



*Approved  
SAA  
23/9/25*

REPUBLIC OF KENYA


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 A NOMINEE FOR  
APPOINTMENT AS CHAIRPERSON OF THE KENYA  
NATIONAL COMMISSION ON HUMAN RIGHTS  
(KNCHR)**

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2025	DAY: Tuesday
TABLED BY:	Hon. George Munira, MP Chairperson
CLERK-AT THE-TABLE:	A. Shabuko

CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER 2025



## TABLE OF CONTENTS

Table of Contents .....	i
List of Abbreviations and Acronyms .....	ii
List of Annexures .....	iii
Chairperson's Foreword .....	iv
 <b>CHAPTER ONE</b> .....	 <b>1</b>
<b>1 Preface</b> .....	<b>1</b>
1.1 Establishment of the Committee .....	1
1.2 Mandate of the Committee .....	1
1.3 Committee Membership .....	3
1.4 Committee Secretariat .....	4
 <b>CHAPTER TWO</b> .....	 <b>5</b>
<b>2 Background Information</b> .....	<b>5</b>
2.1 Legal Framework .....	5
2.2 Notification of Nominations .....	5
2.3 Notification to the House and Referral to the Committee .....	6
2.4 Notification to the Public .....	6
2.5 Notification to the Nominee .....	6
2.6 Clearance and Compliance Requirements .....	6
2.7 Criteria for Consideration during the Approval Hearing .....	7
2.7.1 Procedure for Nomination .....	7
2.7.2 Constitutional and Statutory Requirements .....	9
2.7.3 Suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the office to which nomination is being made .....	10
 <b>CHAPTER THREE</b> .....	 <b>11</b>
<b>3 Approval Hearing of Nominee</b> .....	<b>11</b>
3.1 Ms. Claris Awour Ogangah – Nominee to the Office of Chairperson of KNCHR .....	11
3.1.1 Questions from General Questionnaire .....	11
3.1.2 General and Sector Specific Questions for the Nominee .....	13
3.1.3 Committee Observations on the Suitability of the Nominee .....	16
 <b>CHAPTER FOUR</b> .....	 <b>17</b>
<b>4 Committee Observations</b> .....	<b>17</b>
 <b>CHAPTER FIVE</b> .....	 <b>18</b>
<b>5 Committee Recommendation</b> .....	<b>18</b>

## LIST OF ABBREVIATIONS AND ACRONYMS

BETA	-	Bottom-Up Economic Transformation Agenda
CBS	-	Chief of the Order of the Burning Spear
CUE	-	Council for University Education
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
EBS	-	Elder of the Order of the Burning Spear
EGH	-	Elder of the Order of the Golden Heart
FIDA-K	-	Federation of Women Lawyers-Kenya
FORD	-	Forum for the Restoration of Democracy
H.E.	-	His Excellency
HELB	-	Higher Education Loans Board
KNBS	-	Kenya National Bureau of Statistics
KNCHR	-	Kenya National Commission on Human Rights
KRA	-	Kenya Revenue Authority
KSL	-	Kenya School of Law
LSK	-	Law Society of Kenya
LLM	-	Master of Laws
MCCP	-	Maendeleo Chap Chap Party
MP	-	Member of Parliament
NEMA	-	National Environment Management Authority
NPS	-	National Police Service
ODM	-	Orange Democratic Movement
OGW	-	Order of the Grand Warrior
ODPP	-	Office of the Director of Public Prosecutions
ORPP	-	Office of the Registrar of Political Parties
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
UN-OHCHR	-	United Nations Office of the High Commissioner for Human Rights
UON	-	The University of Nairobi
WDM	-	Wiper Democratic Movement

## LIST OF ANNEXURES

- Annexure 1: Transmittal Letter by the Head of Public Service
- Annexure 2: Message No. 012 of 2025 from the Speaker
- Annexure 3: Advertisement notifying the public of the approval hearing
- Annexure 4: Letter from the Clerk of the National Assembly inviting the nominee for the approval hearing
- Annexure 5: Letters from the Clerk of the National Assembly to DCI, EACC, HELB, KRA, ODPP, ORPP, CUE and UON
- Annexure 6: Letters of clearance from DCI, EACC, HELB, KRA, ODPP, ORPP and CUE
- Annexure 7: Gazette Notice No. 4651 of 11<sup>th</sup> April 2025
- Annexure 8: *Curriculum Vitae*, certificates and testimonials of the nominee
- Annexure 9: Memoranda in support of the nominee
- Annexure 10: Adoption Schedule and Minutes



## CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Justice and Legal Affairs during the approval hearing of a person nominated for appointment as Chairperson of the Kenya National Commission on Human Rights (KNCHR) as forwarded by the Selection Panel and communicated to the House by the Speaker of the National Assembly on 19<sup>th</sup> August 2025.

