

VOICES FROM THE COUNTIES: LESSONS FROM THE 2015 CITIZEN REPORT CARD

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ACRONYMS AND ABBREVIATIONS

Art	Article
ICT	Information Communication and Technology
MCA	Member of County Assembly
MP	Member of Parliament
PBO	Public Benefits Organization
PTA	Partents-Teachers Association
SACCO	Savings and Credit Cooperative

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INTRODUCTION

Kenya promulgated a new Constitution in 2010 and set 2015 as the transition period for its implementation. The enactment of a new Constitution resulted from two-decades of pressure for constitutional and democratic reforms. The Constitution of Kenya 2010 is considered among the most progressive Constitutions in the world.

The Constitution further provides for public participation as a function of inclusive, accountable and transparent governance. Article 1 (1) provides all sovereign power to the people of Kenya while Art 10 (2) (a) provides participation of the people as a national value and principle of governance. Principles of integrity, transparency and accountability are core values that bind all public officers at all times (Article 10 and Chapter 6).

In passing the constitution, Kenyans aspired for a more equal society. The Constitution provides an extensive Bill of Rights (Article 43) and gives equal consideration for children, persons with disabilities, youth, minorities and historically marginalised groups and older persons (Articles 53, 54, 55 and 57 respectively). The Constitution further promises to reverse inequality by promoting equitable sharing of national and local resources, and reconfiguring skewed power relations through devolution (Articles 6 and 174).

SUMMARY OF KEY FINDINGS

This report card captures the assessment and voices of 2,404 Kenyan men and women on four key promises of the Constitution five years after the promulgation of the Constitution. This quantitative report-card provides a baseline for all constitutionalists to reframe their strategies with citizens in 2016 and accelerate progress towards realization of the Constitution.

How are Kenyans expressing their right to participation and information?

Despite the emphasis in the Constitution on citizens actively engaging in matters of public interest, Kenya women and men have not yet found their voice and agency in civic associations or public influencing organisations. Most Kenyans continue to participate in self-help groups and local associations with localized concerns. Only one in three Kenyans are members of political parties.

39% are members of Savings and Credit Cooperatives

36% are members of political parties

11% volunteer in public benefits organisations

41% have attended public consultative hearings and forums

Participation in public forums has increased significantly. 41% of Kenyans attended public forums in 2015 compared to 5.7% between June 2012 and June 2013¹. Men are more likely to attend public forums than women. Taita Taveta had the highest level of participation at 72% and the lowest was in Nairobi at 29%. More Kenyans prefer to express their public policy preferences through social media (22%) than attend public consultative forums (18%). 35% of Kenyans prefer to visit the concerned office to discuss their concerns.

47% cite bad timing, length, distance or miscommunication of meeting venues, inconvenient dates and time as the major constraints to participation in public forums. 20% and 14% respectively cite the consistent non-attendance of leaders and lack of confidence that officials will follow up.

¹ Transparency International (2014) *Is it my business? A national opinion poll on devolution and governance in Kenya*, revealed that only 38% of Kenyans were aware of county public forums, out of which, only 15% had attended any county meeting between June 2012 and June 2013.

What governance information do Kenyans want and in what form?

Despite the increased attendance in public forums, 63% of Kenyans do not feel they have sufficient information to track county budget allocations and expenditure. Up to 14% of Kenyans are not sure what information they need from County Governments. Yet, 18% are interested in information on annual budget allocation, while 12% are interested in information on county development plans. Most Kenyans prefer the radio (60%), religious forums (49%) and television (41%) as the main channels of communication. These channels were three or two times more preferred than consultative events and Government websites. This finding offers important lessons for Governments on the redesign of consultative events and also whether other channels could be more effective in engaging citizens in the counties.

Who are Kenyans turning to for leadership, how and why are they doing this?

Of all of their representatives, 85% of Kenyans are most familiar with their Governors yet only 27% have had access to them. Kenyans are least familiar with their women's representatives (66%) and only 16% had ever contacted them. More men than women are directly engaging their elected representative while both men and women are accessing their Women's Representative. The elected representative that most Kenyans have contacted is their Member of the County Assembly (33%).

In 2015, Kenyans reached their representatives by personal visits (32%), phone calls (37%), social media (22%) and email (8%). That personal interest rather than general public interest still drives Kenyans engagement with their elected leaders is evident from the fact that 73% of citizens contacted their leaders for their own funding, education or health support.

How many Kenyan believe bribery and patronage are key to receiving public service?

54% Kenyans still believe having a personal relationship with a public officer guarantees them faster or better services. 46% believe a bribe is necessary to be effectively served, while 36% thought it would help to come from the same ethnic background as the public officer.

How many Kenyans access public services over other types of services?

Education (71%) and healthcare (65%) are the most accessed public services. This is followed by water (58%), security (52%), electricity (50%), sanitation (38%) and housing (21%). Despite the promise of devolution and the Bill of Rights, housing, sanitation, health and water remain privately accessed services. A fairly high proportion of the population have little or no access to public or private essential services such as electricity (27%), security (25%), sanitation (18%), water (12%), housing (8%), health (2%) and education (1%). Lack of access results in rights denial or informal or illegal access to these services. 29% of Kenyans consider education to be the public service that needs the most improvement, same to security (29%), followed by health care (14%) and employment creation (13%).

WHAT PUBLIC OFFICIALS AND CITIZENS CAN DO WITH THESE FINDINGS

The 2015 Report Card suggests some positive changes in the realization of the four constitutional promises of public participation, integrity, equality and the devolution of services. At the same time, county mechanisms and platforms are not yet effective in reaching large numbers of the people that the county Governments intend to serve. Patronage and clientelism continue to undermine equal access to services, integrity and accountability of duty bearers.

Over 2016, County Governments, civic agencies, the private sector and citizens must generate more creative and effective innovations in the area of local governance and democracy. The 2015 Score Card offers a number of areas for public officials and citizens to hold enquiries on how to increase the use of radio based dialogues, design citizen's friendly public consultations, improve public services and combat corruption and impunity.

