, invited submissions from the public on the suitability or otherwise of the nominees for appointment to the position of member of the Kenya National Commission on Human Rights (KNCHR).

56. Further, section 6(10) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that a candidate may at any time, by notice in writing addressed to the Clerk withdraw from the approval process and his or her nomination shall thereupon lapse
57. The Departmental Committee on Justice and Legal Affairs held a sitting for vetting and approval hearing of the nominees on Thursday 3<sup>rd</sup> February, 2022 and informed the nominees that by the deadline date of 31<sup>st</sup> January 2022, the Clerk of the National Assembly had not received any memoranda against the nominees for appointment as members of KNCHR.
58. It was further noted that none of the nominees had notified the Clerk of the National Assembly of withdrawal from the approval process as outlined under section 6(10) of the Public Appointments (Parliamentary Approvals) Act, 2011.
59. In view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the Standing Orders of the National Assembly, the Departmental Committee on Justice and Legal Affairs resolved to proceed to undertake the approval hearing as required.

#### **2.17 Memoranda**

60. The following submitted memoranda and representations recommending appointment of the nominees as members of KNCHR:

##### **Roseline Doreen Adhiambo Odhiambo - Odede**

1. Inter-Religious Council of Kenya
2. Federation of Women Lawyers -Kenya
3. Law Society of Kenya
4. Law Society of Kenya-North Rift Branch
5. National Council of Churches of Kenya
6. Chiromo Hospital Group
7. Centre for Multiparty Democracy –Kenya
8. Tetra Tech International Development

##### **Dr.Dennis Wamalwa Nyongesa**

1. Intersex Persons Society of Kenya
2. Africa Nazarene University
3. Koinonia Community



4. Eden Therapy Centre
5. IREX East Africa
6. Disability Rights Trust
7. Dr.Odhiambo James Oduke, Maseno University
8. Dr.Pamela M.Lunjalu,University of Nairobi

### **2.18 Clearance Requirements**

61. The Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Directorate of Criminal Investigations and the Registrar of Political Parties requesting for reports with respect to the nominees on matters touching on integrity; tax compliance; loan repayments and membership to political parties.
62. In response, HELB; KRA; EACC; DCI and the Registrar of Political Parties cleared the nominees on matters touching on integrity; tax compliance; loan repayments and membership to political parties. **(Annexure 6).**



## CHAPTER THREE

### **3.0 APPROVAL HEARING PROCEEDINGS**

63. The nominees Ms. Roseline Doreen Adhiambo Odhiambo - Odede , Prof. Marion Mutugi Wanjiku, Dr. Raymond Plal Sangsang Nyeris, Ms. Sarah Talaso Bonaya and Dr. Dennis Nyongesa Wamalwa appeared before the Committee on Thursday 3rd February, 2022 at a sitting held in the Mini Chamber County Hall, Parliament Buildings.
64. The nominees were informed by the Chairperson that, pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee had invited submissions from the public on their suitability or otherwise for appointment to the position of the members of the Commission. By the deadline date of 31<sup>st</sup> January 2022, the Clerk of the National Assembly had not received any objection against the nominees.
65. The Chairperson informed the nominees that in view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the Standing Orders of the National Assembly, the Committee had resolved to proceed to undertake the approval hearing as required.

### **3.1 MS. ROSELINE DOREEN ADHIAMBO ODHIAMBO – ODEDE**

66. The nominee stated that she is a female adult, a Kenyan citizen born in Kisumu County and residing in Uasin Gishu and Nairobi.
67. On education, the nominee stated that she has a Master of Laws from the University of Witwatersrand (2001-2003); a Post-Graduate Diploma in Law from the Kenya School of Law (1989-1990); Bachelor of Laws from the University of Nairobi (1986 – 1989); and a Certificate in Environmental Impact Assessments and Environmental Audits from the Africa Nazarene University (2016).
68. On Experience and employment record, the nominee stated that she has over 30 years' experience and has worked in the following agencies: Independent Gender, Governance & Policy Consultant: 2016 – 2021; Vice Chairperson, Judges and Magistrates Vetting Board: 2011 – 2016; Proprietor - Roseline Odede & Company Advocates: 1993 – 2011; Part-Time Lecturer Moi University: 2003-2007; and Associate Anne Schofield & Company Advocates: 1990- 1993.
69. The nominee indicated that she is a member of the Law Society of Kenya and was a Council Member between the years of 2003 -2008; 2010 – 2012; 2018- 2021; Fida –

Kenya: Council Member: 2016 – 2020; Council of Legal Education: Council Member 2007 – 2011; Commonwealth Lawyers Association: Council Member 2007 -2009; and East Africa Law Society: Council Member 2004 – 2006.

70. The nominee stated that she is well aware of the mandate of KNCHR and that her vision is to create a human rights culture in the society; that she would work to create a clear redress system for human rights violation; she further indicated that she would spearhead the production of detailed annual reports on the State of Human rights in the Country.
71. She indicated that if appointed, she would increase the Commission's footprint in the country whilst underscoring the need for scientific data so as to assess the financial needs vis-à-vis the government's ability to enforce progressive rights such as access to water and proper housing.
72. On what she intends to achieve at the Commission: she submitted that she will pursue the Gazettement of rules and regulations on the processing of human rights cases; employ the quasi-judicial powers of KNHCR to improve service delivery; promote access to justice; partner with Parliament to ensure effective and efficient service delivery; pursue Alternative Dispute Resolution (ADR) mechanisms; mainstream human rights into all laws; lobby for adequate budgetary allocations to the Commission; and strictly implement the annual reporting of the state of human rights to Parliament as required by law.
73. On how she proposes to handle the Government of Kenya as far as human rights abuse is concerned: the nominee submitted that indeed there was a record of violations perpetuated by the state, for instance, disregard of court orders, and police harassment among others, which the Commission has powers to investigate and recommend for prosecution. However, with the gazettement of rules and regulations which will give them the quasi-judicial powers it will be easier for them to deal with such matters from investigations to prosecution without depending on other arms of the state which may be compromised in the process.
74. On her proposal on how to manage transition and ensure continuity since all commissioners are appointed at the same time: the nominee stated that the Commission has lacked commissioners for two years and thus she will be proposing an amendment to the law to address that lacuna and provide for staggered nominations. In the meantime,



she proposed a meeting with the previous commissioners to be briefed on the achievements of the former Commissioners and the areas that need attention.

