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**THE NATIONAL ASSEMBLY**  
THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

**DIRECTORATE OF DEPARTMENTAL COMMITTEES**

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**REPORT ON-**

**THE APPROVAL HEARING OF HON. JUDITH NAYAIAI RAMAITA PARENO FOR APPOINTMENT AS THE PRINCIPAL SECRETARY OF THE STATE DEPARTMENT FOR JUSTICE, HUMAN RIGHTS AND CONSTITUTIONAL AFFAIRS IN THE OFFICE OF THE ATTORNEY-GENERAL AND DEPARTMENT FOR JUSTICE**

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 08 APR 2025	DAY: TUESDAY
TABLED BY:	CHAIRPERSON, DC J LAC
CLERK-AT CLERK'S CHAMBERS	PERPETUAL MURIGA

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APRIL 2025

## TABLE OF CONTENTS

List of Abbreviations and Acronyms .....	ii
List of Annexures .....	iii
Foreword .....	iv
CHAPTER ONE .....	1
1 Preface .....	1
1.1 Establishment and Mandate of the Committee .....	1
1.2 Mandate of the Committee .....	1
1.3 Committee Membership .....	3
1.4 Committee Secretariat .....	4
CHAPTER TWO .....	5
2 Background Information .....	5
2.1 Legal Framework .....	5
2.2 Selection Process .....	5
2.3 Notification of Nomination .....	6
2.4 Notification to the House and Referral to the Committee .....	6
2.5 Notification to the Public .....	7
2.6 Notification to the Nominee .....	7
2.7 Clearance and Compliance Requirements .....	7
2.8 Criteria for Consideration during the Approval Hearings .....	8
2.8.1 Procedure for Nomination .....	8
2.8.2 Constitutional and Statutory Requirements .....	9
2.8.3 Suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made .....	11
CHAPTER THREE .....	12
3 Approval Hearing of THE Nominee .....	12
3.1 Hon. Judith Nayaiai Ramaita Pareno – Nominee for Appointment as Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice .....	12
3.1.1 General and Sector-Specific Questions to the Nominee .....	14
3.1.2 Committee Observations on the Suitability of the Nominee .....	16
CHAPTER FOUR .....	18
4 Committee Observations .....	18
4.1 General Observations .....	18
CHAPTER FIVE .....	19
5 Committee Recommendations .....	19

## LIST OF ABBREVIATIONS AND ACRONYMS

CAJ	Commission on Administrative Justice
CDF	Constituency Development Fund
CV	Curriculum Vitae
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
FGM	Female Genital Mutilation
H.E.	His Excellency
HELB	Higher Education Loans Board
Hon.	Honourable
IPOA	Independent Policing Oversight Authority
KNCHR	Kenya National Commission on Human Rights
KRA	Kenya Revenue Authority
KSL	Kenya School of Law
LSK	Law Society of Kenya
MCCP	Maendeleo Chap Chap Party
MP	Member of Parliament
NGEC	National Gender and Equality Commission
ODM	Orange Democratic Movement
ORPP	Office of the Registrar of Political Parties
UON	The University of Nairobi
UDA	United Democratic Alliance
UDM	United Democratic Party
VAT	Value Added Tax
WDM	Wiper Democratic Movement

## LIST OF ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: Transmittal letter by the Chief of Staff and Head of Public Service
- Annexure 4: Notification from the Speaker conveying the Message from H.E the President appointing the nominee
- Annexure 5: Advertisements notifying the public of the approval hearing
- Annexure 6: Letter from the Clerk of the National Assembly inviting the nominee for the approval hearing
- Annexure 7: Letters from the Clerk of the National Assembly to KRA, DCI, ORPP, HELB, EACC and UON requesting information on the nominee
- Annexure 8: Letters of clearance from DCI, ORPP, HELB, and EACC.
- Annexure 9: *Curriculum Vitae*, certificates and testimonials of the nominee

## FOREWORD

This report contains proceedings of the Departmental Committee on Justice and Legal Affairs during the approval hearing of a person nominated for appointment as the Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.

Pursuant to Standing Order 42(2) which requires that, whenever a Message is received from the President at a time when the House is not in Session, the Speaker shall forthwith cause the Message to be transmitted to every Member and shall report the Message to the House when it next sits. To this end therefore, and in accordance with the Resolution of the House passed on 13<sup>th</sup> February 2025, the Rt. Honourable Speaker vide Communication No. 003 of 2025 made on 1<sup>st</sup> April 2025, conveyed to the House the Message from H.E the President nominating Hon. Judith Nayaiai Ramaita Pareno for appointment as Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.

The Rt. Honourable Speaker subsequently referred the curriculum vitae of the nominee to the Departmental Committee on Justice and Legal Affairs for approval hearing in accordance with section 6 of the Public Appointment (Parliamentary Approval) Act, Cap 7F and Standing Order 216(5)(f) of the National Assembly Standing Orders.