Vide Gazette Notice No. 4651 of 11<sup>th</sup> April 2025 and pursuant to section 11(1) of the KNCHR Act, Cap. 71, H.E. the President convened a selection panel for the recruitment of a suitable candidate for appointment as Chairperson of the KNCHR. Guided by section 11(4) and (5) of the KNCHR Act, Cap. 71, the selection panel invited applications from the public, conducted interviews and shortlisted three (3) persons qualified for appointment as Chairperson of the KNCHR. Consequently, the selection panel forwarded the names of the selected candidates to the President for nomination.

In exercise of powers conferred by Article 250(2)(c) of the Constitution and section 11(6) of the KNCHR Act, Cap. 71 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, H.E. the President nominated **Ms. Claris Awour Ogangah** for appointment as Chairperson of the KNCHR.

The Rt. Honourable Speaker vide Message No. 012 of 2025 dated 19<sup>th</sup> August 2025 conveyed to the House the Message from H.E. the President and subsequently referred it and the *curriculum vitae* of the nominee to the Committee for approval hearing in accordance with section 4 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Orders 42(3)(c) and 45(1) of the National Assembly Standing Orders. While referring the matter to the Committee, the Speaker directed that the Committee undertakes the approval hearing and reports to the House within twenty-one (21) days in accordance with section 11(7) of the KNCHR Act, Cap. 71. The Rt. Hon Speaker further directed the Clerk of the National Assembly to notify the nominee and the general public of the time and place of holding the approval hearing.

In fulfilment of the provisions of Article 118(b) of the Constitution and section 6(2), (3), (4) and (9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Clerk of the National Assembly placed an advertisement in the print media notifying the public of the time and place of holding the approval hearing and 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 memoranda were to be received by 27<sup>th</sup> August 2025 at 5.00 pm. By close of the submission deadline, the Committee had received four (4) memoranda from the public in support of the nominee.

The Clerk of the National Assembly also wrote to the Directorate of Criminal Investigations (DCI), Ethics and Anti-Corruption Commission (EACC), Higher Education Loans Board (HELB), Kenya Revenue Authority (KRA), Office of the Director or Public Prosecutions (ODPP), Office of the Registrar of Political Parties (ORPP), Council for University Education (CUE) and The University of Nairobi (UON) seeking references and background checks relating to the suitability of the nominee.

The nominee appeared before the Committee on 28<sup>th</sup> August 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 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.

In holding the approval hearing, the Committee observed that the nominee demonstrated deep understanding of human rights issues, the affairs of the KNCHR and the roles of Chairperson of KNCHR. Further, that the nominee possesses the requisite abilities, academic qualifications and professional experience required for a person nominated to serve as Chairperson of the KNCHR.

The Committee therefore recommends that this House **approves Ms. Claris Awour Ogangah** for appointment as **Chairperson of the KNCHR**.

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, EACC, HELB, KRA, ODPP, ORPP and CUE for providing references and background checks relating to the suitability of the nominee. Finally, I acknowledge and appreciate the Honourable Members of the Committee 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 a Nominee for Appointment as Chairperson of the Kenya National Commission on Human Rights.