75. On her views on noise pollution and cases of gender-based violence involving killing of older people on pretext of witchcraft: the nominee opined that environmental issues are human rights too thus noise pollution has to be dealt with on the prism of human rights. Further, elderly people are being jailed or killed on trumped up charges mostly related to land inheritance, thus land issues will top their agenda as they seek to protect human rights.
76. On lack of the Commission's services at the county level: the nominee opined that decentralization of KNHCR services and offices will top her agenda in order to increase the footprint of the Commission in the country.
77. On plans to protect religious rights: the nominee reiterated that religious rights are guaranteed and protected by the Constitution of Kenya, thus her commission will work on protecting and enforcing the same.

### **3.2 PROF. MARION MUTUGI WANJIKU**

78. The nominee stated that she is 62 years old, a widow and mother of 2, a bio-medical scientist and geneticist with over 30 years' experience having worked in research and at various universities.
79. On employment record, she stated that she had worked in various capacities and was previously the Vice Chancellor of Amref University: that she had worked in several other portfolios including as a technical advisor DNA Forensic Laboratory Directorate of Criminal Investigations (DCI) and was also a member of the Taskforce to Review and Evaluate Scientific Information on Safety of GMO Foods on Human Health.
80. On published writings, the nominee listed a host of materials authored and also indicated that she had co-authored a book, Bioethics of Medical Advances and Genetic Manipulation; Legal, philosophical and Moral Perspectives which was a key study textbook.
81. The nominee indicated that her research skills was one of the strengths she would bring to the Commission as this would aid in collection of data that would assist in the progressive implementation of socio-economic rights.

82. On discrimination on religious grounds, the nominee indicated that it is one of the progressive rights she aspires to implement to curb discrimination for instance in dress codes in learning institutions as well as disciplined forces among other areas.
83. On the issue of abductions and extra-judicial killings, she stated that the right to life is not limited and it is one that is mandatory and ought to be better enforced.
84. On her views on the treatment of widows and protection of their rights: the nominee opined that freedom of association was very important for widows, to protect them from malice. She further stated that family values should be enhanced whereby widows get support from the deceased husband's relatives in managing cases of succession and inheritance.
85. On the opinion for consideration to continue serving the academia since she was a decorated scholar: the nominee opined that she appreciates the academia but was out to add value to the human society by serving in other capacities. She noted that her strength in research would add value to KNHCR since she will be pursuing realization of socio-economic rights.
86. On whether there is any conflict of interest being a director at the NSSF: the nominee acknowledged that she will indeed relinquish her position at the NSSF upon approval and appointment as commissioner to KNHCR.
87. On how to handle the violations on the rule of law: the nominee opined that as guaranteed by the Constitution she will pursue upholding of the rule of law in the country.
88. On whether genetics was a social science: the nominee stated that it was both as genetics was a pure whereas genetics counseling was a social science owing to the ethics aspect.
89. On views on consumer rights and religious rights: the nominee stated that consumers have a right to know what they are consuming and they will be vigilant together with other state agencies to promote consumer rights. On the other hand the right to life and religion are basic and fundamental human rights that must be protected at all times.
90. She indicated that if nominated, she would work through advocacy, communication and understanding and not acrimony and that it would be prudent to align the Commissions' role with the Big Four Agenda so as to, for instance, achieve housing rights.
91. The nominee emphasized the need for training and creations of awareness with a view to enabling people achieve their human rights.



### **3.3 DR. RAYMOND PLAL SANGSANG NYERIS**

92. The nominee stated that he is a male adult born in 1973 and hails from Sigor Sub-county of West Pokot County, and has been actively involved in peace building owing to the nature of conflicts in his home region.
93. On education qualifications, the nominee stated that most of his formative education was sponsored by well-wishers including World Vision and that he has a Bachelor of Laws (LLB) Degree from University of Nairobi having graduated in 2019; Doctor of Philosophy in Education Management and Policy Studies (PhD) from Masinde Muliro University of Science and Technology (2015); Master of Education (M. Ed.) from Kenyatta University (2007) and Bachelor of Education (B.Ed.) Degree from Moi University (1999).
94. On employment record the nominee highlighted his work experience to include as a Taskforce Member at County Government of Uasin Gishu September to November 2021; Committee Member at Intergovernmental Relations Technical Committee between Feb 2015-June 2020; Lecturer/Deputy Director at Mount Kenya University between 2012-2014; Graduate Teacher at the Teachers Service Commission between 2003-2010; and a Deputy Co-ordinator, Development Awareness program at the Anglican Development Services from 2000-2003.
95. The nominee stated that he was involved in drafting of The Alternative Dispute Resolution Policy and was also a member of the panel that looked into formulation of Public Participation regulations and that his skills as a certified mediator would be useful to the Commission.
96. On professional associations, the nominee stated that he is a member of the Kenya Red Cross and I-REP Foundation (Registered Child Right Focused Organization) and was instrumental in championing the rights of women and children in West Pokot County.
97. The nominee further stated that his legal skills have enabled him to carry out sensitization on good governance and human rights on social media and that he is actively engaged in peace building in Kerio Valley.
98. On the issue of rampant cattle rustling, the nominee emphasized the need for a multi-agency approach involving the East African Community, the need for goodwill from leaders and seeking a lasting solution to the issue of illegal firearms across the porous borders.