While referring the matter to the Committee, the Rt. Honourable Speaker directed the Committee to undertake the approval hearing and table its report within twenty-eight (28) days, on or before Tuesday, 22<sup>nd</sup> April 2025 in accordance with section 8 of the Public Appointment (Parliamentary Approval) Act, Cap 7F.

In fulfilment of the provisions of Article 118 of the Constitution, section 6(3) and (4) of the Public Appointments (Parliamentary Approval) Act, Cap 7F and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly wrote to the nominee and placed an advertisement dated Thursday, 27<sup>th</sup> March 2025 in the print media informing the nominee and the general public that the Committee would conduct the approval hearing on 7<sup>th</sup> April 2025 in Committee Room 9, Main Parliament Building.

Additionally, and pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Clerk of the National Assembly placed an advertisement dated 27<sup>th</sup> March 2025 in the print media inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability of the nominee. The advertisement indicated that the submissions were to be received on or before Thursday, 3<sup>rd</sup> April 2025 at 5.00 pm. By close of the submission deadline, the Committee had not received any memoranda.

The Clerk of the National Assembly also wrote to the KRA, DCI, ORPP, HELB, EACC and UON seeking references and background checks relating to the suitability of the nominee. The nominee appeared before the Committee on Monday, 7<sup>th</sup> April 2025 as scheduled and the Committee examined her suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act, Cap 7F including the procedure used to arrive at the nominee, the constitutional and statutory requirements relating to the office in question and suitability of the nominee for the appointment proposed, having regard to whether the nominee's abilities, experience and qualities meet the needs of the office in question. Furthermore, the Committee examined the nominee's academic credentials, relevant

iv

professional training and experience, knowledge of sector issues and personal integrity in accordance with section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap 7F.

While conducting the approval hearing, the Committee observed that while there is need to streamline the functions of the Principal Secretary and those of the Solicitor-General to avoid a conflict of roles.

The Committee, having held the approval hearing for the nominee regarding her suitability, observed that the nominee met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues relating to the State Law Office and Department of Justice; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

**The Committee therefore recommends that this House approves Hon. Judith Nayaiai Ramaita Pareno as the Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.**

The Committee wishes to thank the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise. The Committee further extends its appreciation to the nominee for her cooperation during the parliamentary approval process. The Committee also appreciates the DCI, ORPP, HELB, and EACC for providing references and background checks relating to the suitability of the nominee. Finally, I acknowledge and appreciate the Honourable Members of the Committee, and the Committee Secretariat, who sat for long hours and made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to Article 124(4)(b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act, Cap 7F and the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is now my duty and privilege to present to the House the Report of the Departmental Committee on Justice and Legal Affairs on the Approval Hearing of Hon. Judith Nayaiai Ramaita Pareno, Nominee for Appointment as the Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.

**Hon. George Gitonga Murugara, CBS, MP**  
**Chairperson, Departmental Committee on Justice and Legal Affairs**



## CHAPTER ONE

### 1 PREFACE

#### 1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of twenty departmental committees of the National Assembly established under Standing Order 216 of the National Assembly Standing Orders whose mandate pursuant to the **Standing Order 216 (5)** is as follows—
  - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
  - iii. *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. *To study and review all legislation referred to it;*
  - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *To investigate and inquire 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;*
  - vii. ***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);***
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the National Assembly Standing Orders, the Committee is mandated to consider matters regarding—
  - a) The Judiciary;
  - b) Tribunals;
  - c) Access to Justice;
  - d) Public prosecutions;
  - e) Ethics, Integrity and Anti-corruption;
  - f) Correctional services;
  - g) Community service orders and witness protection;
  - h) Constitutional Affairs;
  - i) Sovereign immunity;
  - j) Elections including referenda;
  - k) Human rights;
  - l) Political parties; and

m) The State Law Office, including insolvency, law reform, public trusteeship, marriages and legal education.

3. In executing its mandate, the Committee oversees the following Ministries/Departments—

- a) State Department of Correctional Services;
- b) State Law Office and Department of Justice;
- c) The Judiciary;
- d) Judicial Service Commission;
- e) Office of the Director of Public Prosecutions;
- f) Ethics and Anti-Corruption Commission;
- g) Independent Electoral and Boundaries Commission;
- h) Commission on Administrative Justice;
- i) Office of the Registrar of Political Parties;
- j) Witness Protection Agency;
- k) Kenya National Commission on Human Rights;
- l) Kenya Law Reform Commission; and
- m) Council of Legal Education.