METHODOLOGY

The survey was conducted in Bungoma, Garissa, Kajiado, Kisumu, Machakos, Nairobi, Nakuru, Nyeri, Taita Taveta and Turkana between August 3-27, 2015. Geographical, economic, social and political diversity and the presence of strong Kenyan civic organisations interested in public attitudes towards governance across the

ten counties informed the criteria for their selection. 2,404 respondents participated through questionnaires administered in face to face interviews from randomly selected households. The 2009 national census was used to determine sample size per county.

Table 1: Sample Size by County

	County	Respondents Sampled
1	Taita Taveta	63
2	Garissa	128
3	Kajiado	159
4	Nyeri	159
5	Kisumu	189
6	Turkana	195
7	Machakos	241
8	Bungoma	273
9	Nakuru	321
10	Nairobi	676
	Total	2404

Table 2: Sample Diversity

Sample diversity														
Gender	Women					52%				Men				48%
Age	18-35		60%			36-55			32%		55+		8%	
Employment	Self employed	36%	Formally employed	20%	Casually employed	12%	Students	11%	Unemployed	16%	Retired	3%	Unable to work	2%
Level of schooling	Secondary school educated	46%			Tertiary Educated	30%		Primary school educated	22%			Non schooled	2%	

RESEARCH FINDINGS

RIGHT TO PARTICIPATION, INFORMATION AND ASSOCIATION

Public participation is recognised by the Constitution of Kenya as both a right and responsibility for all citizens

Article 1.1: All sovereign power to the people of Kenya.

Article 10.2 (a): Participation of the people is recognized as a national value and principle of governance.

Art. 20 (4) and (5): The State is obligated to be open and transparent in allocation of resources.

Articles 124 (c), 196 and 232, Require key legislative bodies, Parliament, County Assemblies and public services to open their deliberations and processes to the public.

Article 35 guarantees the right of citizens to access information held by the State

Active citizenship underpins a democratic and inclusive society. Without active citizens, the decisions taken by a few often deny the majority, social, economic, cultural and political rights. This is particularly the case for groups that have been historically or culturally marginalized such as women, children, youth and people with disabilities. The right to association is critical in providing citizens with platforms to organize both formally and informally. Associations provide spaces for citizens to influence broader political and policy processes in formal public policy spaces.

86% of Kenyans belong to an association. Most of them belong to merry go rounds (39%), SACCOs (23%) and resident associations (15%). However only 11% of the respondents are members, volunteers, board members or advisors of Public Benefits Organisations. Only 9% are members of parent-teacher associations (PTAs). While highly organized, very few Kenyans are organized in a way that can influence public policy decisions taken by National or County Governments at the moment.

Figure 1: Membership in an Association

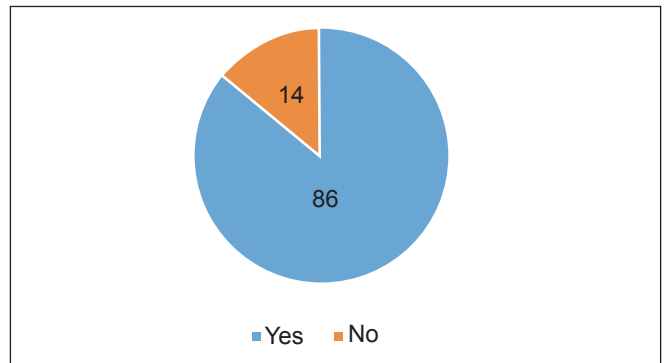
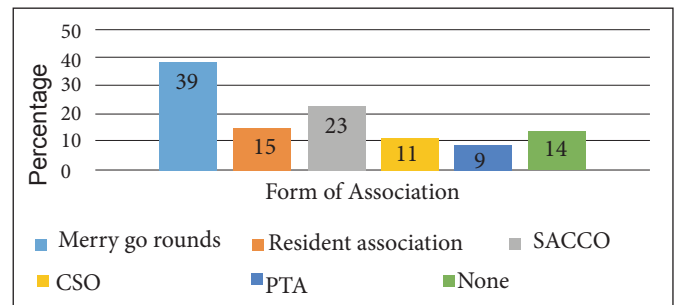
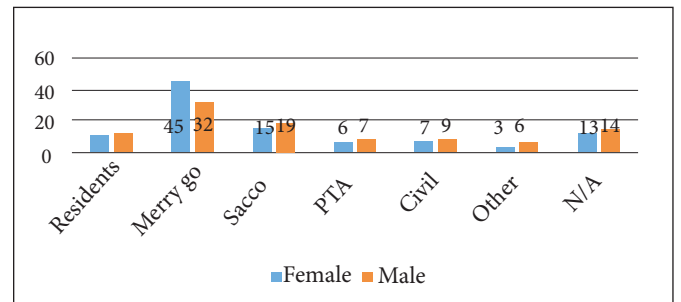


Figure 2: Common Forms of Association



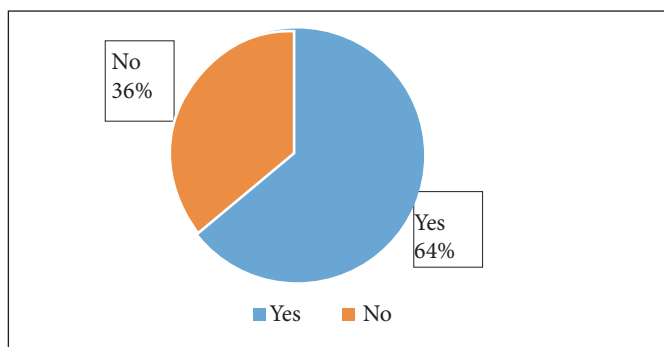
Women are less organized than men in all forms of association with the exception of merry go rounds.