### **3.4 MS. SARA TALASO BONAYA**

99. The nominee stated that she is a widow and a mother of 4 and hails from Marsabit County.
100. On Education, the nominee stated that she has attained the following: Masters in Health Management, Policy and Planning, University of Leeds (2001); Kenya Medical Training College - Higher Diploma in Midwifery (1999); Kenya Medical Training College - Higher Diploma in Public Health Education (1991); Kenya Medical Training College - Diploma in Kenya Registered Nursing (1983).
101. On Employment record the nominee has been an officer, director, partner, proprietor, employee or consultant in organizations including: Board Member, Kenya Mortgage Refinance Company from February 2020 to-date; Chairperson, KICC Board from June 2012 to June 2017; Member of East Africa Legislature Assembly (EALA) from June 2007 to June 2017; Ministry of Health from September 1999 to June 2005; various roles at the Kenyatta National Hospital from 1987 to 1999; and a nursing officer at the Moyale Sub-District Hospital from 1984 to 1986.
102. The nominee indicated that she was passionate about human rights having suffered from violations including seeing her father killed by bandits and being disinherited owing to her gender alongside her sister and a mother who was married as a second wife to a man 50 years her senior.
103. The nominee indicated that she was passionate about improving the lives of others and has sponsored many needy students education upto university level; facilitated many patients from marginalized areas to access healthcare; supported many in accessing justice; facilitated youth, women, and people with disabilities to access economic empowerment; and supported the elderly and widows.
104. The nominee stated that she served in the Regional Affairs Committee on Rights Challenges and Cross-border Conflicts whilst serving as a member of East Africa Legislative Assembly (EALA) and that the experience gained would be vital to the commission if she is selected.

105. On the issue of widows being disinherited, the nominee indicated that there was need to formulate better policies to address gaps in access to legal services as well as awareness on their rights.

### **3.5 DR.DENNIS NYONGESA WAMALWA**

106. The nominee indicated that he is an intersex person born in Bungoma County in 1974.

107. On Education and employment, the nominee indicated that he is a PhD holder, a lecturer and a human rights defender.

108. On Memberships, the nominee indicated to be Board Member- Intersex Persons Society of Kenya alongside several other associations.

109. The nominee indicated that owing to his intersex gender, he had suffered several human rights' violations growing up but had nevertheless surmounted them and was a champion for several social welfare programs and has also worked as a medical psychosocial support consultant.

110. The nominee indicated that he had vast experience in the fight for enforcement of human rights having worked with several organizations to counter violations against disabled children and the less vulnerable in society.

111. The nominee stated that his vision is to advance a culture for respect of human rights for all people and that he would work to implement the taskforce proposals on intersex persons and integration in the curriculum to create awareness.



## CHAPTER FOUR

### **4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS**

112. The Committee having considered the curricula vitae of Ms. Roseline Doreen Adhiambo Odhiambo – Odede, Prof. Marion Wanjiku Mutugi, Dr. Raymond Plal Sangsang Nyeris, Ms. Sara Talaso Bonaya and Dr. Dennis Nyongesa Wamalwa and having heard their submissions during the approval hearing/vetting made the following observations on their nomination:

#### **4.1 Committee Observations**

##### **4.1.1 Ms. Roseline Doreen Adhiambo Odhiambo - Odede**

113. The Committee having considered the nominees filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Chairperson of the Kenya National Commission on Human Rights: That:

- (i) The nominee is a female adult born on 29<sup>th</sup> March 1967 in Kisumu County and is proficient in English, Kiswahili, Dholuo languages.
- (ii) On Education, the nominee has a Master of Laws from University Of Witwatersrand (2001-2003); a Post-Graduate Diploma in Law from the Kenya School of Law (1989-1990); Bachelor of Laws from the University of Nairobi (1986 – 1989); and a Certificate in Environmental Impact Assessments and Environmental Audits from the Africa Nazarene University (2016).
- (iii) On Experience and employment record, the nominee has worked in the following agencies: Independent Gender, Governance & Policy Consultant: 2016 – 2021; Vice Chairperson - Judges And Magistrates Vetting Board: 2011 – 2016; Proprietor Roseline Odede & Company Advocates: 1993 – 2011; Part-Time Lecturer, Moi University: 2003-2007; and Associate Anne Schofield & Company Advocates: 1990- 1993.
- (iv) The nominee has been honoured and awarded Head of State Commendation HSC (2010); East Africa Law Society Special Recognition For Exemplary Legal Practice & Service (2009); and recognition by FIDA for rendering pro-bono legal services (2006).



- (v) The nominee is a member of the Law Society of Kenya and has been a Council Member between the years of 2003 -2008; 2010 – 2012; 2018- 2021; Fida – Kenya: Council Member: 2016 – 2020; Council of Legal Education: Council Member 2007 – 2011; Commonwealth Lawyers Association: Council Member 2007 -2009; and East Africa Law Society: Council Member 2004 – 2006.
- (vi) She is a Life Member of the Eldoret Hospice; a member of the Chartered Institute of Arbitrators; and a member of the International Association of Collaborative Practitioners.
- (vii) On publications, she has contributed to: Vol 1: Transcripts of Findings of the Judges and Magistrates Vetting Board. 2012; Vol. 2: Transcripts of Findings of the Judges and Magistrates Vetting Board. 2016; Public Participation by the Judges and Magistrates Vetting Board. 2016; Analysis of the Vetting Criteria used by the Judges and Magistrates Vetting Board. 2016; Transitional Justice Litigation against the Judges and Magistrates Vetting Board. 2016; and the Final Report of the Judges and Magistrates Vetting Board. 2016.
- (viii) On Public Office, the Committee observed that, the nominee was the Vice Chairperson of the Judges and Magistrates Vetting Board in 2011 on contract, which ended in 2016.
- (ix) The Committee observed that the nominee has never been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution and has never been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (x) On Deferred Income/Future Benefits, it was observed that she does not have any anticipated receipts from deferred income arrangements.
- (xi) On outside commitment during service in office, the Committee observed she does not have any plans for the same.
- (xii) On Statement of Net Worth and Sources of income, the Committee observed that her net worth is estimated at 25 million Kenya Shillings comprising of land: 20,000,000/- and cars: 5,000,000/- with sources of income including in 2021 consultancy fees of Kshs. 5,000,000/- with nil income in 2020.