### 1.3 Committee Membership

4. The Departmental Committee on Justice and Legal Affairs was constituted by the House on 27<sup>th</sup> October 2022 and comprises the following Members:

#### **Chairperson**

Hon. Murugara George Gitonga, CBS, MP  
Tharaka Constituency

**UDA Party**

#### **Vice-Chairperson**

Hon. Mutuse Eckomas Mwengi, OGW, MP  
Kibwezi West Constituency

**MCCP Party**

#### **Members**

Hon. Gladys Boss, MGH, MP  
Uasin Gishu Constituency

**UDA Party**

Hon. Maalim Farah, EGH, MP  
Dadaab Constituency

**WDM-Kenya**

Hon. Onyiego Silvanus Osoro, CBS, MP  
South Mugirango Constituency

**UDA Party**

Hon. Francis Kajwang' Tom Joseph, CBS, MP  
Ruaraka Constituency

**ODM Party**

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP  
Westlands Constituency

**ODM Party**

Hon. (Dr.) Otiende Amollo, SC, EBS, MP  
Rarieda Constituency

**ODM Party**

Hon. Muchira Michael Mwangi, MP  
Ol Jorok Constituency

**UDA Party**

Hon. Muchangi Karemba, CBS, MP  
Runyenjes Constituency

**UDA Party**

Hon. Makali John Okwisia, MP  
Kanduyi Constituency

**FORD-Kenya**

Hon. Mogaka Stephen M., MP  
West Mugirango Constituency

**Jubilee Party**

Hon. Aden Daud, EBS, MP  
Wajir East Constituency

**Jubilee Party**

Hon. Siyad Amina Udgoon, MP  
Garissa Township (CWR)

**Jubilee Party**

Hon. CPA Zuleka Hulbale Harun, MP  
Nominated Member

**UDM Party**

#### 1.4 Committee Secretariat

5. The Committee is well-resourced and facilitated by the following staff:

Mr. Ahmed Salim Abdalla  
**Clerk Assistant I / Head of Secretariat**

Mr. Ronald Walala  
**Senior Legal Counsel**

Mr. Abdikafar Abdi  
**Clerk Assistant III**

Ms. Jael Ayiego  
**Clerk Assistant III**

Mr. Isaac Nabiswa  
**Legal Counsel II**

Mr. Omar Abdirahim  
**Fiscal Analyst II**

Ms. Vivienne Ogega  
**Research Officer III**

Ms. Calvin Karungo  
**Media Relations Officer III**

Mr. John Nduaci  
**Serjeant-At-Arms**

Ms. Mary Kamande  
**Public Communication Officer III**

Mr. Meldrick K. Sakani  
**Audio Officer III**

## CHAPTER TWO

### 2 BACKGROUND INFORMATION

#### 2.1 Legal Framework

6. Article 155(3) of the Constitution provides for the appointment of Principal Secretaries. It stipulates—

*“(3) The President shall—*

- (a) nominate a person for appointment as Principal Secretary from among persons recommended by the Public Service Commission; and*  
*(b) with the approval of the National Assembly, appoint Principal Secretaries.”*

7. The Committee was guided by the following provisions of the Constitution and statutes in executing its mandate:

- 1) Article 10 of the Constitution on the national values and principles of governance;
- 2) Chapter 6 of the Constitution on leadership and integrity;
- 3) Article 77 of the Constitution on restriction on activities of State Officers;
- 4) Article 78 of the Constitution on dual citizenship;
- 5) Article 118 of the Constitution on public participation;
- 6) Article 124(4) of the Constitution on consideration of persons for appointment to public office;
- 7) Article 232 of the Constitution on values and principles of public service;
- 8) Article 250(12) on the appointment of a secretary of a constitutional commission;
- 9) The Public Appointments (Parliamentary Approval) Act, Cap. 7F;
- 10) The Ethics and Anti-Corruption Commission, Cap. 7H;
- 11) The Public Service Commission Act, Cap 185;
- 12) The Public Officer Ethics Act, Cap. 185B; and
- 13) The Leadership and Integrity Act, Cap. 185C.

#### 2.2 Selection Process

8. Vide letter Ref No. EOP/CAB.26/4VOL.V(29) dated 19<sup>th</sup> November 2024, the Executive Office of the President noted vacancies within the ranks of Principal Secretaries and thus requested the Public Service Commission to recommend suitably qualified candidates for nomination and appointment.
9. Consequently, and in accordance with Article 155(3)(a) of the Constitution, the Public Service Commission, vide advertisement placed in the print media and on the Commission’s website on 20<sup>th</sup> November 2024, invited applications from suitably qualified persons for consideration for appointment to the position of Principal Secretary.
10. To this end, the Commission received two thousand five hundred and seventeen (2,517) applications out of which one hundred and nine candidates were shortlisted and interviewed from 27<sup>th</sup> to 31<sup>st</sup> January 2025. Consequently, and following a competitive recruitment process, the Commission forwarded to H.E. the President names of qualified persons for appointment as Principal Secretary.

11. Accordingly, H.E the President nominated Hon. Judith Nayaiai Ramaita Pareno for appointment as Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.