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

## CHAPTER ONE

### I PREFACE

#### I.1 Establishment 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** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

- (a) *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;*
- (b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- (c) *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- (d) *To study and review all legislation referred to it;*
- (e) *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;*
- (f) *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;*
- (g) **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);
- (h) *To examine treaties, agreements and conventions;*
- (i) *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
- (j) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- (k) *To examine any questions raised by Members on a matter within its mandate.*

#### I.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider:

- (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 oversights the following Ministries, Departments and Agencies:

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

### **I.3 Committee Membership**

4. The Committee 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**

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 County (CWR)  
**Jubilee Party**

Hon. CPA Suleka Hulbale Harun, MP  
Nominated Member  
**UDM Party**

#### **1.4 Committee Secretariat**

5. The Committee is 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 I**

Ms. Vivienne Ogega  
**Research Officer III**

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

Mr. Meldrick K. Sakani  
**Audio Assistant**

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

Mr. Calvin Karung'o  
**Media Relations Officer III**

Mr. Silas Opanga  
**Hansard Reporter III**

## CHAPTER TWO

### 2 BACKGROUND INFORMATION

#### 2.1 Legal Framework

6. 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) Article 59 of the Constitution on the Kenya National Human Rights and Equality Commission;
  - (3) Chapter 6 of the Constitution on leadership and integrity;
  - (4) Article 77 of the Constitution on restriction on activities of State Officers;
  - (5) Article 78 of the Constitution on dual citizenship;
  - (6) Article 118 of the Constitution on public participation;
  - (7) Article 124(4) of the Constitution on consideration of persons for appointment to public office;
  - (8) Article 232 of the Constitution on values and principles of public service;
  - (9) Article 250(2) of the Constitution on the appointment process of the Chairperson and Members of a constitutional commission;
  - (10) The Public Appointments (Parliamentary Approval) Act, Cap. 7F;
  - (11) The Ethics and Anti-Corruption Commission Act, Cap. 7H;
  - (12) The Kenya National Commission on Human Rights Act, Cap. 7I; and
  - (13) The Leadership and Integrity Act, Cap. 185C.

#### 2.2 Notification of Nominations

7. 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).”*

8. Pursuant to section 11(6) of the KNCHR Act, Cap. 71 as read with the aforementioned provisions of the law, H.E. the President, through the Head of Public Service, transmitted to the Rt. Hon. Speaker of the National Assembly the Presidential Nomination Certificate



No. 9 of 2025, the Report of the Selection Panel and the nominee's *curriculum vitae* vide letter referenced EOP/CAB.26/4A/VOL.V dated 14<sup>th</sup> August 2025 (*Annexure 1*).

### **2.3 Notification to the House and Referral to the Committee**

9. Standing Order 42(2) of the National Assembly Standing Orders provides that:
- "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."*
10. To this end, therefore, the Rt. Hon. Speaker, vide Message No. 012 of 2025 dated 19<sup>th</sup> August 2025 (*Annexure 2*) conveyed to the House the Message from H.E. the President nominating Ms. Claris Awour Ogangah for appointment as Chairperson of the KNCHR.
11. In addition, and pursuant to section 11(7) of the KNCHR Act, Cap. 71, the Rt. Hon. Speaker referred the name and *curriculum vitae* of the nominee to the Departmental Committee on Justice and Legal Affairs for approval hearing and reporting to the House within twenty-one (21) days.

### **2.4 Notification to the Public**

12. 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.*
13. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Order 45(3) of the National Assembly Standing Orders further provide 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.
14. Accordingly, the Clerk of the National Assembly placed an advertisement dated 20<sup>th</sup> August 2025 in the print media notifying the nominee and the general public that the Committee would conduct the approval hearing on 28<sup>th</sup> August 2025 at Committee Room 26, 5<sup>th</sup> Floor, Bunge Tower, Parliament Buildings at 10.00 am (*Annexure 3*).

### **2.5 Notification to the Nominee**

15. The Clerk of the National Assembly vide a letter dated 20<sup>th</sup> August 2025 referenced NA/DDC/JLAC/2025/092 (*Annexure 4*) invited the nominee for the approval hearing in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

### **2.6 Clearance and Compliance Requirements**

16. Vide letters dated 20<sup>th</sup> August 2025 and referenced NA/DDC/JLAC/2025 (086), (087), (088), (089), (090) and (091) the Clerk of the National Assembly wrote to the DCI, EACC, HELB, KRA, ODPP and ORPP (*Annexure 5*) requesting for reports with respect to the nominee on the following matters:
- (a) criminal records;
  - (b) ethics and integrity;
  - (c) higher education loan repayment(s);
  - (d) tax compliance;

- (e) active criminal court proceedings; and
- (f) political party affiliations.