- (xiii) On Potential conflicts of interest, the Committee observed that she does not envisage any family members or other persons, parties, categories obligation or financial arrangements that are likely to present potential conflicts-of-interest.
- (xiv) On Pro-Bono/Charity Work/Donations to charity, the committee observed that she has been engaged with Eldoret Hospice on Pro-bono legal counsel from 2003 to date; FIDA Kenya pro-bono legal services from 1993 to 2011; and Pro-bono civic and legal awareness sessions in North Rift region working with various community based organizations from 1993 to date.
- (xv) The Committee observed that the nominee has never been charged in a court of law in the last three years and has never been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

#### **4.1.2 Prof. Marion Mutugi Wanjiku**

114. The Committee having considered the nominees filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member of the Kenya National Commission on Human Rights: That:

- (i) The nominee is a female adult born in 1959 in Nyeri County of Kenya and is proficient in English, Kiswahili, Kikuyu languages.
- (ii) The nominee has an Executive MBA from Jomo Kenyatta University of Agriculture and Technology (2010-2011); PhD, University of Edinburgh, Scotland (1989-1993); MSc Botany (Genetics), University of Nairobi, Kenya (1982-1985); BSc Biology, Philippine Union College, Manila Philippines (1978-1981); Diploma Project Management Galilee International Management Institute, Israel (2016); Diploma in Leadership, World Leadership Convention San Francisco, California (1997); Certificate. Bioethics: The Law, Medicine and Ethics of Reproductive Technologies and Genetics Harvard University (2017); and a Certificate in Counselling, Daystar University (2001.)
- (iii) The nominee has been affiliated as an officer, director, partner, proprietor, employee, or consultant to including: 2019-2021 Amref International University:



Vice Chancellor; 2014-to date University of Kabianga: 2014-2019 Deputy Vice chancellor; 2003-2017 Jomo Kenyatta University of Agriculture and Technology 2003-2011 Senior Lecturer; 2004-2008 Director, ITROMID, 2011-2017 Associate Professor; 1981-1994 Kenya Trypanosomiasis Research Institute (KETRI); 1981-1989 Scientist, 1989-1994 Senior Research, 1989-1994 Programme leader; Chairperson Board of Directors Kenya Accreditation Service (KENAS); Director board of trustees National Social Security Fund (NSSF); Member UK Research and Innovation International Development Peer Review College; Panel member on non-communicable diseases National Research Council (MRC) UK; Reviewer National Research Fund (NRF) Kenya; Reviewer Commission for University Education (CUE) Kenya; Member Expert Committee Social and Human Sciences Programme KNATCOM, UNESCO; Technical advisor DNA Forensic Laboratory Directorate of Criminal Investigations (DCI); National quality infrastructure Auditor ISO 9002 and ISO 27001; Member committee of national research priorities National Commission for Science Technology and Innovation (NACOSTI) Kenya; Founder Institutional Research Ethics Committee (IERC) to University of Kabianga; Head University of Kabianga Ethics Unit, International Network of the UNESCO; Member Medical Sciences Advisory Research Committee; Member, National ART taskforce on Operational Research Consultative Committee; Chair Team of Inquiry on Loss of Biodiversity by Elephant and Rhino Poaching, Kenya; Member Taskforce to Review and Evaluate Scientific Information on Safety of GMO Foods on Human Health; Taskforce for the Review of The State Corporations Act Cap 446 viz a viz The provisions of the constitution of the Republic of Kenya; Member National Commission for Higher Education committee on post-election violence effect on Higher Education; Member, Ministry of Health Committee HIV/AIDS Manual for Primary Health Care Workers; Consultant Stromme Foundation, Kristiansand, Norway; Director Pan African Research Services PARS; Director WAKIBA Investments; Board Member, Food and Agricultural Research Management FARM; and Treasurer, Pan African Environmental Mutagen Society PAEMS.

(iv) The nominee been honoured and awarded: 2012 Presidential recognition “Elder of the order of the Burning Spear” EBS. Innovation: Nucleotide sequences for



*Shigella dysenteriae* and *Shigella flexneri 1* and *Shigella flexneri 2* with following accession numbers respectively, sqn MKS-020-06 JX908762, sqn MKS-167-06 JX908763, sqn MKS-640-09 JX908764, The GenBank, National Center for Biotechnology Information (NCBI), National Library of Medicine at National Institute of Health Bethesda, Maryland USA.

- (v) She is a Member of Bioethics Society of Kenya; Institute of Directors of Kenya; Kenya Institute of Management; African Society of Human Genetics; and was Treasurer 1986-1999 of Pan African Environmental Mutagen Society.
- (vi) On Memberships to professional, business, fraternal, scholarly, civic, charitable, or other organizations, the Committee observed that she is a member of Ndia Integrated Women Development Association (NIWDA); Kenya Women Political Alliance Kenya (WPA-K); Kenya Women Political Caucus; and Centre for Justice for Victims of Crimes against Humanity (CJCH).
- (vii) The Committee observed that the nominee has published and written widely. Her published and written materials include books, book Chapters and Research Papers.
- (viii) The offices held include Deputy Secretary General, Democratic Party of Kenya from 2006-2007.
- (ix) The nominee was a candidate for Member of Parliament, Ndia Constituency in 2007; and a Presidential campaigner for HE Mwai Kibaki. She is currently not a member or official of any political party.
- (x) The committee observed that the nominee has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution and has never been adversely associated with practices that depict bias, favoritism, or nepotism in the discharge of public duties.
- (xi) The nominee has a Ksh. 10 million Pension Annuity with ICEA, expected to mature in 2024 which she expects to derive future benefits.
- (xii) On sources of income, the Committee observed that her income was derived from: in 2021 salary was 23m, rental income was 1.2M, and sitting allowance was 600,000 and farm produce of 500,000. While in 2022 Rental income of 100,000 sitting allowances of 40,000 and farm produce: 30,000.
- (xiii) The Committee observed that her net worth is estimated at Kshs 300 million.