### 2.3 Notification of Nomination

12. Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap 7F stipulate as follows—

***“3. Exercise of powers of appointment***

*An appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.*

***5. Notification of nomination***

*(1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.*

*(2) A notification under subsection (1) shall be —*

*(a) in writing;*

*(b) be lodged with the Clerk of the relevant House of Parliament.*

*(3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.*

*(4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).”*

13. Pursuant to Article 155(3)(b) of the Constitution as read with sections 3 and 5 of the Public Appointment (Parliamentary Approval) Act, Cap 7F, H.E. the President, through the Head of Public Service, transmitted to the Speaker of the National Assembly the Report of the Public Service Commission and the nominee’s curriculum vitae (*Annexure 9*) vide a letter Ref No. EOP/CAB.26/4A VOL.VI/ (13) dated 20<sup>th</sup> March 2025 (*Annexure 3*).

### 2.4 Notification to the House and Referral to the Committee

14. Standing Order 42(2) provides—

*“If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.”*

15. Pursuant to the Standing Order 42(2) of the National Assembly Standing Orders, the Rt. Honourable Speaker, vide Notification No. 003 of 2025 dated 26<sup>th</sup> March 2025 (*Annexure 4*), conveyed to the House the President’s Message on the nomination of Hon. Judith Nayaiai Ramaita Pareno for appointment as Principal Secretary for Justice, Human Rights and Constitutional Affairs.

16. Notably, the House vide Resolution passed on 13<sup>th</sup> February 2025, ordered that upon receipt of any name of a person nominated for appointment to a State or public office from the President or any other office in the National Executive during the Short or Long Recesses of the Fourth Session, the Speaker shall forthwith refer such Message to the relevant

Committee for consideration, without having to recall the House and report such fact to the House on resumption.

17. In accordance with the Resolution and pursuant to section 8(1) of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the name and curriculum vitae of the nominee was referred to the Committee for approval hearing and reporting to the House within twenty-eight (28) days on or before Tuesday, 22<sup>nd</sup> April 2025.

## **2.5 Notification to the Public**

18. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.
19. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap 7F further provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing. Consequently, and in accordance with Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap 7F and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly placed an advertisement (*Annexure 5*) dated 27<sup>th</sup> March 2025 in the print media notifying the public that the approval hearing would be held on Monday, 7<sup>th</sup> April 2025 at 10.00 am in Committee Room 9, Main Parliament Buildings.
20. Moreover, section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F provides that “any person may, prior to the approval hearings and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”.
21. Pursuant to Article 118 of the Constitution as read with section 6(9) of Public Appointments (Parliamentary Approval) Act, Cap 7F, the Clerk of the National Assembly placed an advertisement dated 27<sup>th</sup> March 2025 in the print media inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability of the nominee. The advertisement indicated that the submissions were to be received by Thursday, 3<sup>rd</sup> April 2025 at 5.00 pm.
22. At the close of the submission deadline, the Committee had not received any memoranda regarding the nominee.

## **2.6 Notification to the Nominee**

23. The Clerk of the National Assembly vide a letter dated 27<sup>th</sup> March 2025 referenced *NADDC/JLAC/2025/015 (Annexure 6)* invited the nominee for the approval hearing in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, Cap 7F.

## **2.7 Clearance and Compliance Requirements**

24. Vide letters dated 27<sup>th</sup> March 2025 and referenced NA/DDC/001/2025, NA/DDC/002/2025, NA/DDC/003/2025, NA/DDC/004/2025, NA/DDC/005/2025 and

7

NA/DDC/EDU/2025 (036) the Clerk of the National Assembly wrote to the KRA, DCI, ORPP, HELB, EACC and UON (*Annexure 7*) requesting for reports with respect to the nominee on the following matters:

- a) tax compliance;
- b) criminal records;
- c) political party affiliations;
- d) higher education loan repayment(s);
- e) ethics and integrity; and
- f) authenticity of academic certificates.

25. The following institutions wrote back to the National Assembly clearing the nominee: DCI vide letter referenced *DCI/CRO/SEC/6/7/2/A/VOL.XVI/91* dated 2<sup>nd</sup> April 2025; ORPP vide letter referenced *RPP/ORG/34VOL.VIII (70)* dated 2<sup>nd</sup> April 2025; HELB vide letter referenced *HELB/RR/112009/V/378* dated 2<sup>nd</sup> April 2025 EACC vide letter referenced *EACC.7/10/5 VOL XXXI (63)* dated 4<sup>th</sup> April 2025; (*Annexure 8*).

26. At the time of the approval hearing, KRA and UON had not responded. However, the nominee had provided the relevant documents from the agencies.

## **2.8 Criteria for Consideration during the Approval Hearings**

27. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap 7F provides that:

*“(7) An approval hearing shall focus on a candidate’s academic credentials, professional training and experience, personal integrity and background.*

*(8) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate”.*

28. Additionally, section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be—

*(a) the procedure used to arrive at the nominee;*

*(b) any constitutional or 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 nomination is being made.*

29. While conducting the approval hearing, the Committee was guided by the provisions of section 6(7) and (8) and section 7 of the Public Appointments (Parliamentary Approval) Act, Cap 7F.

