



**THE COMMISSION ON  
ADMINISTRATIVE JUSTICE**  
(Office of the Ombudsman)  
*Hata Mnyonge ana Haki*

**PRESS RELEASE**

**NAIROBI, Wednesday, February 13, 2025**

Ombudsman Calls for the Overhaul of Kenya's Pensions System to Address Decades-Long Delays and Injustices

The Commission on Administrative Justice (Office of the Ombudsman) is calling for a comprehensive approach in addressing the inordinate delays, unresponsiveness and manifest injustice bedeviling the public service pensions system in order to restore fairness, dignity, and public confidence in it. This includes the implementation of systemic reforms, adopting the use of technology, and enforcing policies such as the digitization and automation of pensions processes. The Commission also emphasizes the need to streamline bureaucratic procedures, improve data management and record-keeping practices, and strengthen accountability and oversight mechanisms within the Pensions Department.

These measures are crucial in addressing the persistent delays especially in pensions processing, ensuring that retirees and their beneficiaries receive their rightful benefits in a timely and efficient manner without enduring decades of unnecessary delays and financial hardship.

According to the ***Status of Administrative Justice and Access to Information in Kenya Report (2012-2023)*** released by the Commission in May 2024, the Pensions Department was ranked amongst the institutions with the highest complaints. The Commission received **over 674** complaints against the Pensions Department during the reporting period.

In 2016, the Commission undertook a systemic investigation into the administrative processes, policies and legislative framework governing retirement benefits with a view to recommending remedies for curing inherent systemic failures that had been identified.

The investigation revealed that about 70 per cent of retirees from the public service were unhappy with the services they received in the processing and disbursement of their retirement benefits. Delays in payment of pension, bureaucracy, inefficient and uncooperative officers, corruption and lack of transparency in calculation of benefits were some of the reasons cited as contributing to the dissatisfaction. Indeed, accessing pension has remained a perennial problem for Kenya's retired public officers with many of them compelled to make endless trips to pensions offices in pursuit of what is rightfully theirs.

To mitigate these issues, the 2016 investigation made several recommendations including streamlining of the payment processes, decentralization, setting aside adequate funds to pay retirees and redressing the systemic issues affecting the payment of benefits some of which included human factors.

**Despite these recommendations, the Commission continues to receive a high number of complaints on non-remittance of retirement benefits, which complaints have ballooned over the last few years. The complaints have been lodged both by individual retired public officers and groups as illustrated in the cases of Teachers and Kenya Railways Staff. It is also a recurrent issue that is raised in public forums periodically organized by the Commission.**

Since 2019, the Commission has received **318** complaints against the Pensions Department. Of these, **174** cases have been resolved, while **144** remain outstanding. The majority of the complaints—**274** cases—relate to delays in processing pensions, including **68** specific cases involving delayed pensions for teachers. Other complaints include **21** cases of unresponsive official conduct, **9** cases of inefficiency, **4** cases of manifest injustice, **2** cases of unfair treatment, **3** cases of unlawful official conduct, **4** cases outside the department's mandate, and **1** case related to access to information.

These numbers reveal a deeply troubling picture of the prolonged delays retirees face in resolving their pension complaints. While **90** individuals have waited up to **three years**, a staggering **160** have endured delays of between **4 to 15 years**.

Even more heartbreaking, **48** retirees have been waiting for between **16 and 25 years**, while **20** have been left in limbo for **over 26 years**—long enough for some to pass away without ever receiving their rightful dues. These delays are not just statistics; they represent real people grappling with financial hardship, inability to settle medical bills, uncertainty, and in many cases, a profound loss of dignity. The stakeholders involved must do better to honor those who dedicated their lives to public service.

It is important to note that one of the primary responses from the Pensions Department, when queried by the Commission, is that complainants are required to submit certain documents or forms to facilitate the processing of their dues. The Commission finds that the delay in responding to complainants—and, in some cases, the insistence that retirees submit additional documents is unreasonable. This practice effectively shifts the burden from the Pensions Department to the retirees and their beneficiaries, further exacerbating their plight. **The Pensions Department is the custodian of the pensions documentation and should instead retrieve the documents and ensure a timely and just resolution of pension claims.**

The human cost of these systemic failures is devastating. These Kenyans who are elderly and vulnerable struggle to afford medical care, have been forced to depend on well-wishers and endure significant emotional and psychological distress.

Their stories underscore the urgent need for systemic reforms to address these delays and restore dignity to those who have served their country.

Some of these cases include;

### 1. Delay in Injury Pension Settlement

**Issue:** The complainant, a retired teacher, alleges a 10-year delay in processing his injury pension after an accident during service. His documents were forwarded to the Pensions Department in 2018, but the matter remains unresolved.

**Action Taken:** A file was opened on 14.01.2020, and an inquiry conducted on 21.01.2020. The Pensions Department claims the Teachers Service Commission (TSC) has not submitted the injury pension claim.

**Status:** The Complainant is being taken back and forth between TSC and Pensions Department. The case remains **pending** after five years of CAJ involvement.

### 2. Delay in Pension Payments

**Issue:** The complainant **alleges a 12-year delay** in receiving monthly pension payments, with the last payment made in 2005. Partial payments were made recently, but deductions of Kshs. 2,000 per month were applied.

**Action Taken:** A letter of inquiry was sent on 27.02.2017, and a response was received on 09.03.2017, requiring the complainant to fill out forms for onboarding.

**Status:** The case is **pending**, with partial payments made but deductions disputed.

### 3. Delay in Pension Arrears

**Issue:** The complainant, a retired teacher, **alleged a 19 Year delay** in receiving pension arrears since 2001.

**Action Taken:** A letter of inquiry was sent on 09.12.2020, and a response on 29.12.2020 indicated that Kshs. 1,122,337.30 had been paid.