Figure 3: Association by Gender



The artery of a healthy liberal democracy is the participation of citizens in political parties. 64% are not registered to Kenya's 40 or more political parties. Only 36% of Kenyans are registered members of a political party. Interestingly, party registration is fairly evenly balanced in terms of gender. The lack of participation in political parties beyond elections by the majority of the population is a missed opportunity for Kenyans to hold the leaders they elect to account and to influence their party's ideology and agenda.

Figure 4: Registration to a Political Party



Five years after the promulgation of the constitution, citizen's participation in public forum is increasing. 41% of the respondents had attended public forums in their counties in the last one year. However, participation of women in public forums is still 10% lower than men. Men and women with higher educational levels are more likely to attend public consultations.

Figure 5: Public Participation in Counties

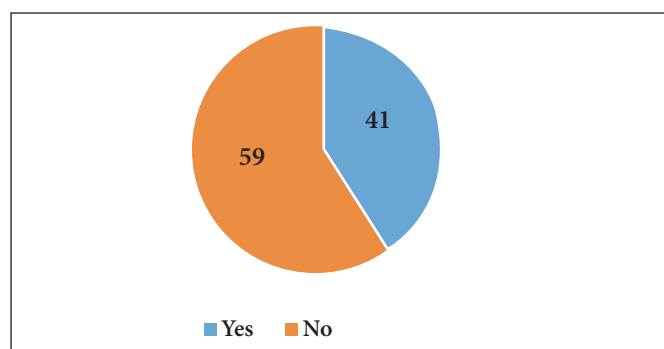
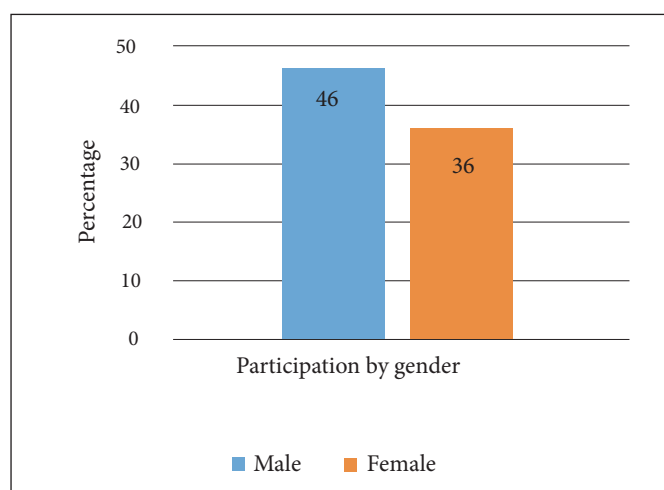


Figure 6: Participation in Public Forum by Gender



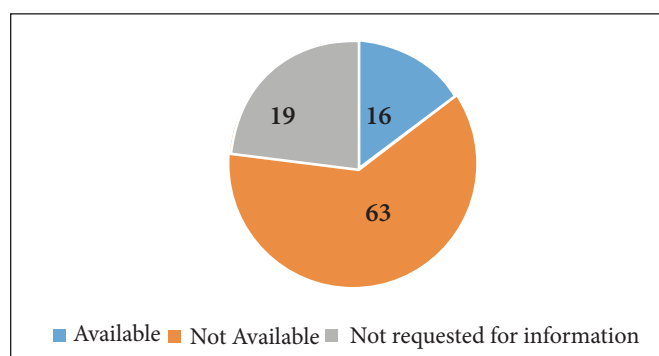
Levels of participation vary dramatically across the ten counties with twice as many people attending consultative meetings in Taita Taveta and Machakos than Nyeri and Nairobi for instance.

Table 3: Public Participation across Counties

	County	Level of Public Participation (%)
1	Taita Taveta	72
2	Machakos	56
3	Nakuru	51
4	Bungoma	49
5	Kisumu	46
6	Kajiado	38
7	Turkana	38
8	Garissa	35
9	Nyeri	32
10	Nairobi	29

Despite the increasing levels of public participation, 63% of respondents could not access the information they required from County Governments, 19% did not seek any information and only 16% indicated they had successfully got the information they required.

Figure 7: Availability of Information on Counties



Less than 1/5 Kenyans know how their taxes were being spent in FY 2015/2016. Only 20% of Kenyans were aware of their County's financial priorities and only 15% knew how their County Governments allocated the County Budget.

Figure 8: Awareness on County Budget Allocation

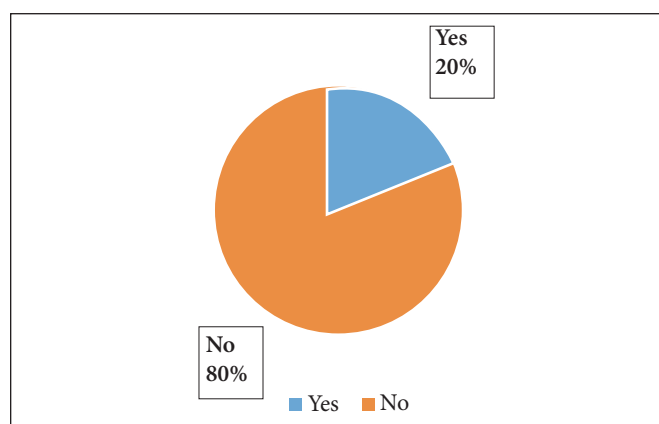
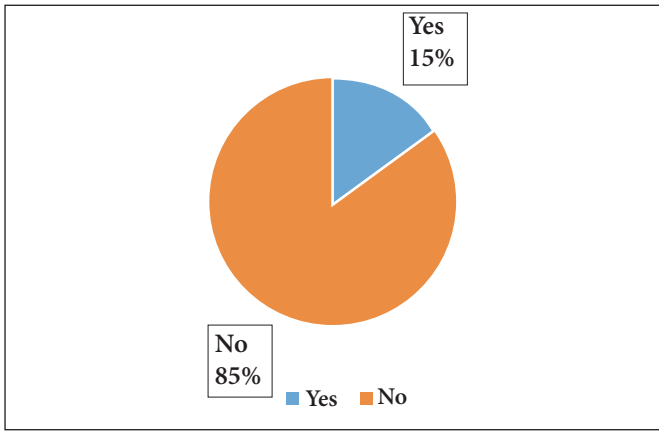


Figure 9: Awareness of County Financial Priorities



Women are 5% less likely to be aware of their county budget allocation or the financial priorities of their County.