### **2.8.1 Procedure for Nomination**

30. Article 155(3)(a) of the Constitution confers upon the President the power to nominate a person for appointment as Principal Secretary, from among persons recommended by the Public Service Commission.

31. Section 46 of the Public Service Commission Act, Cap 185 requires that in recommending persons for appointment, the Public Service Commission abides by the constitutional requirements of fair competition and merit as a basis of appointment and ensures that the appointment facilitates achievement of a representative public service. In compliance with

this provision, the Public Service Commission conducted a competitive recruitment process and recommended to H.E the President suitable candidates for the position of Principal Secretary.

32. Article 155(3)(b) as read with section 5(1) of the Public Appointments (Parliamentary Approval) Act, Cap 7F requires that the President, upon nominating any person for appointment, notifies the National Assembly. Upon receipt of the list of qualified candidates, H.E the President nominated Hon. Judith Nayaiai Ramaita Pareno for appointment as Principal Secretary for Justice, Human Rights and Constitutional Affairs and thereafter, notified the National Assembly vide letter Ref No. EOP/CAB.26/4A VOL.VI/ (13) dated 20<sup>th</sup> March 2025.

### **2.8.2 Constitutional and Statutory Requirements**

33. The Committee was guided by the following provisions of law on the requirements for appointment to the public office:

#### *i. National Values and Principles of Governance*

34. Article 10 of the Constitution provides for the national values and principles of governance which State officers must abide by in discharging their mandate. They include: patriotism; national unity; sharing and devolution of power; the rule of law; democracy and participation of the people; human dignity; equity; social justice; inclusiveness; equality; human rights; non-discrimination and protection of the marginalized; good governance; integrity; transparency and accountability; and sustainable development.

#### *ii. Conduct of State Officers*

35. Article 75 of the Constitution 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 dismissed or otherwise removed from office for contravention of provisions of Chapter Six of the Constitution from holding any other State office.
36. Article 77 of the Constitution outlines that a full-time State officer must not participate in any other gainful employment and that any appointed State officer must not hold office in a political party.
37. Moreover, the Constitution under Article 78 further stipulates that a State officer must not hold dual citizenship but instead shall be a citizen of Kenya only.
38. Article 232 provides for the values and principles of public service as: high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy-making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women, members of all ethnic groups and persons with disabilities.

39. The Public Officer Ethics Act, Cap 185B outlines the obligations of a public officer as: professionalism; carrying out duties in accordance with the law; prohibition from unjust enrichment; avoiding conflict of interest; not using the office as an avenue for soliciting or collecting *harambees*; not acting for foreigners; care of property; political neutrality, not practising nepotism or favouritism; giving impartial advice; conducting private affairs in a way that maintains public confidence; not engaging in sexual harassment; and submission of a declaration of income, assets and liabilities once every two years.

**iii. Qualifications for Appointment as Principal Secretary**

40. Section 47(2) of the Public Service Commission Act, Cap 185 provides for the qualifications for appointment as a Principal Secretary—

*A person is eligible for appointment as a Principal Secretary if the person—*

- (i) is a citizen of Kenya;*
- (ii) holds a degree from a university recognized in Kenya;*
- (iii) has at least ten years relevant professional experience, five years of which should have been in a leadership position or a top management level in the public service or private sector;*
- (iv) possess general knowledge of the organization and functions of Government;*
- (v) demonstrates an understanding of the goals, policies and developmental objectives of the nation;*
- (vi) has demonstrable leadership and management capacity including knowledge of financial management and strategic people management; and*
- (vii) meets the requirements of Chapter Six of the Constitution. ”*

**iv. Leadership and Integrity**

41. The Committee, in determining the suitability of the nominee, was also 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.

42. In addition, the Committee considered section 10 of the Leadership and Integrity Act, Cap 185C which 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. ”*



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

43. The suitability of the nominee was assessed after scrutiny of the nominee's academic credentials, professional training and experience, personal integrity, background and qualities as well as her performance during the approval hearing conducted on Monday, 7<sup>th</sup> April 2025.

## CHAPTER THREE

### 3 APPROVAL HEARING OF THE NOMINEE

44. The Committee held a sitting on Monday 7<sup>th</sup> April 2025 to deliberate on the approval hearing and noted the following—
- 1) The nominee had not notified the Clerk of the National Assembly of her withdrawal from the approval process as outlined in section 6(10) of the Public Appointments (Parliamentary Approval) Act, Cap 7F.
  - 2) The shortlisting and nomination process conducted by the Public Service Commission adhered to section 46 of the Public Service Commission Act, Cap 185.
  - 3) The Committee had not received any memoranda contesting the suitability of the nominee.
45. The Committee, therefore, proceeded with the approval hearing on Monday, 7<sup>th</sup> April 2025, as scheduled, and examined the nominee on the criteria set out in section 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap 7F.