17. The Clerk of the National Assembly also wrote to the CUE and The University of Nairobi (UON) vide letters referenced NA/DDC/JLAC/2025/(095) and (096) dated 25<sup>th</sup> August 2025 (Annexure 5) seeking reports on authenticity of the nominee's academic credentials.
18. The following institutions wrote back to the National Assembly clearing the nominee: DCI vide letter referenced DCI/CRO/SEC/6/7/2/A/VOL.XVIII/133 dated 27<sup>th</sup> August 2025; EACC vide letter referenced EACC.7/10/5 VOL XXXIII(93) dated 27<sup>th</sup> August 2025; HELB vide letter referenced HELB/RR/112009/V/438 dated 27<sup>th</sup> August 2025; KRA vide letter referenced KRA/5/1002/5(12869) dated 3<sup>rd</sup> September 2025; ODPP vide letter referenced ODPP/SPP/GEN dated 27<sup>th</sup> August 2025; ORPP vide letter referenced RPP/ORG/34 VOL IX (32) dated 22<sup>nd</sup> August 2025; and CUE vide letter referenced CUE/10/9 VOL.36 dated 28<sup>th</sup> August 2025. (Annexure 6)
19. At the time of the adoption of this Report, UON had not responded.

## **2.7 Criteria for Consideration during the Approval Hearing**

20. 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.”*

21. 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.*

22. 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.

### **2.7.1 Procedure for Nomination**

23. Article 250 of the Constitution provides that:

*“Composition, appointment and terms of Office.*

- (1) Each commission shall consist of at least three, but not more than nine, members.*
- (2) The chairperson and each member of a commission, and the holder of an independent office, shall be—*
  - (a) identified and recommended for appointment in a manner prescribed by national legislation;*
  - (b) approved by the National Assembly; and*

- (c) appointed by the President.
- (3) To be appointed, a person shall have the specific qualifications required by this Constitution or national legislation.
- (4) Appointments to commissions and independent offices shall take into account the national values referred to in Article 10, and the principle that the composition of the commissions and offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya.
- (5) The chairperson and each member of a commission, and the holder of an independent office, shall be—
  - (a) identified and recommended for appointment in a manner prescribed by **national legislation**;
  - (b) approved by the National Assembly; and
  - (c) appointed by the President.”

24. Section 11(1) and (2) of the KNCHR Act, Cap. 71 provides that:

- “(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.

25. In exercise of his powers in Article 250(2)(c) of the Constitution and in accordance with section 11(1) and (2) of the KNCHR Act, Cap. 71, H.E. the President vide Gazette Notice No. 4651 of 11<sup>th</sup> April 2025 (Annexure 7), convened a selection panel for the recruitment of a suitable candidate for appointment as Chairperson of the KNCHR.

26. Section 11(4), (5) and (6) of the KNCHR Act, Cap. 71 provides as follows regarding the procedure of selecting a qualified persons for Chairperson of the KNCHR:

- “(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.”

27. In accordance with the aforementioned provisions, the Selection Panel advertised, shortlisted and interviewed the applicants and selected three (3) persons qualified for appointment as Chairperson of the KNCHR and subsequently, forwarded the names of the selected candidates to H.E. the President for nomination.
28. Accordingly, H.E. the President, through the Head of Public Service, forwarded to the National Assembly the name of Ms. Claris Awour Ogangah for approval for appointment as Chairperson of the KNCHR in accordance with Article 250(2)(b) of the Constitution, section 11(6) of the KNCHR Act, Cap. 71 and section 3 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

### **2.7.2 Constitutional and Statutory Requirements**

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

#### **(a) National Values and Principles of Governance**

30. Article 10 of the Constitution provides for the national values and principles of governance which State officers should 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.

#### **(b) Conduct of State Officers**

31. 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. The 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.
32. 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.
33. 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.
34. 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.

**(c) Qualifications for Appointment as Chairperson of the KNCHR**

35. Article 250(2)(a) of the Constitution contemplates that the KNCHR Act, Cap. 71 shall prescribe the manner in which the Chairperson of the KNCHR shall be appointed.

36. Section 10(1) of the KNCHR Act, Cap. 71 provides for the qualifications of the Chairperson of the KNCHR as follows:

*“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.*

**(d) Leadership and Integrity**

37. 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.