Figure 10: Awareness on County Budget Allocation by Gender

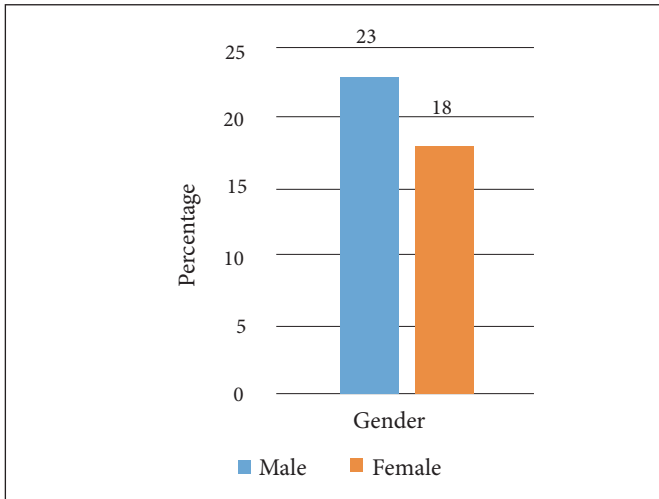
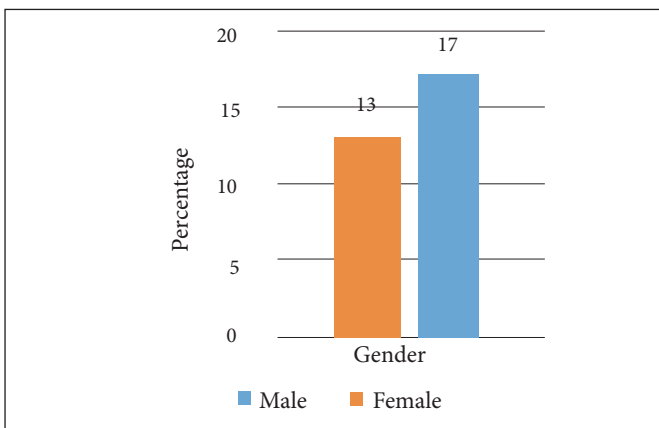
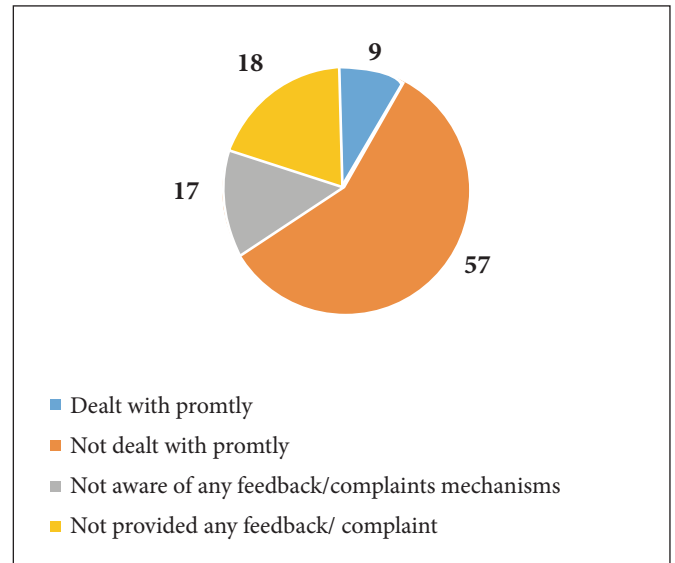


Figure 11: Awareness of Financial Priorities by Gender



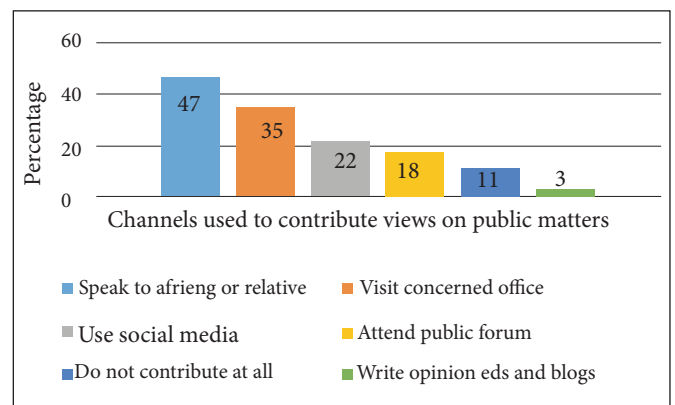
57% of Kenyans believe their complaints and feedback were not dealt with promptly enough by County Governments. Worryingly, 17% of the respondents were not aware of any feedback or complaints mechanisms. Only 9% felt County Governments dealt adequately with their complaints and feedback.

Figure 12: County Government Response to Feedback and Complaints



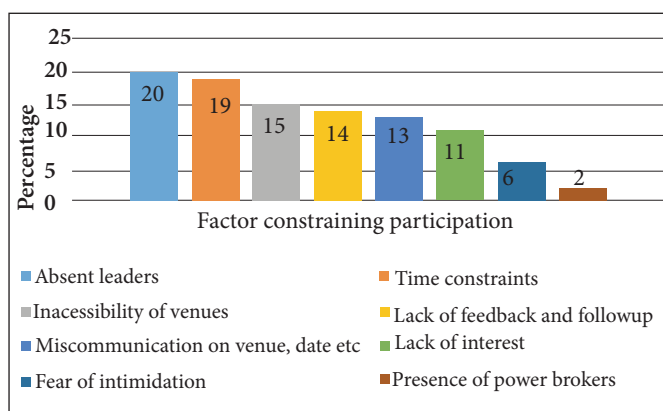
Although citizens are attending more public consultations, only 18% see them as the most suitable forums to express their views on public interest issues. 47% prefer to speak to a friend or a relative, 35% prefer to visit the concerned office, 22% opt to use social media and only 3% prefer writing opinion editorials and blogs. Very worryingly 11% declared that they did not contribute to public matters at all.