- (xiv) The nominee does not envisage any family members or other persons, parties, categories obligation or financial arrangements that are likely to present potential conflicts-of-interest.
- (xv) On Pro-Bono/Charity Work/Donations to charity the nominee has contributed to church programs with 50,000 per month putting in 30 hours per week.
- (xvi) The nominee has never been charged in a court of law in the last three years and has never been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

#### **4.1.3 Dr. Raymond Plal Sangsang Nyeris**

115. The Committee having considered the nominees filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member of the Kenya National Commission on Human Rights (KNCHR): That:

- (i) The nominee is a male adult born on 28<sup>th</sup> December, 1973 in West Pokot County and is proficient in English, Kiswahili, Kipokot languages.
- (ii) The nominee has Bachelor of Laws (LLB) Degree from University of Nairobi having graduated in 2019; Doctor of Philosophy in Education Management and Policy Studies (PhD) from Masinde Muliro University of Science and Technology (2015); Master of Education (M.Ed.) from the Kenyatta University (2007) and Bachelor of Education (B.Ed.) Degree from Moi University (1999).
- (iii) The nominee's work experience include; was a Taskforce Member at County Government of Uasin Gishu from Sept 2021-Nov 2021; Committee Member at Intergovernmental Relations Technical Committee between Feb 2015-June 2020; Chief Officer, Public Administration and County Coordination at County Government of West Pokot between Nov 12, 2014-Feb 2015; Lecturer/Deputy Director at Mount Kenya University between 2012-2014; Graduate Teacher at the Teachers Service Commission between 2003-2010; and a Deputy Co-ordinator, Development Awareness program at the Anglican Development Services from 2000-2002.



- (iv) The nominee was honoured and awarded the Anglican Development Service Award for exemplary provision of civic education in North Rift Region. 2000-2002; and Mount Kenya University Award for presentation of Academic paper during the Annual Academic Conference from 26<sup>th</sup> -27<sup>th</sup> Nov 2012.
- (v) The nominee is a Member of Education Management Society of Kenya; member of the Kenya Red Cross and I-REP Foundation (Registered Child Right Focused Organization).
- (vi) The nominee's published and written materials include: Nyeris, R & Koros, B (2015): Factors influencing the efficacy of FPE Policy in relation to enrolment of children with special needs education in West Pokot County, Kenya. *Journal of education and practice, Vol 6, NO 7, 2015*; Namisiko,P, Mindila,R, Chepkoech, E, **Nyeris, R** (2014) Review application of Web 2.0 and software in E-Learning: A Baseline survey in a private University in Kenya. *International Journal of Computer Science Issues, Vol 11, No 2, pp 190-196*; and **2008 - 2009** Education Assessment for the preparation of a Terminal Evaluation Report for Chesta Girls Secondary in West Pokot County 2003-2008 through a NORAD Funded Programme, Kenya.

116. On Public Office, Political Activities and Affiliations, the Committee observed that the nominee was a Taskforce Member of the Uasin Gishu County Government by appointment and Committee Member at the Intergovernmental Relations.

117. The nominee does not have any linkage to a political party at present; never been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution; and has never been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.

118. On deferred income/future benefits, the Committee observed that he expects Ksh.353,000 from the County Government of Uasin Gishu in February 2022.

119. On Sources of income, the Committee observed that he expects gratuity from IGRTC of approx. Ksh.650, 000.

120. The nominee's net worth is approximately Ksh.30, 000,000.

121. The Committee observed that he does not have anything that can present potential conflict of interest when he assumes the position nominated for.



122. On Pro-Bono/Charity Work/Donations to charity, the Committee observed that he has contributed to construction of ECD Class at Tiskaya Village in Sekerr Ward at a cost of Ksh.50, 000; payment of school fees for two orphans at a cost of Ksh. 100,000; and donating Ksh. 80,000 to Kapenguria Deliverance Church Construction.
123. The nominee has never been charged in a court of law in the last three years and has never been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

#### **4.1.4 Ms Sara Talaso Bonaya**

124. The Committee having considered the nominees filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011 her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member of the Kenya National Commission on Human Rights (KNCHR): That;

- (i) The nominee is a female adult born on 20<sup>th</sup> July 1962 in Marsabit and is proficient in English, Kiswahili and Gabra languages.
- (ii) On Education, the Committee observed that she holds a Masters in Health Management, Policy and Planning (2001); Kenya Medical Training College, Higher Diploma in Midwifery (1999); Kenya Medical Training College, Higher Diploma in Public Health Education (1991); Kenya Medical Training College, Diploma in Kenya Registered Nursing (1983).
- (iii) The nominee has been affiliated as an officer, director, partner, proprietor, employee or consultant in organizations including: Board Member, Kenya Mortgage Refinance Company; Chairperson, KICC Board; Member of East Africa Legislature Assembly (EALA); Ministry of Health; Kenyatta National Hospital and a Nursing Officer at the Moyale Sub-District Hospital.
- (iv) The Committee observed that the nominee is a Board Member of the Kenya Mortgage Refinance Company and Chairperson of the KICC Board, which positions she will have to relinquish if confirmed as a member of the KNCHR;
- (v) On Honors and Awards, the Committee observed that the nominee has not received any recognition so far.

- (vi) On Professional Associations, the Committee observed that the nominee is affiliated to the Nursing Council of Kenya.
- (vii) The nominee is not a member of any professional, business, fraternal, scholarly, civic charitable or other organization.
- (viii) The nominee has authored several materials including: Master's Thesis study on improving access to healthcare among nomadic communities in Northern Kenya at the University of Leeds, UK; Reproductive Health Needs Assessment in five WHO funded Districts in Eastern and Central Province, as a member of the WHO and MOH Evaluation Team and Paper on Effect of Culture on Reproductive Health in Kenya at a Conference in Bamako, Mali in preparation for the International Women Medical Conference in India that was held in India in September 2006.
- (ix) The nominee does not hold any political office nor is she a member of any political party.
- (x) The committee observed that she contested in a by-election in 2006 as a Member of Parliament sponsored by KANU.
- (xi) She has never been dismissed or removed from office for contravention of the provisions of Article 75 of the Constitution; and has never been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (xii) She does have Deferred Income/Future Benefits in Shares in Sidian Bank (15,000) in trust for the family but does not have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office.
- (xiii) On sources of income, the committee observed that the nominee has income from pension from her late husband amounting to Kes 170,000; consultancy trainings of about Kes. 300,000; emoluments from both the KMRC and KICC where she is a director and Chairperson respectively.
- (xiv) On the nominees statement of net worth, it is estimated that her total net worth is Ksh. 93,076,635 which was not itemized.
- (xv) The Committee observed that the nominee does not have anything that can present potential conflict of interest when she assumes the position nominated for.



