

## KNCHR FAQ'S ON THE TYPE OF COMPLAINTS FILED

The Complaints & Investigations department receives and investigates complaints from the public.

### **1. Who can complain to the Commission?**

Answer: Any member of the public can complain to the Commission. Members of parliament can also complain on behalf of their constituents. We also receive complaints from a variety of Civil Society Organizations, Community-Based Organizations and Faith-Based Organizations.

### **2. How can the public complain to the Commission?**

Answer: You can write to the Commission using P.O. Box 74359/00200 Nairobi. You can also telephone the Commission on 020-2717908, or on Mobile phone 0726610159 and state that you want to lodge a complaint. The Commission will then call you at its cost. You can also email the Commission at the [complaints@knchr.org](mailto:complaints@knchr.org) or lodge the complaint on the website.

### **3. Can I get legal representation from the Commission?**

Answer: No, the Commission does not generally offer legal representation, although in exceptional cases, it may take public interest cases to court.

### **4. What complaints are admissible by the Commission?**

Generally, the Commission will admit all complaints disclosing any breach of human rights, and our job is to investigate the complaints and offer suggestions as to how they can be resolved. Complaints against state organs, state and private corporations and individuals can be admitted so long as they disclose human rights violations. A good example is complaints of the illegal killing of any person by police or other state officers. Another example is complaints relating to lengthy and illegal detentions in police custody without trial. Yet another example is a complaint relating to torture or inhuman treatment by any other person, especially state agents. Basically, the Bill of Rights under the new constitution would be a good basis for guiding yourself as to what cases we admit.

### **5. What about divorce and civil cases?**

Answer: The Commission does not admit those complaints, because they are civil in nature, and the mandate of the Commission does not include them.

### **6. Does the Commission admit labour cases?**

Answer: The Commission receives a lot of labour complaints, but where they do not touch on issues such as discrimination, the Commission tries to work with the Labour department to resolve them.

### **7. What other complaints doesn't the Commission admit?**

Answer: The cases that are not admissible by the Commission are covered by S.30 of the Kenya National Commission on Human Rights Act (No.14 of 2011).

Some of them include:

- A) Matters that form the subject of pending cases before courts or tribunals; Here, if a matter has been inordinately delayed, the Commission may inquire into the process, but not the merit of the case.

- B) Matters essentially involving the relations or dealings between the government and the government of a foreign State or international organization recognized as such under international law;
- C) A matter essentially involving dealings between an individual and the government of a foreign State or international organization recognized as such under international law. However, in some cases, the KNCHR may make general inquiries on the complaint from the concerned respondents.
- D) A matter relating to the exercise of the prerogative of mercy-**Section 30(d)**.
- E) Matters to do with refugees.
- F) Complaints of a criminal nature that require the action of police officers in the first instance e.g. assault cases. S30 (b) The Commission can however, intervene where the police are guilty of inaction, to investigate and/or attempt to address the inaction.

**Q8. What happens to cases not admitted by the Commission?**

Answer: The Commission usually refers such cases to institutions that have a proven track record to handle complaints of any given nature. No one is sent away without invaluable advice as to how to handle the problem or given an idea who might help better. The Commission has a referrals partners' committee that meets quarterly.