Figure 13: How Citizens Contribute to Views on Public Matters



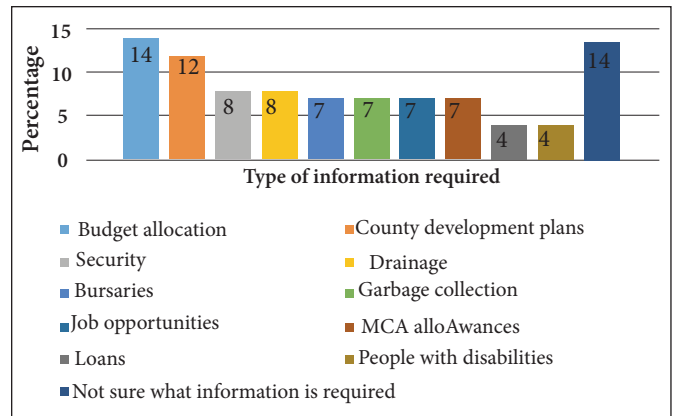
Several reasons were shared on why they found participation in public forums unattractive. 20% of the respondents cited absent leaders as a constraint to their participation in public forums. 19% cited they were too busy to attend meetings and 15% stated that the venues were often far off, making them inaccessible. 14% cited lack of follow-up and feedback by leaders after the meetings, 6% felt they would be intimidated if they expressed their opinion and 2% felt those forums were dominated by power brokers.

Figure 14: Constraints to Greater Participation



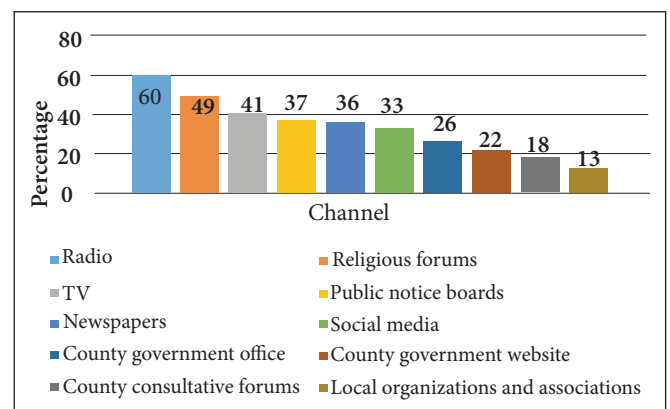
14% of Kenyans want information on their county budget allocation for the 2014/2015 financial year. 12% want to know what is contained in their county development plans. 8% are interested in what their County Governments are doing to improve county drainage and security. 7% require information on the county bursary plans, job opportunities, garbage collection and economic progress and the allowances of their Members of County Assemblies. 4% are interested in accessing County Government loans and plans for people with disabilities. 14% don't know what information they require from their county.

Figure 15: Type of Information Required by County Residents



The most preferred channels of communication is the Radio (60%) followed by announcements in religious forums (49%) and television (41%). Other less preferred channels include public notice boards (37%), newspapers (36%), Social media by 33%, County Government office (26%), County Government websites (22%) and County consultative forums (18%). Local organisations and associations were the least preferred channels with only 13% of respondents indicating these as appropriate channels.

Figure 16: Most Preferred Channel of Receiving Information



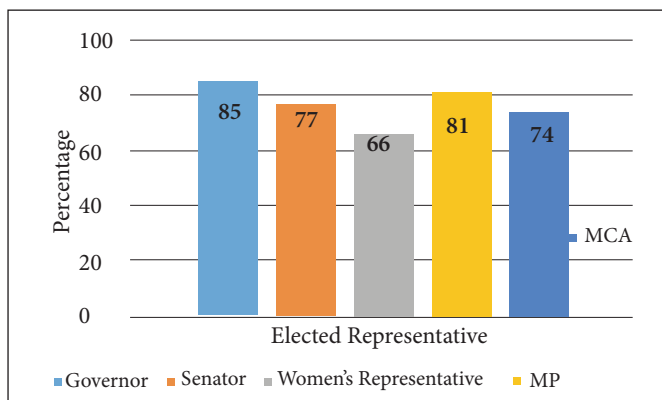
DEVOLUTION AND REPRESENTATION

Article 174 of the Constitution of Kenya sets out the decentralization of state organs and their functions to County Governments and increase County representation from two to five elected representatives. Increased representation was intended to ensure better articulation of citizens' issues and representation of groups historically excluded from leadership and representation.

Two years since the onset of devolution, it seems to be well received by Kenyans. Most Kenyans can identify their elected representatives. 85% can name their Governors. 81% know their Member of Parliament, 77% know their Senator and 74% their Member of the County Assembly.

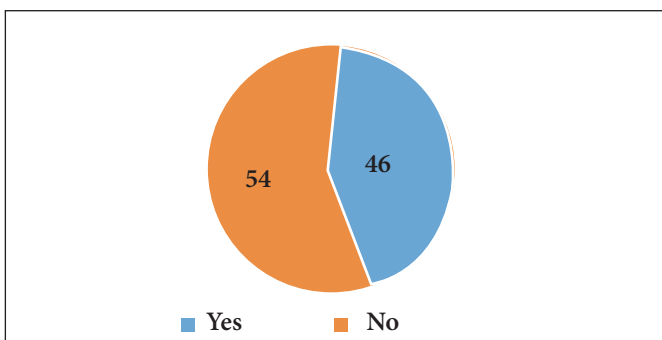
The Women's Representative is the least known by 66% of the respondents.