38. In addition, the Committee considered section 10 of the Leadership and Integrity Act, Cap. 185C in particular 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.”*

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

39. The suitability of the nominee was assessed after scrutiny of her academic credentials, professional training and experience, personal integrity, background and qualities as well as her performance during the approval hearing conducted on 28<sup>th</sup> August 2025.

## CHAPTER THREE

### 3 APPROVAL HEARING OF NOMINEE

40. The Committee held a sitting on 28<sup>th</sup> August 2025 to deliberate on the approval hearing and noted that:

- (a) 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;
- (b) the Committee had not received any memoranda contesting suitability of the nominee. Instead, it had received four memoranda from a former Chairperson of KNCHR, Executive Director of Amnesty International Kenya, Executive Director of Center for Justice Governance and Environmental Action and FIDA-Kenya supporting the nomination of Ms. Claris Awour Ogangah for appointment as Chairperson of KNCHR (*Annexure 9*); and
- (c) the current Vice-Chairperson of the KNCHR was a man and as such the nominee being a woman, the nomination complied with Article 250(11) of the Constitution as read with paragraph 1(6) of the Second Schedule to the KNCHR Act, Cap. 71.

41. The Committee, therefore, proceeded to examine the nominee on the areas set out in sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F as follows:

#### 3.1 Ms. Claris Awour Ogangah – Nominee to the Office of Chairperson of KNCHR

42. The nominee appeared before the Committee on 28<sup>th</sup> August 2025 and was vetted under oath to examine her suitability. The Committee noted the following:

##### 3.1.1 Questions from General Questionnaire *Citizenship, Date and Place of Birth*

43. The nominee is a female Kenyan citizen and does not hold any other citizenship. She was born in 1972 in Nairobi County.

##### *Academic and Professional Qualifications*

44. The nominee is a trained Mediator; a certified Public Secretary; and an Advocate of the High Court having been admitted to the bar on 27<sup>th</sup> April 2001. She holds a:

- (a) 2010: Master of Laws (LLM), The University of Nairobi;
- (b) 2000: Postgraduate Diploma in Law, Kenya School of Law (KSL);
- (c) 1998: Bachelor of Laws, Dr. Babasaheb Ambedkar Marathwada University, India;
- (d) 1995: Bachelor of Commerce, Dr. Babasaheb Ambedkar Marathwada University, India; and
- (e) 1990: Kenya Certificate of Secondary Education, Ngara Girls High School.

45. She also indicated that she has undertaken the following trainings:

- (a) Human Rights Based Approach to programming;
- (b) Designing, Managing and Delivering a Human Rights Training;
- (c) Trial Advocacy [Lawyers without Border and NITA];
- (d) Litigating women's rights;



- (e) Public Interest Litigation;
- (f) Facilitation and Presentation Skills;
- (g) Gender and Human Rights;
- (h) Results Based Management;
- (i) Training in Election Observation; and
- (j) Project Management and Evaluation.

#### ***Employment Record and Work Experience***

46. The nominee has worked in the following capacities:

- (a) 2020-to date: Human Rights Specialist/Deputy Head of Office, United Nations Office of the High Commissioner for Human Rights (UN-OHCHR);
- (b) 2011-2020: Human Rights Officer, UN-OHCHR;
- (c) 2009-2011: Deputy Executive Director/Head of Programs, Federation of Women Lawyers-Kenya (FIDA-K);
- (d) 2007-2009: Senior Legal Counsel, FIDA-K;
- (e) 2005-2007: Legal Counsel, FIDA-K;
- (f) 2003-2005: Practicing Advocate, Oloo and Oloo Advocates;
- (g) 2001-2003: Practicing Advocate, Wainaina Ireri and Company Advocates; and
- (h) 1999-2001: Pupillage and Practicing Advocate, Abida Ali and Company Advocates.

#### ***Memberships and Professional Associations***

47. The nominee indicated that she is an ordinary member of the Law Society of Kenya (LSK) and the East African Law Society (EALS). She added that she is also a member of FIDA-K, Runda Women Association, Children Sickle Cell Foundation and Ridgeways Baptist Church.