**Status:** The payment was made after a delay of 19 Years.

### 4. Unresponsive Official Conduct

**Issue:** The complainant alleges that his requests for a pension increment were ignored for 16 years after retiring in the year 2000.

**Action Taken:** An inquiry was initiated on 16.10.2019, and a follow-up letter was sent on 25.09.2020. The Pensions Department responded on 31.10.2019, stating that increments would be factored into the November 2019 payroll.

**Status:** The case is pending, as there is no confirmation of the increment being made, 24 Years later.

### 5. Delay in Pension Processing

**Issue:** The complainant alleges a **17-year delay** in receiving his pension despite being issued with a pension number. He claims this has caused significant suffering.

**Action Taken:** Inquiry letters were sent on 21.09.2022, 17.10.2022, and 07.11.2022. The Pensions Department claims payment was made on 26.01.2005, but the complainant disputes this.

**Status:** The case remains **pending** after more than two years of CAJ involvement.

### 6. Delay in Pension payment Due to Job Group Discrepancy

**Issue:** The complainant alleges a **21-year delay** in receiving his pension due to a discrepancy in his job group classification (job group "L" instead of "K"). He was paid salary arrears but not the corresponding pension.

**Action Taken:** An inquiry was initiated on 28.05.2021. The Pensions Department is awaiting a report on the complainant's salary progression from his former employer.

**Status:** The case is **pending** after four years of CAJ involvement.

## 7. Delay in Processing of Death Gratuity

**Issue:** The complainant alleges a **22-year delay** in receiving his late wife's death gratuity, filed in 2002. He claims the Pensions Department has not processed the benefits.

**Action Taken:** A file was opened on 06.03.2024, and an inquiry was initiated on 07.03.2024. The Pensions Department claims the required documents were not submitted.

**Status:** The case is **pending** after 10 months of CAJ involvement.

## 8. Delay in Enhanced Pension Award

**Issue:** The complainant alleges a **23-year delay** in receiving an enhanced pension award as per a court ruling for teachers who retired between 1997 and 2003.

**Action Taken:** Inquiry letters were sent on 08.11.2024, 02.12.2024, and 08.01.2025. The Pensions Department asked the complainant to consult the Teachers Service Commission to prepare a revised claim.

**Status:** The case is **pending** after 3 months of CAJ involvement.

## 9. Delay in Processing Deceased's Benefits

**Issue:** The complainant alleges a **25-year delay** in processing her late father's pension benefits.

**Action Taken:** Multiple reminders and inquiries were sent between July 2022 and November 2024. The Pensions Department cited delays in record retrieval and stated that the resolution process had begun.

**Status:** The case is **pending** after 3 years of CAJ involvement.

## 10. Delay in processing of Death Benefits

The complainant alleged a significant delay of over **9 years** in the payment of death benefits owed to the estate of a deceased individual. The delay was initially attributed to the Ministry of Health's failure to forward the necessary documents and later to family disputes and a succession case (Succession Cause No. 44 of 2009). The complainant followed up with the Ministry of Health for **2 years** before escalating the matter.

**Action Taken:** The complaint was forwarded to the Pensions Department on 29th May 2024 for further processing.

**Status:** As of 10th February 2025, the Pensions Department is awaiting funds from the exchequer to process the lump sum payment. **The complaint remains unresolved, and the payment is pending due to the unavailability of funds**

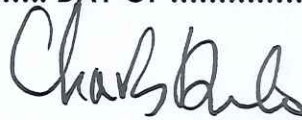
To address these challenges, **the Commission recommends the following urgent measures:**

- i. The Director, Pensions Department to process and pay all the pending **144** claims within 60 days from the date hereof and to provide a compliance report to the Commission on the same, failure to which the Commission shall give the office holder notice to show cause as to why he should not be declared unfit to hold public office;
- ii. The Director, Pensions Department should establish mechanisms to curb cases of corruption and unresponsive conduct;
- iii. The Director, Pensions Department should address the systemic factors affecting the processing and payment of benefits namely; poor records management, bureaucracy, corruption, centralised services, shortage of skilled staff, lack of adequate equipment and ICT challenges;
- iv. The Director, Pensions Department should streamline administrative procedures on processing and disbursement of retirement benefits, including full automation of the Pensions system;
- v. The Director, Pensions Department should prioritize the speedy settlement of **ALL** backlog pension cases and develop policy guidelines to streamline the processing and payment of benefits. This is critical to addressing the decades-long delays faced by retirees;
- vi. The Director, Pensions Department should devolve services to the county level to reduce centralisation, improve accessibility, and expedite the processing of benefits for retirees across the country;
- vii. The Director, Pensions Department must establish and operationalize an efficient complaint-handling mechanism to address grievances promptly and ensure accountability in service delivery;
- viii. The Director, Pensions Department should conduct a robust sensitization exercise on their pensions processes including grievance handling mechanisms across the public sector with particular focus on officers who are approaching retirement age;
- ix. The National Assembly should fast-track the finalization of the Pensions (Amendment) Bill, (National Assembly Bill No. 44 of 2022) which will establish clear timelines for pensions disbursement by providing for a 60 day window of processing payments; and

- x. The Cabinet Secretary for the National Treasury, in collaboration with the Office of the Attorney General and the Law Reform Commission, should review outdated Pension laws to align them with current social dynamics and Constitutional requirements.

The Commission calls on all Kenyans who are affected by the delayed processes and procedures at the Pensions department to file their complaints to the Commission through their various offices across the country, Huduma Centres, CMIS and Postal Addresses.

DATED AT NAIROBI THIS ..... 13<sup>th</sup> ..... DAY OF ..... February ..... 2025



CHARLES DULO

CHAIRPERSON OF THE COMMISSION