Figure 17: Kenyans knowledge of their Elected Representatives



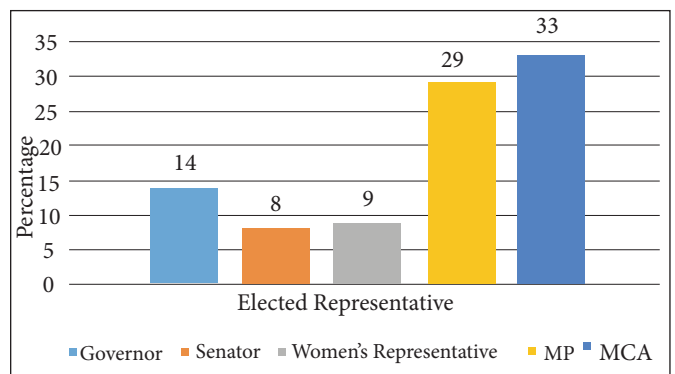
Less than 1 in 2 Kenyans have ever contacted their five elected representatives, a fact that could fuel more calls for a reduction in the levels of representation.

Figure 18: Have you Contacted an Elected Representatives



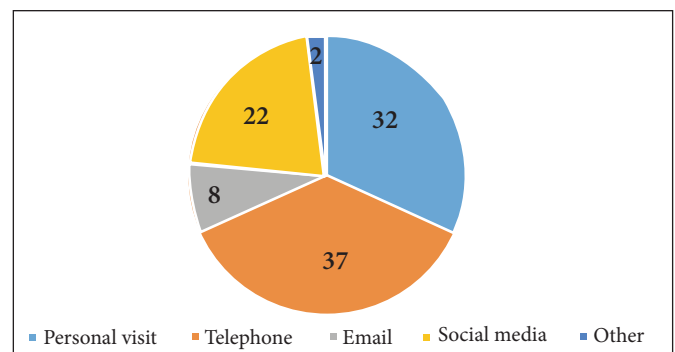
The most contacted elected representative in the counties are MCAs (33%), MPs (29%), Governors (14%), Senators (8%) and Women's Representatives (9%). It should be noted that only in the case of Women's Representatives did women have higher contact with representatives than men. It seems therefore, that if successful, calls for scrapping this position would disproportionately harm women's access to elected representatives.

Figure 19: Elected Representative most contacted



32% Kenyans who did make contact with their elected representatives did so through personal visits phone calls (37%) and social media (22%). Only 8% used email as a mode of contact. This seems to demonstrate that despite the presence of consultative forums, they may not be the most effective means of reaching their leaders, hence more personalised means could be sought to improve the quantity and quality of contact with leaders.

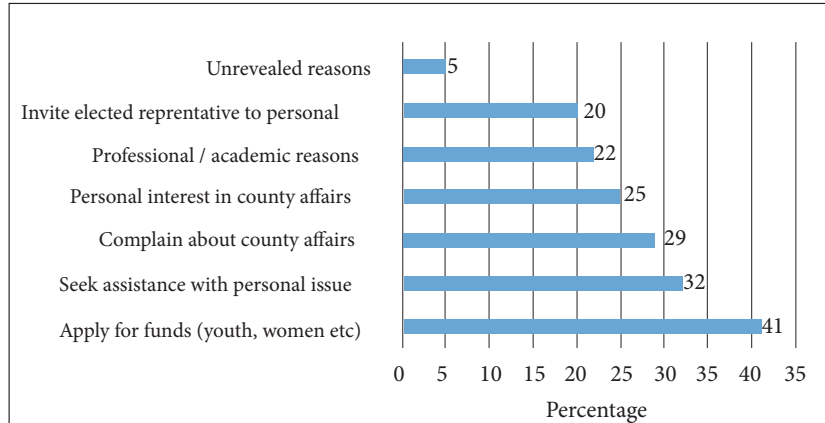
Figure 20: Modes of reaching Elected Representatives



41% contacted state officials for funds, 32% sought assistance with personal issues mostly related to school fees and health care. 29% of the respondents sought to complain on an issue affecting the county. 25% did so out of a

personal interest in county plans and 20% were requesting their attendance at a personal function. From these statistics, clientelism prevails inspite of the right to equal service provision is enshrined in the Constitution.

Figure 21: Reason for Contacting Elected Representatives



INTEGRITY

Article 6 and 13: All State Officers must demonstrate honesty, impartiality, selflessness, accountability, discipline and commitment in serving the people. Public service must be driven by high standards of professional ethics

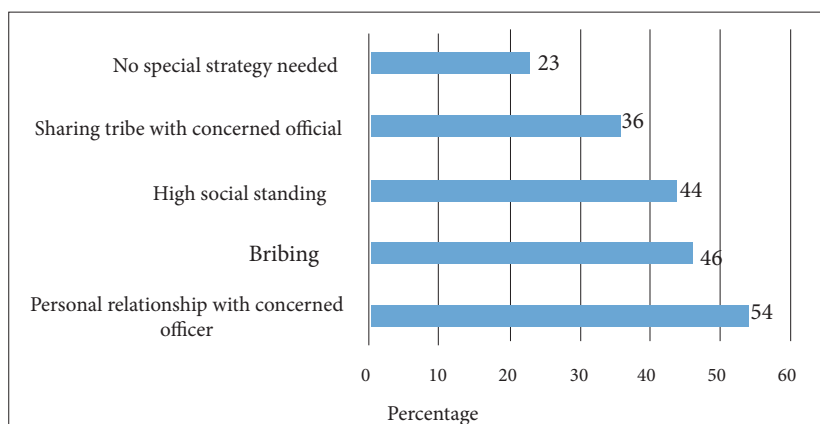
Article 10: Integrity is a national value

The value and directive principles of integrity were intended to extinguish rampant corruption, impunity and abuse of office. These vices were largely seen as being the cause of rights denial, economic stagnation and moral decay of over 43 million Kenyans. In 2015, the vision and values enshrined in Article

6, 10 and 13 are yet to become a reality in the lives of Kenyans.

54% of Kenyans believe that having a personal relationship with a public officer guarantees them better or faster services. 46% think bribery ensures them better service. 44% believe being wealthy, politically powerful or having a higher social standing within the community increases their chances of better service. 36% think that being the same ethnic group as the elected state official helps. Only 23% believe they did not need they needed to be "special" to get served.

