



TRANSPARENCY  
INTERNATIONAL  
KENYA

# JUSTICE

**Frequently asked questions  
on civilian oversight**

# Frequently asked questions

## What is civilian oversight?

Civilian oversight is the process through which citizens supervise functions/work and/or decisions of government or government officers in service delivery and the implementation of the Constitution.

## What can civilians monitor while supervising government and public officers?

While supervising government or government officers and the implementation of the constitution, citizens can monitor the following:

- Judicial reforms
- Public finance
- The fight against corruption
- Public maladministration
- Protection of human rights
- Service delivery to citizens

## What are the standards that citizens should use to measure service delivery by public institutions and officers?

Citizens should measure service delivery based on standards set in the Constitution and other related documents

## Why is civilian oversight important?

Civilian oversight is important because it enables citizens:

- a) To establish mechanisms to exercise economic, political and administrative authority in running public affairs at all levels.

- b) To encourage public officers to serve citizens in an open transparent and accountable manner.
- c) To cement legitimacy and trust of government in the public eye.
- d) Provides citizens with the tools and strategies to both exercise their sovereign power and supervise the exercise of this power to those it has been lawfully delegated to;

## What methods can citizens use in carrying out civilian oversight?

Some of the methods that citizens can use in carrying out civilian oversight include:

### - Social audits

Social audit is a process of reviewing official records and determining whether state reported expenditures reflect the actual monies spent on the ground.

### - Budget and expenditure tracking

Budget and expenditure tracking is the process of tracing the flow of public resources for the provision of public goods or services from origin to destination.

### - Litigation

Litigation is the process of taking legal action against non performing public officers or institutions

### - Judicial reviews

Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.

### - Right of recall-for elected leaders

Right to recall means that citizens can remove and replace bad, or non performing elected officials.

### - Administrative petitions

# on civilian oversight

## What do citizens need to enable them conduct civilian oversight effectively?

For effective civilian oversight, the following are the important essentials:

**Access to information** - is the right of citizens to access data held by government and public officers freely or at minimal cost, except in standard exceptions as defined by law. Access to information is 'the cornerstone of good governance, meaningful participation, transparency and accountability'.

**Public participation in governance** - is the involvement of all those affected by or interested in a decision-making processes. Public participation fuels a vibrant civil society; it protects democratic values, rights, builds trust and accountability in public institutions.

**Complaint mechanism** - civilian oversight can only be effective if citizens can identify and recognise violations of laws or procedures and report to the relevant authorities for action. To do so, citizens need channels through which they can channel their complaints.

**Lobbying and advocacy skills** - lobbying and advocacy can be driven by individuals or groups, through workshops, research and public interest litigation. Lobbying is a form of advocacy that applies a direct approach to, for instance, legislators. Lobbying can be driven by groups fighting for human rights or pursuing anticorruption agendas. Advocacy on the other hand is used to inquire into policy administration, agenda setting and policy solutions.

**Knowledge of the relevant laws, policies and service delivery standards**- Citizens must have a basic knowledge of the laws and policies governing service delivery and the benchmarks set for the various services to effectively oversee public affairs.

## In case i have complaints, where do i report?

You can contact Transparency International Kenya's [Advocacy and Legal Advisory Centers \(ALACs\)](#) for FREE legal advice on CORRUPTION related cases either by visiting the centers, writing, or calling the toll free line **0800 720 721** or **SMS 22129**

\*calls free from Safaricom lines

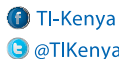
You can direct your complaints / petitions in respect of human rights violations, corruption, maladministration as well as policing to public complaints bodies, the Legislature, courts and Tribunals.

There are constitutional commissions which receive and process citizens' complaints. These institutions include:

- The Commission on Administrative Justice (previously the Public Complaints Standing Committee, the Ombudsman) on maladministration and abuse of office/ power;
- The Ethics and Anti-Corruption Commission (EACC) on Corruption;
- The Kenya National Commission on Human Rights (KNCHR) on human rights violations;
- The National Gender and Equality Commission (NGEC) on discrimination based on gender;
- The National Cohesion and Integration Commission (NCIC) on hate speech and ethnic discrimination;
- The Independent Policing Oversight Authority (IPOA) on complaints against the conduct of Police Officers.



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Every effort has been made to verify the accuracy of the information contained in this publication. All information was believed to be correct as of February 2014. Transparency International-Kenya does not accept responsibility for the consequences of the use of the report's contents for other purposes or in other contexts.



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To receive free and confidential advice on corruption related cases,  
Call 0800 720 721 OR SMS 22129 toll free\*  
call free from Safaricom lines\*

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