#### 3.1 Hon. Judith Nayaiai Ramaita Pareno – Nominee for Appointment as Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice

46. Hon. Judith Nayaiai Ramaita Pareno appeared before the Committee on Monday 7<sup>th</sup> April, 2025 at 10.10 am and was vetted under oath to examine her suitability as Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice. The Committee noted the following:

##### *Date and place of Birth*

47. The nominee is a female Kenyan citizen of Identification Card Number 10883558 and does not hold any other citizenship. She was born on 30<sup>th</sup> December 1969 in Kajiado County.

##### *Academic and Professional Qualifications*

48. The nominee is an Advocate of the High Court of Kenya having been admitted to the bar on 11<sup>th</sup> January 1996 and holds a Postgraduate Diploma in Law from the Kenya School of Law and Bachelor's Degree in Law from the University of Nairobi awarded on 10<sup>th</sup> December in 1994.
49. She also indicated that she has undertaken various short-term courses in computer studies and trainings on administration, management and leadership, public procurement procedures and legislation by the Kenya Institute of Administration, Kenya Institute of Management, Public Procurement Oversight Authority and the Eastern and Southern African Management Institute, respectively.

##### *Work and Professional Experience*

50. The nominee has worked in the following capacities, as a—
- a) Director, Kajiado County Investment Authority from 2023 to 2024;
  - b) Nominated Senator, Parliament of Kenya from 2017 to 2022;
  - c) Member of Parliament, East African Legislative Assembly from 2012 to 2017;
  - d) Proprietor, J.N. Pareno Advocates from 2001 to date;

- e) Associate, Kenta Moitalel & Company Advocates from 1997 to 2001;
- f) Associate, Gathirwa Company Advocates in 1996; and
- g) Pupil, A.N Ngunjiri & Company Advocates in 1995.

***Income and Net Worth***

51. The nominee estimated her net worth to be Ksh. 160 million comprising immovable property, livestock and motor vehicles. She indicated her sources of income to be legal fees, annual rental income, and income from farming and sale of immovable property.

***Professional Associations and Memberships***

52. The nominee indicated that she is a member of the Law Society of Kenya and the Women Democracy Network Kenyan Chapter. She also indicated that she has been a chairperson of the Board of Governors (BOGs) of Mashuuru Secondary School and AIC Girls Sajiloni Secondary School Kajiado and a member of the BOGs of Mashuuru Secondary School and Maasai Technical Training Institute, Kajiado.

***Published Writings***

53. The nominee indicated that she had been involved in the preparation of the following—
- (a) A presentation to the Asian and African Parliamentarians as a Fourth Pillar for Achieving the 2030 Agenda Population, Food, Security and Reproductive Health and their Role in Ensuring Transparency, Accountability and Good Governance;
  - (b) A presentation to the African Asian Parliamentarians Addressing Nairobi Summit Commitments in the East and Southern Africa Region, Sharing the Kenyan Experience;
  - (c) A Report from Crown Trust on the Shareholders Meeting for Mentorship of the Girl Child; and
  - (d) A Report and Resolution of a Multisectoral Workshop on Election Campaign Financing.

***Potential Conflict of Interest***

54. The nominee declared that she is currently not associated with any persons or matters that would present a potential conflict of interest should she assume the position of Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.

***Public Office, Political Activities and Affiliations***

55. The nominee indicated that she had previously served as—
- (a) Chairperson and Member, National Election Board of ODM from 2008 to 2018;
  - (b) Vice-Chairperson and Member, Legal Committee of ODM from 2008 to 2024;
  - (c) Chairperson, Kajiado District Poverty Eradication Committee from 2011 to 2013;
  - (d) Member, Mashuuru District Education Board in 2011;
  - (e) Deputy Director, National YES Secretariat for the Constitution of Kenya Referendum in 2010;
  - (f) Vice-Chairperson, Kajiado Central Project Tendering Committee (Economic Stimulus Program) in 2010;
  - (g) Member, Kajiado District Education Board from 2008 to 2013;
  - (h) Treasurer, Kajiado Central Constituency Development Fund in 2008 to 2012;
  - (i) Member, Poverty Eradication Committee; and
  - (j) Member, Taskforce on Implementation of Sexual Offences Act.

56. The nominee also stated that she does not currently hold any official position in any political party having resigned upon completion of her term in the Legal Committee of ODM.

***Pro-Bono and Charity Work***

57. The nominee indicated that she has provided pro bono legal services on community interest cases such as the Kenya Portland Case where seven hundred (700) workers were facing retrenchment and was involved in the ten-day negotiation between the Board and the Community.

58. She also indicated that, as the Patron of the Kipsigis High School Alumni, she spearheaded the fundraising of Ksh. 3,000,000 which was used for drilling of a borehole and installation of water tanks to provide water to the entire school.