Figure 22: Most Effective Way to Get Better and Faster Services



EQUALITY

Article 6 and 174: Devolution promote equality through equitable sharing of national and local resources
Article 43: All citizens have a right to basic and essential services such as health care, education, sanitation, housing, food, social security and clean water.

The value of equality recognizes the historical neglect of millions of Kenyans from accessing basic services. Non-discrimination ensures that all citizens from all socio-economic backgrounds access basic and essential services and break inter-generational cycles of poverty. Equality is key to promote a just and fair society. In 2015, many of these essential services were not accessible to many citizens.

More Kenyans access public education and healthcare than private services. 71% rely on public education, 26% on private facilities, 3% are locked out of both, while 1% access informal non-accredited education facilities. 65% rely on public healthcare, 32% access private hospitals and dispensaries, 2% are not able to

access either while 1% rely on unregulated or illegal health care options.

Approximately half the population accessed water, security and electricity through public means. 58% of the respondent's accessed water through public outlets. 30% access private water points. 7% have informal access and 5% have no access to any water supply.

52% of the interviewed respondents had access to public security, while 22% sought security services privately. However, 20% of the respondents indicated that they had no access to either public or private security services, while 5% of the respondents accessed security services informally. 50% of the respondents had access to public electricity, while 23% of the respondents accessed electricity privately. 20% were unable to access electricity while 7% had informal access to electricity.

Most Kenyans access housing and sanitation privately. 71% live in private housing, 21% access public housing, 4% live in informal housing and 4% are homeless. 48% rely on private sanitation, 38% public sanitation, 13% have no access to any form of sanitation and 5% rely on informal sanitation.