(xvi) On Pro-Bono/Charity Work/Donations to charity, the nominee has sponsored many needy students education upto university level; facilitated many patients from marginalized areas to access healthcare; supported many in accessing justice; facilitated youth, women, and people with disabilities to access economic empowerment; and supported the elderly and widows.

(xvii) The nominee has never been charged in a court of law in the last three years and has never been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

#### **4.1.5 Dr Dennis Nyongesa Wamalwa, PhD**

125. The Committee having considered the nominees filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member of the Kenya National Commission on Human Rights: That;

- (i) The nominee is a male adult born in 1974 in Bungoma County and is proficient in English, Kiswahili, Luhya languages.
- (ii) On Education, the Committee observed that the nominee has attained the following qualifications: **Certificate in Conflict Related Sexual Violence (CRSV) Course**, International Peace Support Training Centre Nairobi; **PhD in Peace and Conflict Studies**, Masinde Muliro University of Science and Technology (MMUST); **Pre-Preparation, Finance & Business Skills Course**, Selwood Consultants; **Masters of Arts in Counselling Studies**, The University of Manchester, (UK); **Higher Diploma in Counselling**, Kenya Association of Professional Counsellors (KAPC); **Certificate of attendance; Training “SANU MSF”** Medecins Sans Frontieres (MSF-Operational Centre of Brussels; **Prevention through documentation workshop for torture survivors and witnesses** – Independent Medico Legal Unit (IMLU); **Alcoholic and drug awareness, Screening and Brief Interventions training**, Support Addictions Prevention and treatment in Africa (SAPTA), 2007; **Certificate of Accreditation (KCPA /0038/06)** Kenya Counselling and Psychological Association; **Certificate of Training in Intervention Skills in Trauma, Domestic Violence, Rape and Defilement and Child Therapy**. Neema Counselling and



Training Center Nairobi; **Voluntary Counselling and Testing (VCT) Course and** Kenya Association of Professional Counsellors (KAPC) among other professional qualifications.

- (iii) On employment record, the Committee observed that he has been a part-time Lecturer at Masinde Muliro University of Science and Technology (MMUST), Africa Nazarene University and Mount Kenya University; a mental health and psychosocial support consultant at Honor and Diligence Support Service; COVID-19 National Response: Psychological Trainer cum Supervisor at the Red Cross Society (RCS) and Ministry of Health Kenya (MoH); Consultant Psychosocial Wellbeing Counsellor cum Trainer at the Peace Brigades International Kenya; Consultant Psychosocial Well-Being Counsellor Cum Trainer at the International Research and Exchange Board (IREX); Washington DC) and Securing Access to Free Expression Program Africa among other short term consultancies.
- (iv) On Honours and Awards, the nominee has: Certificate of Accreditation, associate Counsellor Supervisor Kenya Counselling and Psychological Association; Certificate of Appreciation for Officiating as Rapporteur during the 93rd Kenya Music festival held in Kabarak University, Nakuru County, 3rd to 15th August 2019; and Certificate of Appreciation for Officiating as Rapporteur during the Trainers' and Adjudicators' Workshop held at Tom Mboya Labour College from 19th to 24th April 2019.
- (v) On Professional Associations, the nominee is affiliated with Kenya Counsellors and Psychologists Association (Reg. No 0038/06)- associate Counsellor Supervisor; AFRIBA Research Consortium - associate research consultant; and Oversees Advising Group (OAG)- independent consultant partner.
- (vi) He is a board member of, Intersex Persons Society of Kenya; Koinonia Community Kenya; Community Life and Growth (CLG) Chairperson and Community management member (December 2020- December 2021); Koinonia Community Kenya; Executive Council Member and Treasurer (Jan –Dec 2014); Koinonia Community Kenya; Secretary/Board Member (Jan 1999 to Dec 2003); and Kivuli Community Center; Youth organize.
- (vii) The nominee has authored several materials including: Omondi, J A., Nyongesa, W., D., & D Thiongo, K. (2021). Analysis of the Effects of Water Sector Reforms on Governance in Athi water Services Board, Kenya; Hassan., A., M., Wamalwa, D., N.

& Muhindi., S., (2021). Assessment of Internal Dynamics of Financial Performance of Wajir County Government; Nyamache, E., K. & Wamalwa, D., N. (2021). Determining the Relationship between Counseling Needs and Employee's Age at Kenya Revenue Authority to Reduce Job Burnout; Muiruri., M., W., & Wamalwa., N., D. (2020). Investigation Strategies used by EACC in Corruption Eradication among Traffic Police Service in Nairobi County; Langat, K, C., Simiyu, R., & Wamalwa, D., N. (2017). Peace Building and Management of Inter-Ethnic Conflict between The Kipsigis and Abagusii Living along Chebilat/Borabu Border of Bomet and Kisii County; Ahmed, D, A.& Wamalwa, D., N. (2020). Politics' Influence on Terrorism in Garissa County; Wamalwa, D., N. & Muchemi, J., K. (2017). Analysis of Effectiveness of Electoral Reforms on Good Governance in Kenya. European Journal of Social Sciences Studies; Role of Peace Committees in Conflict Transformation in Kuria Region, Migori County; Wamalwa, D., N. Namachanja, T., W. & Mkonza, T. (2016). Challenges of Counselling Domestic Violence Survivors in Kibera Slum; Wamalwa, D., N. & Namachanja, T., W. and Tuikong, S., J. Nature and Influence of Conflict in Kibera and Mathare Slums after 2007 Elections in Kenya; Wamalwa, D., N, Matanga, F., & Onkware. (2015); Challenges Encountered by the State and Civil Society in the Implementation of Post- Conflict Reconstruction in Kibera and Mathare Divisions, Nairobi; Kenya; Wamalwa, D., N, Matanga, F., & Onkware, K. (2015) and Interventions Implemented by State and Civil Society in Post Conflict Reconstruction in Kibera and Mathare.