59. The nominee also stated that she has, in 2024 and 2025, been involved in mentorship and training programs, and donation of sanitary towels for girls in ten (10) schools in Kajiado County.

***Integrity***

60. The nominee demonstrated integrity. She has not been charged in a court of law or mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. Further, she has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

**3.1.1 General and Sector-Specific Questions to the Nominee**

61. The Committee posed several questions to the nominee on her suitability for appointment as Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice. The nominee responded as follows:

***On her understanding of the role***

62. The nominee was of the view that the role of PS for Justice, Human Rights and Constitutional Affairs would be to look into matters relating to justice and constitutional affairs including the implementation and interpretation of the Constitution by State organs. She stated that, if approved, she would also look into the enforcement of the Bill of Rights and existing national and international legal instruments on human rights.

63. Noting that most violations of human rights are alleged to have been committed by the State, she stated that, if approved, she would assist the State Law Office to address violations of human rights in collaboration with other justice sector players including the CAJ, IPOA, KNCHR, Judiciary and NGEC through lobbying for budgetary support.

***On duplication of roles with the Solicitor-General***

64. The nominee submitted that, according to the Office of the Attorney-General Act, the Solicitor-General is an assistant of the Attorney-General and therefore, did not envisage a conflict of roles with the position of Principal Secretary. She added that she would collaborate with the Solicitor-General and Attorney-General in the performance of her duties, if approved.

***On accounting officer***

65. The nominee submitted that the law designates the Principal Secretary as an accounting officer. Relating to the current structure where the Solicitor-General is the accounting officer, the nominee stated that she would seek clarity on the role and assured the Committee that there would be no conflict between the Solicitor-General and the Principal Secretary, if approved.

***On regulation of legal education and massive failure of KSL students***

66. The nominee noted that the Court of Appeal ended KSL's monopoly over the Advocates Training Programme, allowing other institutions to offer the programme. In her view, competition would ensure effective service delivery in legal education and may resolve some of the challenges at the Kenya School Law.

***On operationalization of the National Coroners Service Act***

67. The nominee submitted that, if approved, she would advocate for the enactment of Regulations, budgetary support for capacity building and political goodwill to operationalize the Act.

***On her vision for the justice sector***

68. The nominee stated that she would build synergy with the constitutional commissions and other agencies dealing with justice, human rights and constitutional affairs. In her view, the position of Principal Secretary for Justice, Human Rights and Constitutional Affairs would streamline matters justice, human rights and constitutional affairs in the justice sector for the prosperity of the country.

***On transitioning from partisan politics to a non-partisan environment in the public service***

69. The nominee submitted that political participation is a right guaranteed in the Constitution and thus she discharged her role as an official in the ODM Party in accordance with the law. She added that her twelve-year service in the ODM National Elections Board provided her with a deep understanding of politics, the electoral process and public service. Furthermore, she submitted that the party acknowledged her distinguished service to the party and the nation.

70. She also stated that she had previously served in many other non-political capacities including membership in various boards and committees including school BOGs, the Kajiado District Education Board and the Poverty Eradication Committee, among others. In her view, serving in all these capacities demonstrates her resilience and capability to serve in the public service as Principal Secretary.

71. The nominee confirmed that she was no longer an official of the ODM Party or any other political party having resigned upon completion of her term. She indicated that she was committed to serving the public without fear or any political interference.

***On effective service delivery***

72. The nominee stated that, if approved, she would discharge her duties in accordance with the Constitution and the Public Service Commission Act which stipulate the values and principles of public service.

***On allegations of contempt of court***

73. The nominee informed the Committee that during her tenure as Chairperson of the National Elections Board of ODM, she was sued but not served and only became aware of the suit via broadcast media after which she appeared in court. She confirmed that she was acquitted by the Court of Appeal in Civil Appeal No. 181 of 2017 as consolidated with No. 182 of 2017.

***On specific interventions to address violation of human rights in pastoralist communities***

74. The nominee identified FGM and unequal property rights as some of the human rights violations against women in pastoralist communities. She submitted that, if approved, she would champion the enforcement of the Prohibition of Female Genital Mutilation Act and implementation of affirmative action programs for marginalized communities in employment and education in accordance with the Constitution. She also noted the need for creating awareness on the provisions of the Succession Act on the right of all persons, including women, to own land.

***On tax compliance***

75. The nominee clarified that she had some outstanding VAT payments but had since settled them and been issued with a tax compliance certificate by KRA.

***On her views on the broad-based government***

76. The nominee noted that the law empowers the President the sole prerogative to organize the government in the manner he deems fit. According to the nominee, the broad-based government promotes inclusivity and brings about national cohesion.