Figure 23: Access to Education

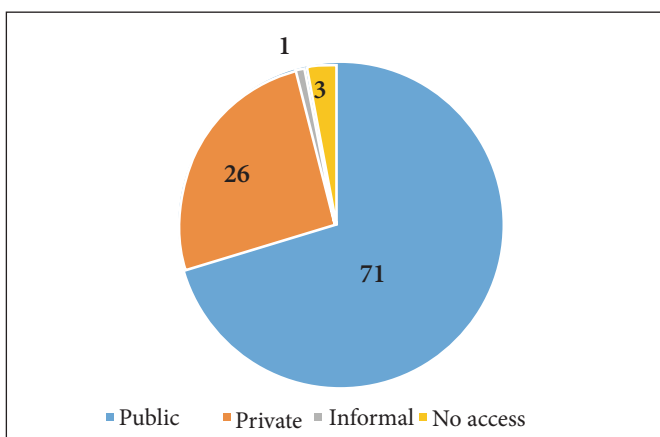


Figure 24: Access to Healthcare

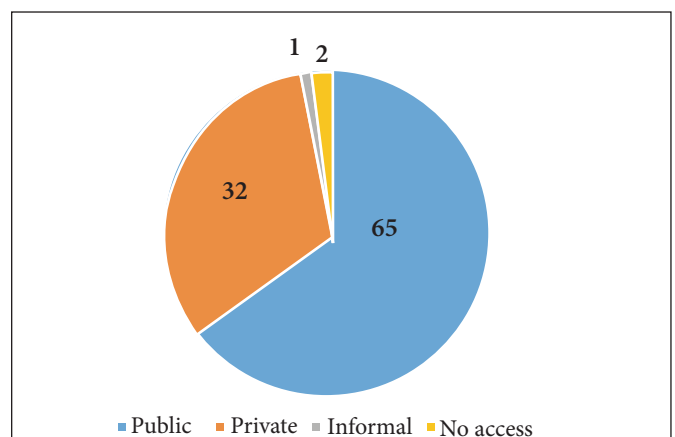


Figure 25: Access to Water

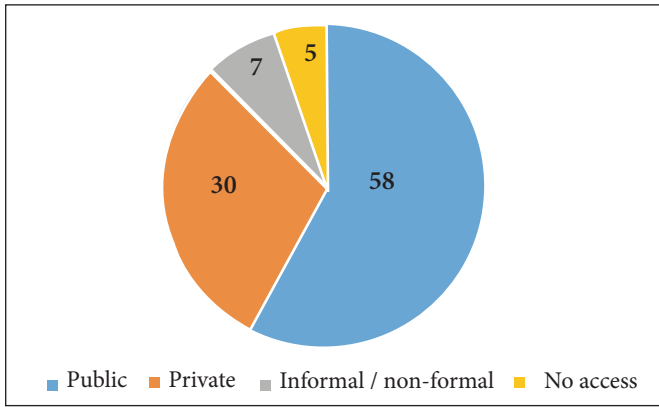


Figure 26: Access to Security Services

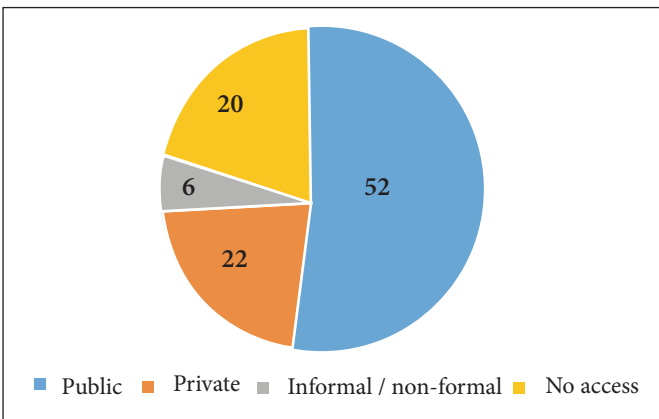


Figure 27: Access to Electricity

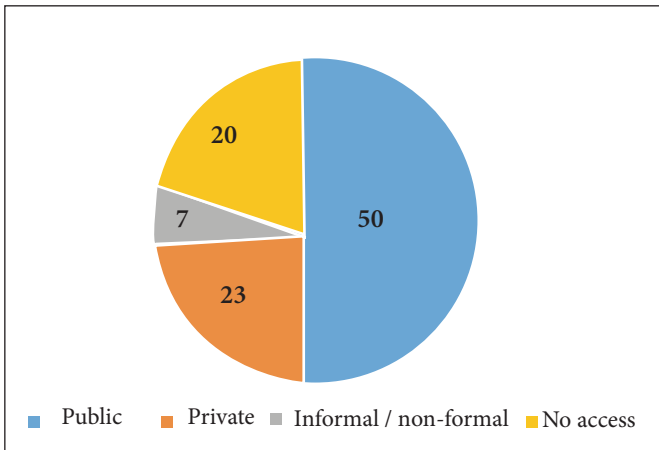


Figure 28: Access to Housing

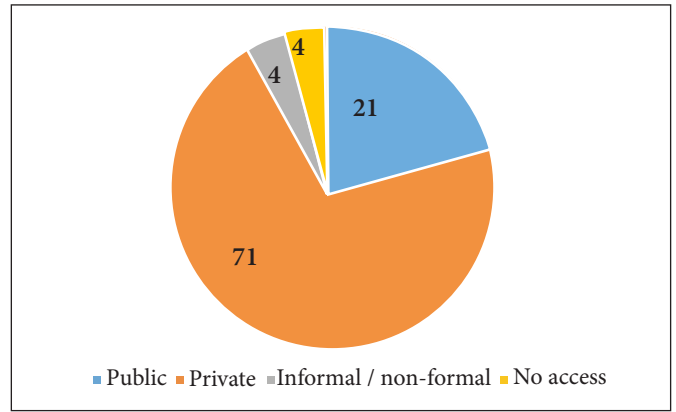
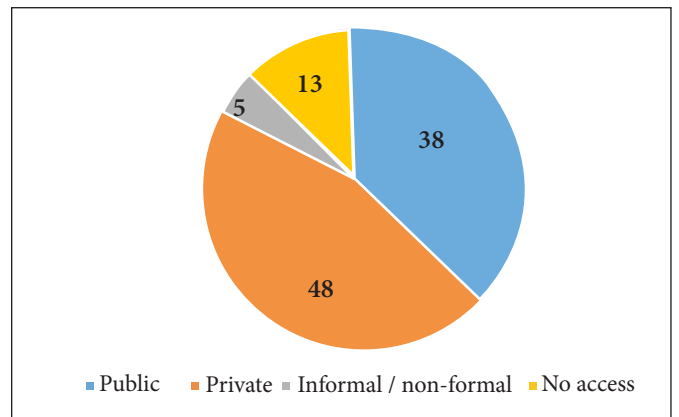


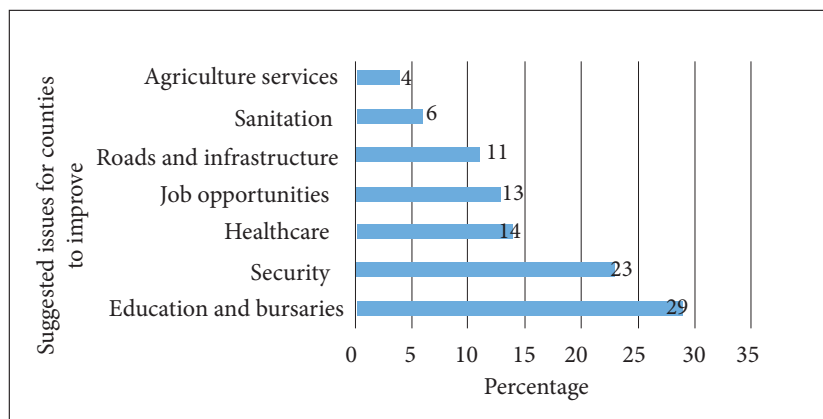
Figure 29: Access to Sanitation Services



PUBLIC SERVICES THAT KENYANS WANT TO SEE MOST IMPROVEMENT

29% and 23% of Kenyans cited education and security respectively as the public services in need of most improvement. 14% wanted more improvement in public healthcare and 13% proposed a focus on employment. 11% called for more investment in roads and infrastructure, 6% urged prioritization on sanitation services and 4% wanted to see more attention to agriculture.

Figure 30: Public Services in need of most improvement



CONCLUSIONS

This report captures the assessment and voices of 2,404 Kenyan men and women on four promises. These four promises namely public participation, devolution, equality and integrity are the most transformative elements of the Kenyan constitution

Increasing levels of participation over 2015 indicate a growing interest in public affairs. Currently, poorly organized consultative meetings and inappropriate communication mechanisms is betraying this growing interest.

They do not create room for citizens to dialogue with leaders in an informed manner, influence policy and hold public officials accountable. Consequently citizens are poorly informed on county plans and budgets and do not effectively direct county programmes and services.

Kenyans who can afford to do so are turning to more expensive private services despite the constitutional guarantee of the right to education, health, housing and security.

Most Kenyans believe that public offices do not operate on a non-discriminatory basis and continue to bribe and endear themselves to public officials using bribery, ethnicity and power to seek privilege.

In spite of this, we would argue that devolution remains a critical tool to increase representation, erode adverse inequalities and bring services closer to people. Over 2016, both citizens and leaders must find ways of embedding the Bill of Rights (Article 43) into the lives of all Kenyans.

The Society for International Development (SID) is an international network of individuals and organizations founded in 1957 to foster democratic participation in the development process.

For more than fifty years we have done this through locally-driven programmes that strengthen facilitated dialogue, knowledge-sharing and promote policy change.

The Kenya Dialogues Project (KDP) was established by SID in 2013 to create a public covenant and leadership around four central promises of the Constitution of Kenya. The four promises are: Public Participation, Integrity, Equality and Devolution. These promises enshrine the constitutional vision of a democratic, just, equitable and economically prosperous Kenya. We support knowledge-building, dialogue and action towards active citizenship and responsive governance.

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