#### ***Published Writings***

48. The nominee indicated that she has the following publications:

- (a) Failure to Deliver – Violations of Women’s Rights in Kenyan Health Facilities, 2007
- (b) “AT RISK” Violation of HIV+ Women in Kenyan Health Facilities, 2007
- (c) Paper on alternative dispute resolution in succession cases (Thesis for LLM Program), University of Nairobi, 2010;
- (d) Human Rights in Action (UN-OHCHR), 2012;
- (e) Columnist with East African Standard Newspapers responding to questions on issues affecting employed women, 2007-2011;
- (f) Manual for Self-Represented Litigants on Family Law, 2008;
- (g) Succession and Family Law (Publication for Legal Resources Foundation- LRF), 2009;
- (h) Human Rights Report on Succession Laws in Kenya (Together with Georgetown Law University), 2010;
- (i) Policy Brief on women’s land and property rights (based on the National Land Policy), 2007;
- (j) Human Rights Based Approach to Development Manual, 2014;
- (k) Policy on Alternative Justice Systems (for FIDA-K), 2019;
- (l) Catalysing rights-based environmental action for people and planet in Kenya-OHCHR, 2022; and
- (m) Giving life to data: Towards promotion and protection of human rights and the realization of SDGs, 2020.



49. She also submitted that she had made the following presentations:

- (a) *Ensuring no one is left behind: A human rights-based approach to data* which culminated to an MOU between the KNCHR and Kenya National Bureau of Statistics (KNBS).
- (b) *Human rights and development* for the Inter-Governmental Agency on reporting and follow-up on human rights obligation under the leadership of the Attorney-General in preparation for the reporting to Human Rights Council on the Universal Periodic Review Process.
- (c) *The Climate Crisis, Just Transitions, and Human Rights in Africa* on understanding the intersections for a sustainable and equitable future presented during the Right Here Right Now (a global summit on climate change and human rights in partnership with OHCHR, University of Oxford and University of Nairobi, among others).
- (d) *Business and human rights and the implementation of the UN Guiding principles of Business and human rights* for the private sector.

#### ***Integrity***

50. The nominee submitted that she has not been charged in a court of law, nor has she been adversely mentioned in any investigatory report produced by Parliament or a Commission of Inquiry within the past three years. In addition, the nominee stated that she has never been dismissed or removed from office for violating the provisions outlined in Article 75 of the Constitution.

#### ***Income and Net Worth***

51. The nominee estimated her net worth to be Kshs. 303 million comprising jointly owned immovable property estimated at 123 million and 180 shareholdings in jointly owned business. She indicated her current sources of income to include salary, rental income and dividends from shares.

#### ***Potential Conflict of Interest***

52. 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 the Chairperson of the KNCHR. If a conflict of interest were to arise, she stated that she would resolve it according to the provisions of the law.

#### ***Pro Bono and Charity Work***

53. The nominee indicated that she provides pro-bono legal services and has made monetary contributions to FIDA-K and devotes her time at Children Sickle Cell Foundation, Runda Women Association and Ridgeways Baptist Church.

### **3.1.2 General and Sector Specific Questions for the Nominee**

54. The Committee posed several questions to the nominee on her suitability for appointment as Chairperson of the KNCHR. The nominee responded as follows:

#### ***On police brutality***

55. The nominee stated that she would leverage her experience and network acquired during her time at the UN-OHCHR and international best practice to address police excesses. She added that her work at the UN-OHCHR had enabled her to directly engage with the Independent Policing Oversight Authority (IPOA), the Internal Affairs Unit in the National Police Service (NPS) and the ODPP where she identified training and enhanced capacity of security personnel and open dialogue as critical tools in combating police brutality.

56. Furthermore, she stated that she had hands-on experience in crisis management and prevention which she acquired by convening different stakeholders to discuss and resolve issues of concern. For example, in 2022, she contributed to prevention of election violence in Mathare Village by encouraging open dialogue between the Officer Commanding Station (OCS), various ethnic groups, social justice centres and civil society organizations at the grassroots level.