- (viii) On Public Office, Political Activities and Affiliations, the Committee observed that he does not hold any political office nor is he a member of any political party.
- (ix) He has never been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution; and has never been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (x) He has Deferred Income/Future Benefits from Mt. Kenya University student supervision fee 570,000/= by end of 2022 and Nazarene University student supervision fee 250,000/= by end of 2022 but does not have any plans, commitments or agreements to pursue outside employment with or without compensation during his service in office.

- (xi) On sources of income, the Committee observed that the nominee's income from independent consultancy & Part time lecturing till December 2021 amounted to 350,000/= owing to COVID -19 Pandemic.
- (xii) On Statement of net worth, the nominee's estimated total net worth is at 10.7 million Kenya shillings itemized as: 1 plot in Kajiado, a temporary allotted plot in Soweto/ Kayole with a temporary structure,  $\frac{3}{4}$  of an acre with a residential house in progress at Kimaeti, 1 plot at Kimaeti Market, 1 plot at Napara  $\frac{1}{2}$  a plot in Kitabisi, 2  $\frac{1}{2}$  inherited from my late father and 1 $\frac{1}{2}$  acres of tree farming project from family land all in Bungoma.
- (xiii) The nominee doesn't have anything that can present potential conflict of Interest when he assumes the position nominated for.
- (xiv) On Pro-Bono/Charity Work/Donations to charity, the nominee is a member of Board of Directors at the Intersex Persons Society of Kenya (IPSK) advises the secretariat once in every 3 months; as Member of Koinonia Community Kenya; Community Life and Growth (CLG) leads in foreseeing spiritual growth of members quarterly fellowships; and donates 500/= monthly charity towards running of social projects in Koinonia Community.
- (xv) The nominee has never been charged in a court or law in the last three years and has never been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.



## 4.2 Committee's findings

### a) Ms. Roseline Doreen Adhiambo Odhiambo - Odede

126. After conducting the approval hearings, the Committee made the following observations and findings:

- (i) Ms. Roseline Doreen Adhiambo Odhiambo – Odede has the requisite qualifications and experience which qualifies her for appointment to the position of Chairperson of KNCHR.
- (ii) Ms. Roseline Doreen Adhiambo Odhiambo – Odede, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
- (iii) The candidate exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the KNCHR.
- (iv) Members of the public were invited by the Office of the Clerk to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
- (v) The Committee exercised due diligence and contacted vetting bodies for confidential reports on the candidate. The Committee contacted the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said bodies had no adverse report on the nominee.
- (vi) The nomination of Ms. Roseline Doreen Adhiambo Odhiambo – Odede was in compliance with the Constitution, the Kenya National Commission on Human Rights Act, 2011 and the Public Appointments (Parliamentary Approval) Act, 2011.

**b) Prof. Marion Mutugi Wanjiku**

127. After conducting the approval hearings, the Committee made the following observations and findings:

- (i) Prof. Marion Mutugi Wanjiku has the requisite qualifications and experience which qualifies her for appointment to the position of member of KNCHR.
- (ii) Prof. Marion Mutugi Wanjiku, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
- (iii) The candidate exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the KNCHR.
- (iv) Members of the public were invited by the Office of the Clerk to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
- (v) The Committee exercised due diligence and contacted vetting bodies for confidential reports on the candidate. The Committee contacted the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said bodies had no adverse report on the nominee.
- (vi) The nomination of Prof. Marion Mutugi Wanjiku was in compliance with the Constitution, the Kenya National Commission on Human Rights Act, 2011 and the Public Appointments (Parliamentary Approval) Act, 2011.

**c) Dr. Raymond Plal Sangsang Nyeris**

128. After conducting the approval hearings, the Committee made the following observations and findings:

- (i) Dr. Raymond Plal Sangsang Nyeris has the requisite qualifications and experience which qualifies him for appointment to the position of member of KNCHR.
- (ii) Dr. Raymond Plal Sangsang Nyeris, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.

- (iii)The candidate exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the KNCHR.
- (iv)Members of the public were invited by the Office of the Clerk to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.
- (v) The Committee exercised due diligence and contacted vetting bodies for confidential reports on the candidate. The Committee contacted the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said bodies had no adverse report on the nominee.
- (vi)The nomination of Dr. Raymond Plal Sangsang Nyeris was in compliance with the Constitution, the Kenya National Commission on Human Rights Act, 2011 and the Public Appointments (Parliamentary Approval) Act, 2011.

**d) Ms. Sara Talaso Bonaya**

129. After conducting the approval hearings, the Committee made the following observations and findings;

- (i) Ms. Sarah Talaso Bonaya has the requisite qualifications and experience which qualifies her for appointment to the position of member of KNCHR.
- (ii) Ms. Sarah Talaso Bonaya, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on her part.
- (iii)The candidate exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the KNCHR.
- (iv)Members of the public were invited by the Office of the Clerk to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting suitability of the nominee as required



under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.

- (v) The Committee exercised due diligence and contacted vetting bodies for confidential reports on the candidate. The Committee contacted the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said bodies had no adverse report on the nominee.
- (vi) The nomination of Ms. Sarah Talaso Bonaya was in compliance with the Constitution, the Kenya National Commission on Human Rights Act, 2011 and the Public Appointments (Parliamentary Approval) Act, 2011.

**e) Dr. Dennis Nyongesa Wamalwa**

130. After conducting the approval hearings, the Committee made the following observations and findings:

- (i) Dr. Dennis Nyongesa Wamalwa has the requisite qualifications and experience which qualifies him for appointment to the position of member of KNCHR.
- (ii) Dr. Dennis Nyongesa Wamalwa has, according to the records and information availed to the Committee, has never been implicated in any issues that may lead to a conclusion of lack of integrity on his part.
- (iii) The candidate exhibited impressive knowledge of topical issues including understanding of administration and management principles required to address the challenges facing the KNCHR.
- (iv) Members of the public were invited by the Office of the Clerk to submit any information of interest on any of the candidates. The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6 (9) of the Public Appointments (Parliamentary Approval) Act, 2011.