***On sponsoring Bills while in Senate***

77. The nominee submitted that during her time as a Senator, she sponsored the County E-Health Bill, 2021 (*Senate Bill No. 39 of 2021*); National Cohesion and Peace Building Bill, 2021 (*Senate Bill No. 19 of 2021*); Military Veterans Bill, 2021 (*Senate Bill No. 41 of 2021*); and Petitions to County Assemblies (Procedure) Bill, 2018 (*Senate Bill No. 22 of 2018*).

**3.1.2 Committee Observations on the Suitability of the Nominee**

78. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap 7F and section 47 of the Public Service Commission Act, Cap 185, curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as the Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice —

***Constitutional and Statutory Requirements***

- 1) The nominee is a Kenyan citizen and does not hold any other citizenship and therefore meets the requirement of Article 78(1) of the Constitution and section 47(2)(i) of the Public Service Commission Act, Cap 185.
- 2) The nominee possesses an undergraduate degree, a Bachelor of Laws from the University of Nairobi awarded on 10<sup>th</sup> December 1994 and therefore meets the requirements of section 47(2)(ii) of the Public Service Commission Act, Cap 185.
- 3) The nominee has over ten years' proven experience at top management level having served in various leadership positions including as a Director at the Kajiado County

Investment Authority from 2023 to 2024, a Member of Parliament in the East African Legislative Assembly from 2012 to 2017 and a Chairperson and Member of various BOGs in education institutions. The nominee, therefore, meets the requirements of section 47(2)(iii) of the Public Service Commission Act, Cap 185.

- 4) The nominee possesses general knowledge of the organization and functions of Government having held various public offices including as a Senator from 2017 to 2022, Vice-Chairperson and Treasurer of the Kajiado Central Project Tendering Committee and Kajiado Central Constituency Development Fund, and several governmental committees and taskforces. She has experience in various fields including public administration and financial management and thereby meets the requirements of section 47(2)(iv) of the Public Service Commission Act, Cap 185.
- 5) The nominee demonstrated an aspiration for integrity in public service and thus meets the requirements of Chapter Six of the Constitution on leadership and integrity and section 47(2)(vii) of the Public Service Commission Act, Cap 185.
- 6) The nominee, having been cleared by KRA, DCI, ORPP, HELB, and EACC with regard to tax compliance, criminal records, political party affiliations, higher education loans, ethics and integrity has met the statutory requirements for appointment as the Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.

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

- 7) The nominee demonstrated a deep understanding of the affairs of the Office of the Attorney-General and the respective roles of the office. She exhibited an understanding of the justice and human rights issues and constitutionalism required for a person nominated to serve as the Principal Secretary for Justice, Human Rights and Constitutional Affairs.

## CHAPTER FOUR

### 4 COMMITTEE OBSERVATIONS

#### 4.1 General Observations

79. The Committee observed that—

- 1) The Department for Justice in the Office of the Attorney-General has been a substantive Ministry since independence and has since evolved to a Department within the Office of the Attorney-General. However, some statutes still make reference to a Principal Secretary responsible for justice and therefore, there is need for the appointing authority, through an Executive Order on Organization of the Government of the Republic of Kenya, to distinguish the two offices.
- 2) There is need to streamline the functions of the Principal Secretary and those of the Solicitor-General to avoid disagreement and conflict of interest. While it is important to streamline justice and human rights issues and constitutionalism, the office of the Principal Secretary for Justice, Human Rights and Constitutional Affairs could be domiciled in a separate Ministry.
- 3) While Article 152(1)(c) of the Constitution provides that the Attorney-General is part of the Cabinet, the Office of the Attorney-General Act, Cap 6A designates the Office of the Attorney-General as an independent office. There is need to streamline the provisions of the Act with the Constitution.

80. Pursuant to sections 6(7) and (8) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Committee observed that—

#### *(a) Procedure for Nomination*

- 1) The nominee was selected following an open, transparent and competitive recruitment process in accordance with the provisions of section 46 of the Public Service Commission Act, Cap 185.

#### *(b) Constitutional and Statutory Requirements*

- 2) The nominee has satisfied all the constitutional and statutory requirements including those on citizenship; leadership, ethics and integrity; tax compliance; and higher education loan repayments.

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


- 3) The nominee possesses the requisite abilities, academic qualifications and professional experience required for a person nominated to serve as the Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.




CHAPTER FIVE

5 COMMITTEE RECOMMENDATIONS

81. Having considered the approval hearing for the nominee pursuant to Article 155(3) of the Constitution, section 46 of the Public Service Commission Act, Cap 185 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Committee recommends that the National Assembly **approves** the appointment of **Hon. Judith Nayaiai Ramaita Pareno** to the Office of the **Principal Secretary of the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and Department for Justice.**

Signed..........Date.....*8.4.2025*.....

**HON. GEORGE GITONGA MURUGARA, CBS, MP**  
**CHAIRPERSON**  
**DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
<b>DATE: 08 APR 2025</b>	
<b>DAY:</b>	
<b>TABLED BY:</b>	
<b>CLERK-AT THE-TABLE:</b>	