***On challenges facing KNCHR***

57. The nominee informed the Committee that, as a Human Rights Specialist at UN-OHCHR, she had been involved in conversations with the Office of the Attorney-General and the KNCHR regarding plans to hold public talks on Human Rights Day on 10<sup>th</sup> December 2025. The purpose of these talks would be to discuss the challenges experienced by constitutional commissions post-2010, including issues such as lack of goodwill towards some commissions and inadequate funding. She added that there were plans to conduct a baseline survey to identify contemporary human rights concerns and to develop viable mitigation measures. She committed to advancing these initiatives, if approved.
58. Regarding KNCHR's inadequate budgetary allocation, the nominee stated that, if approved, she would leverage her network and experience in mobilizing funds for the Commission from development partners such as the United Nations and bilateral States, with whom she had previously engaged in similar fundraising efforts, to support the Commission.
59. In addition, the nominee noted that KNCHR's main challenge as a trust deficit. She stated that, if approved, she would endeavour to translate the Commission's local reputation into the same level of international acclaim. She added that she would also strive to improve the relationship of the Commission with all arms of government for effective service delivery.

***On compensation of victims of demonstrations***

60. The nominee underscored that compensation of victims is a fundamental human rights issue which is not only limited to the KNCHR but requires concerted efforts from all relevant stakeholders. She noted that while the mandate of the Panel of Experts on Compensation of Victims of Demonstrations and Public Protests may overlap with that of the Commission, the Panel's term of service is limited. Therefore, upon expiration of the Panel's term, the Commission would take over and continue to address compensation claims in line with its mandate.
61. In addition, the nominee informed the Committee that should she be approved as Chairperson of the KNCHR, she would fiercely defend the Commission's mandate.

***On her passion for human rights***

62. The nominee submitted that she was passionate about human rights, particularly human rights through a lens of development. She stated that Kenya should focus on mainstreaming human rights in development for meaningful and sustainable development.
63. To demonstrate her passion, she stated that she championed Kenya's ratification of the United Nations Principles on Business and Human Rights. She added that she has worked with the private sector in capacitating them on matters relating to business and human rights as Article 20 of the Constitution recognizes the private sector as duty bearers in

protecting human rights. She added that, if approved, she would emulate this and bring together more stakeholders to revamp the Commission.

64. The nominee further submitted that she has been actively involved in advocating for a human rights-based approach to data including participating in a workshop to encourage KNBS to look at human rights from a data lens.

***On synergy with non-governmental civil societies***

65. The nominee noted that her experience in the human rights and advocacy had enabled her to form good relations with the civil society organizations space. She added that she has acted as a bridge between civil society organizations and various duty bearers and hopes to continue being that bridge to resolve issues for meaningful participation and ensure inclusivity in human rights issues.

***On public sensitization of the KNCHR***

66. The nominee attributed the Commission's lack of visibility to inadequate communication which is conducted only during times of crisis. In her view, public perception on failure to provide basic rights such as quality healthcare and housing are the causes of demonstrations and could be prevented through effective communication of the Commission's efforts in monitoring and advocating for government compliance with human rights obligations.

***On the right to picket***

67. The nominee noted that the right to picket, as provided in Article 37 of the Constitution, is an internationally recognized right that should not be limited except where protecting against violence. She added that such limitation must be provided for in statute.
68. In addition, she stated that while the National Police Service (NPS) is mandated to provide protection against harm and damage to property, the mechanisms employed to minimize violence must incorporate a human rights perspective and be proportionate in measure.
69. She also indicated that while working with the ODPP, NPS and the Office of the Attorney-General, she provided an analysis of best practice on ensuring a balance between the right to protest and maintaining public order. For instance, Sweden which has a liaison police officer (Dialogue Police) whose role is to de-escalate protests when they turn violent.

***On the practicalities of human rights and development***

70. The nominee noted that the Bottom-Up Economic Transformation Agenda (BETA) espouses a human rights and development perspective by focusing on those often 'left behind' in matters housing and healthcare. In her view, housing should be defined as housing accessible to any ordinary Kenyan while social housing should target residents of informal settlements. She indicated that, if approved, she hoped to collaborate with relevant stakeholders to ensure a fair allocation of housing units.
71. Regarding quality healthcare, she committed towards inclusive coverage under the Social Health Insurance Fund for all individuals including patients with pre-existing conditions such as Sickle Cell Anaemia.

### ***On inclusion of the youth***

72. The nominee noted that public participation must be contextualized based on the subject matter at hand, not be a one-size fits all. She emphasized the need to utilize contemporary platforms such as *TikTok* to effectively engage the youth. She further stated that she would leverage technology alongside her established networks and partnerships with young people to achieve this goal.

