



# BASELINE SURVEY FOR PHASE II OF AMKENI WAKENYA PROGRAMME (2015-2018)



## FINAL REPORT

PREPARED FOR:

**UNITED NATIONS DEVELOPMENT PROGRAMME**

PREPARED BY:

**INFOTRAK RESEARCH AND CONSULTING**

103, Manyani East Road, P.O Box 23081-00100, Nairobi, Kenya

Telephone: +254 020 233 8988 / +254 724 930 800

Email: [info@infotrakresearch.com](mailto:info@infotrakresearch.com)

**April 2017**



From  
the People of Japan



Kingdom of the Netherlands

**TABLE OF CONTENTS**

LIST OF ABBREVIATIONS AND ACRONYMS ..... vii

LIST OF TABLES..... ix

LIST OF FIGURES..... x

EXECUTIVE SUMMARY ..... xii

    Background ..... xii

    Survey Objective ..... xii

    Methodology..... xiii

1.0 INTRODUCTION AND BACKGROUND INFORMATION ..... 17

    1.1 The Amkeni Wakenya Programme ..... 17

    1.2 Situational Analysis..... 21

    1.3 Literature Review ..... 24

    1.4 Objectives of the Baseline Survey ..... 30

    1.5 Study Scope ..... 31

    1.6 Target Groups..... 31

2.0 SURVEY APPROACH AND METHODOLOGY ..... 32

    2.1 Introduction..... 32

    2.2 Literature Review ..... 32

    2.3 Qualitative Approach..... 33

    2.4 Quantitative Approach ..... 34

    2.5 Sampling Procedure, Household and Respondent Selection ..... 34

    2.6 Quality Assurance and Control Measures ..... 35

        2.6.1 Quality Control during Questionnaire Design and Scripting..... 35

        2.6.2 Development of training materials/field manual ..... 35

        2.6.3 Recruitment and Training ..... 35

        2.6.4 Pilot Survey and Debrief ..... 36

        2.6.5 Field deployment ..... 36

        2.6.6 Fieldwork..... 36

        2.6.7 Uploading of Survey Data ..... 37

    2.7 Survey Challenges..... 37

3.0 IMPROVED RESPECT, ENJOYMENT AND PROMOTION OF ACCESS TO JUSTICE, HUMAN RIGHTS AND FREEDOMS FOR KENYAN ..... 38

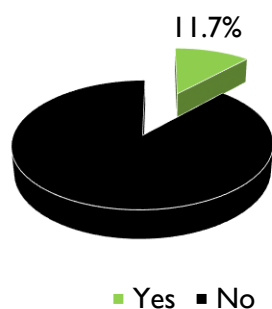
    3.1 Introduction..... 38

    3.2 Improved Respect and Promotion of Access to Justice ..... 38

3.2.1	Percentage of Kenyans accessing Justice in the counties.....	38
3.3	Enhanced Citizen Awareness and engagement on human rights using innovative CSO approaches .....	58
3.3.1	Percentage of Citizens’ aware of basic human rights (water, health, sanitation, education, and others) .....	58
3.3.2	Innovative Approaches and Models by CSOs in Raising Human Rights awareness.....	64
	Figure 18: Sources of information on rights and freedom .....	65
	Figure 19: Factors leading to limited awareness of human rights.....	69
3.4	Enhanced Access to justice for the marginalized and vulnerable communities using innovative CSO approaches.....	72
3.4.1	Enhanced Access to justice for the marginalized and vulnerable .....	72
3.4.2	Number of laws and policies on ADR adopted at National Level .....	76
4.0	ENTRENCHING A RIGHTS- RESPONSIVE DEVOLVED SYSTEM OF GOVERNANCE .....	77
4.1	Introduction.....	77
4.1.1	Number of Amkeni supported counties with CIDPs that are HRBA compliant .....	78
4.1.2	Number of target counties that have functional mechanisms for citizen engagement .....	78
4.1.3	Percentage of citizens in target counties satisfied with engagement mechanisms employed by the county government .....	88
4.2	Capacity of CSO to engage county governments and duty bearers on planning, budgeting, project management and service delivery using HRBA.....	91
4.2.1	CSOs’ participation in planning and budgeting at the county level.....	91
4.2.2	CSO and county Government staff trained on HRBA approaches.....	92
4.3	Rights-responsive County Public participation laws, frameworks and platforms established and institutionalized .....	94
4.3.1	Percentage of citizen participating in county legislation processes in target counties	94
4.3.2	Laws on citizen participation adopted with demonstrable citizen participation at the county level .....	98
4.4	Enhanced citizens’ knowledge and skills in devolved governance and policy processes .....	98
4.4.1	Percentage of citizens who are aware of devolved governance processes .....	98
4.4.2	Citizens reached with Civic Education on Devolution.....	106
4.5	Innovative CSO partnerships with county duty bearers and national processes/institutions (involved in the devolved government reforms) in enhancing rights and freedoms.....	111
4.5.1	Institutions engaged at the national levels.....	111
4.5.2	CSOs initiatives supported by the county duty-bearers .....	112
4.5.3	Changes arising from the successful partnerships in the devolution landscape.....	112

