

Authority:

Commission on Administrative Justice – Kenya

Public Entity:

Ministry of Health

Country/State:

Kenya

Case title:

Kenya National Commission on Human Rights v. Ministry of Health (Taskforce on Genetically Modified Foods Report)

Official citation

Order of 20 May 2024

Date of decision:

20 May 2024

Relevant law:

Access to Information Act, 2016 (Sections 14(1)(a), 22(3)(a)(i), 23(2)(a))

Decision:

The Commission ordered the Cabinet Secretary, Ministry of Health, to provide the Kenya National Commission on Human Rights with access to the Final Report of the Taskforce on Genetically Modified Foods and Food Safety (Gazette Notice No. 13607 of 11 October 2013). The Commission further ordered the Ministry of Health to publish and publicise the report.

Key words:

Right to Information, genetically modified foods, food safety, taskforce report, Ministry of Health, publication duty

Case Summary**1. Facts**

On 3 April 2023, the Kenya National Commission on Human Rights submitted a request to the Cabinet Secretary, Ministry of Health, seeking both hard and soft copies of the “Final Report of the Taskforce on Genetically Modified Foods and Food Safety”, established under Gazette Notice No. 13607 of 11 October 2013.

The Ministry declined to provide the information.

The Commission sent a formal inquiry on 2 April 2024, but the Cabinet Secretary did not respond.

2. Decision

The Commission, exercising its powers under Sections 22(3)(a)(i) and 23(2)(a) of the Access to Information Act, 2016, issued an Order on 20 May 2024.

The Order required the Ministry of Health to grant the Kenya National Commission on Human Rights access to the requested report.

Additionally, the Commission directed the Ministry to publish and publicise the Final Report, emphasizing that information on food safety and genetically modified foods concerns public interest and constitutional rights.

Note (Optional):

This case is significant as it reinforces the duty of public authorities not only to provide access to information upon request but also to proactively publish reports of high public importance relating to food safety.

Resource:

Link to resolution: N/A