### ***On devolution of the Commission***

73. Noting that the Commission currently has a presence in six regions, she stated that would implement innovative strategies similar to the Office of the Attorney-General by devolving operations through shared spaces and resources in Huduma Centres.

### ***On human rights litigation***

74. The nominee noted that unsettled judgements in human rights lawsuits was known to her, having litigated the ***Export Processing Zone Authority & 10 others (Suing on their own behalf and on behalf of all residents of Owino-Uhuru Village in Mikindani, Changamwe Area, Mombasa) v National Environment Management Authority & 3 others (Petition E021 of 2023) [2024] KESC 75 (KLR) (6 December 2024) (Judgment)*** on pollution in the coastal region up to the Supreme Court where an award was issued against the National Environment Management Authority (NEMA).
75. The nominee also submitted that during her time at the UN-OHCHR she was involved in supporting stakeholders to develop a reparations framework to enable the Government pay victims of human rights violations. She added that though they developed draft Regulations to be anchored on the Public Finance Management Act, they were never implemented. She undertook to reviving the Regulations for enactment, if approved.

### **3.1.3 Committee Observations on the Suitability of the Nominee**

76. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F 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 KNCHR:
- (1) THAT pursuant to Section 10(1)(a) of the KNCHR Act, Cap. 71 the nominee demonstrated expertise in law and human rights having at least fifteen years' experience in human rights advocacy.
  - (2) THAT the nominee holds a Bachelor of Laws Degree from the Dr. Babasaheb Ambedkar Marathwada University, India recognized in Kenya having been accredited as a recognized institution by CUE and thereby meets the requirements of section 10(1)(b) of the KNCHR Act, Cap. 71.
  - (3) THAT the nominee demonstrated an aspiration for integrity in public service and thus meets the requirements of Chapter Six of the Constitution and section 10(1)(c) of the KNCHR Act, Cap. 71 on leadership and integrity.
  - (4) THAT the nominee, having been cleared by DCI, EACC, HELB, KRA, ODPP and ORPP meets the statutory requirements for appointment as the Chairperson of the KNCHR.

## CHAPTER FOUR

### 4 COMMITTEE OBSERVATIONS

77. 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 in accordance with the provisions of Article 250(2) of the Constitution as read with section 11(4), (5) and (6) of the KNCHR Act, Cap. 71.

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

- (2) The nominee has satisfied all the following constitutional and statutory requirements including those on citizenship; leadership, ethics and integrity; tax compliance; and higher education loan repayments.
- (3) The nominee has met the integrity threshold, demonstrated knowledge of topical, administrative and technical issues of the position to which she has been nominated, and has the requisite abilities, academic qualifications and professional experience to be approved for appointment as Chairperson of the KNCHR.

#### **(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**


- (4) The nominee has demonstrated deep understanding of the affairs of the KNCHR and the roles of Chairperson of the Commission. She possesses the requisite abilities for inter-governmental coordination and cooperation and strong leadership skills, including strategic vision, effective decision-making and stakeholder engagement, all of which are instrumental for a person nominated to serve as Chairperson of the KNCHR.
- (5) The nominee exhibited a passion for human rights, invaluable knowledge and experience in human rights issues with a particular focus on development critical in addressing the contemporary challenges affecting Kenyans. She demonstrated an awareness of the difficulties faced by the KNCHR and practical solutions to these challenges.
- (6) The nominee has a wide network of key stakeholders in the human rights space having previously served as a Human Rights Specialist in UN-OHCHR and interacted with various State and non-state actors in the sector. This would be significant in strengthening the operations of the KNCHR, particularly, through collaboration with development partners for resource mobilization for the Commission in the current financially-austere government.



## CHAPTER FIVE

### 5 COMMITTEE RECOMMENDATION

78. Having considered the nominee pursuant to Article 250(2) of the Constitution, section 10 of the KNCHR Act, Cap. 71 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 **Ms. Claris Awour Ogangah** to the Office of Chairperson of the Kenya National Commission on Human Rights.

SIGNED.......... DATE..... **23.9.2025**.....

**HON. GEORGE GITONGA MURUGARA, CBS, MP**  
**CHAIRMAN**

**DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