(v) The Committee exercised due diligence and contacted vetting bodies for confidential reports on the candidate. The Committee contacted the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigation and the Registrar of Political Parties. The said bodies had no adverse report on the nominee.

(vi) The nomination of Dr. Dennis Nyongesa Wamalwa was in compliance with the Constitution, the Kenya National Commission on Human Rights Act, 2011 and the Public Appointments (Parliamentary Approval) Act, 2011.

## CHAPTER FIVE

### 5.0 RECOMMENDATION OF THE COMMITTEE

131. THAT pursuant to Article 250(2)(b) of the Constitution, section 11 (5) and (6) of the Kenya National Commission on Human Rights Act, 2011, sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, and Standing Order 216 (5) (f) of the National Assembly, the Committee recommends that the House approves the nomination of the following persons for appointment by H.E the President as members of the Kenya National Commission on Human Rights (KNCHR):

- (i) **Ms. Roseline Doreen Adhiambo Odhiambo - Odede – Chairperson**
- (ii) **Prof. Marion Mutugi Wanjiku - Member**
- (iii) **Dr. Raymond Plal Sangsang Nyeris – Member**
- (iv) **Ms. Sara Talaso Bonaya – Member**
- (v) **Dr. Dennis Nyongesa Wamalwa - Member**

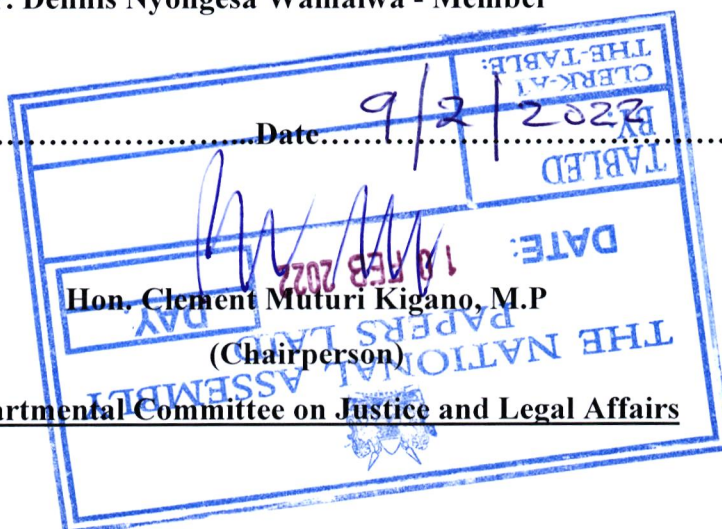
Signed .....

Date.....

9/2/2022

  
**Hon. Clement Muturi Kigano, M.P**  
**(Chairperson)**

**Departmental Committee on Justice and Legal Affairs**





KENYA NATIONAL ASSEMBLY



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS  
ATTENDANCE REGISTER FOR MEMBERS


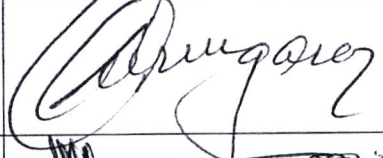
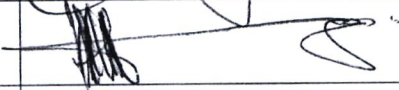
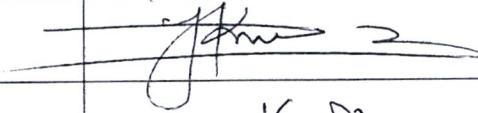
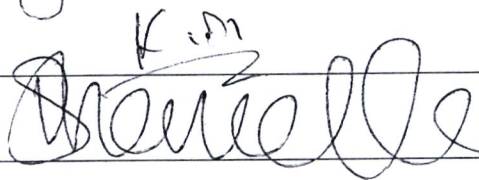
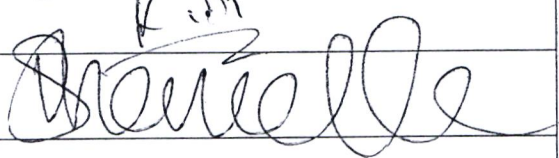
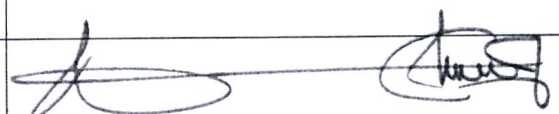
DATE 9/2/2022

VENUE COMMITTEE ROOM 7

AGENDA

ADOPTION OF REPORT ON NETTING KNCHR MEMBERS

NO.	NAME	SIGNATURE
1.	Hon. Clement Muturi Kigano, M.P. - <b>Chairperson</b>	
2.	Hon. T.J. Kajwang, MP - <b>Vice Chairperson</b>	
	Hon. Emmanuel Wangwe	
4.	Hon. Junet Sheikh Nuh Mohamed, M.P.	
5.	Hon. John Olago Aluoch, MP.	
6.	Hon. Roselinda Soipan Tuya, MP.	
7.	Hon. Peter Opondo Kaluma, MP.	
8.	Hon. Mwamkale Kamoti, MP.	
9.	Hon. Zuleikha Hassan, MP.	

10.	Hon. Josephine Naisula Lesuuda, M.P.	
11.	Hon. George Gitonga Murugara, MP.	
12.	Hon. Adan Haji Yussuf, MP.	
13.	Hon. Japheth Kiplangat Mutai, MP.	
14.	Hon. Anthony Githiaka Kiai, MP.	
15.	Hon. Jennifer Shamalla, MP.	
16.	Hon. John Kiarie Waweru, MP.	
17.	Hon. Dan Kipkogei Rono, MP.	
18.	Hon. Anthony Oluoch, M.P.	
19.	Hon. Robert Gichimu Githinji, M.P.	

**COMMITTEE CLERK**

  
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**DIRECTOR DEPARTMENTAL COMMITTEES**

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