5.0 ORGANIZATIONAL PERFORMANCE, SUSTAINABILITY AND ENABLING ENVIRONMENT FOR CSOs IN KENYA.....	114
5.1 Introduction .....	114
5.2 Improved Organizational Performance .....	114
5.2.1 CSOs whose capacity performance index has improved.....	114
5.3 Enabling Policy and Legal Frameworks on CSOs .....	114
5.3.1 CSOs Participating in Policy Development Discourses .....	114
Of the surveyed CSOs, only two organizations (Legal Resources Foundation and ICJ Kenya) mentioned that they are engaged in policy development discourse.....	114
5.3.2 Laws and Policies on PBOs adopted.....	114
5.4 Capacity of PBO Authority to Discharge its Mandate .....	115
5.4.1 CSOs submitting annual returns and reviewed by the CSO Regulator .....	115
5.4.2 Rating of the CSO Regulator as an enabler for CSOs.....	115
5.5 CSO Self-Regulation Mechanisms.....	115
5.5.1 Level of CSO satisfaction with the role of CSO self- regulation.....	115
5.5.2 CSOs fulfilling their contractual obligations to donors.....	116
5.6 CSO Organizational Development, Impact and Sustainability Capacity.....	116
5.6.1 CSOs with Operational Systems in Place.....	116
5.6.2 CSOs generating at least 10 per cent of their annual budget internally .....	117
6.0 CAPACITY OF CIVIL SOCIETY ORGANIZATIONS TO RESPOND TO CONTEMPORARY GOVERNANCE ISSUES .....	118
6.1 Introduction .....	118
6.2 Integration of human rights in laws, frameworks and operations governing extractive industries.....	118
6.2.1 Emerging governance Issues.....	118
6.2.2 Stakeholders’ perception of civil society response to contemporary governance ..	118
6.2.3 Laws and frameworks governing extractive industries with CSOs’ participation ....	119
6.2.4 Citizens Participating in Extractive Industries.....	120
About one out of every 10 (11.7 per cent) surveyed households had a person working in an extractive industry. Extractive industry is defined as any process that involves the extraction of raw materials (oil, gas, minerals, quarrying, sand harvesting) from the earth.....	120

*Do you or any of your household members work in an extractive industry?*



..... 120

Figure 41: Percentage of Kenyans working in an extractive industry ..... 120

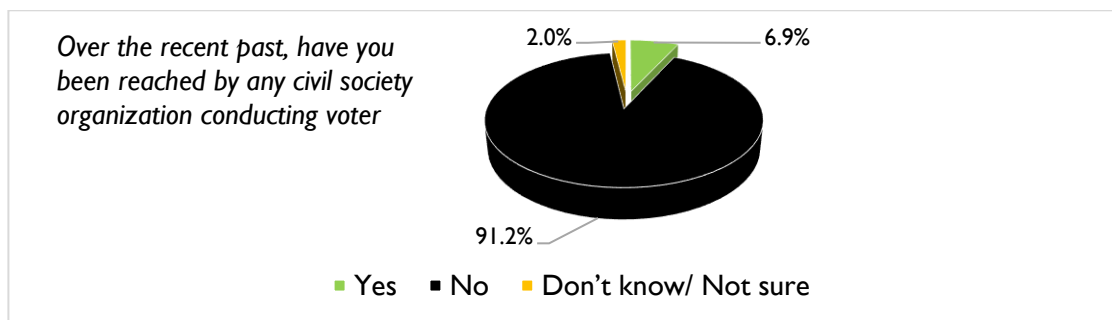
Garissa, Uasin Gishu, Laikipia and Wajir counties had the highest proportion of respondents working in an extractive industry at 42.4 per cent, 37.6 per cent, 37.3 per cent and 31.8 per cent respectively. .... 120

Table 38: Percentage of respondents working in an extractive industry by county ..... 120

6.3 Citizen participation in electoral processes and political accountability ..... 121

6.3.1 Citizens covered by CSOs during voter education ..... 121

Majority (91.2 per cent) of the surveyed respondents had not been covered by CSOs conducting voter education. Only 6.9 per cent of the respondents indicated to have been reached by the CSOs. .... 121



. 121

Figure 42: Percentage reached by CSO voter education ..... 121

Marsabit (26.8per cent), Kitui (25.8 per cent) and Isiolo (21.3 per cent) counties had the highest percentage of respondents who have benefitted from a CSO facilitated voter education. 121

Table 39: Percentage of Kenyans reached by CSO voter education ..... 121

6.3.2 CSOs supported to provide civic education ..... 122

6.4 Integrity and political accountability ..... 122

6.4.1 Integrity and accountability laws and policies reviewed ..... 122

6.4.2 Level of Public Awareness on Corruption and Integrity in Key Government Institutions ..... 122

About half (49.7 per cent) of the respondents are aware of corruption and integrity issues in key governance institutions (county governments, courts, police). .... 122

Figure 43: Level of public awareness of corruption and integrity in key institutions..... 122

7.0 CAPACITY OF AMKENI TO SUPPORT CSOs AND STAKEHOLDERS EFFICIENTLY, EFFECTIVELY AND SUSTAINABLY ..... 125

7.1 Introduction ..... 125

This chapter looks at the programme’s capacity to support CSOs and stakeholders efficiently, effectively and sustainably. It highlights baseline values and/or information of the following indicators: CSOs rating of Amkeni’s service delivery; performance management for staff; quality of governance structures in place; number of SRG and DP meetings held in accordance to the programme policies; f M&E recommendations from ETE implemented; an interactive Amkeni website in place; number of knowledge products developed and disseminated; and the ratio of received funds against the AWP budget. .... 125

7.2 Adequate and professional human resources ..... 125

7.2.1 CSOs Rating of Amkeni service delivery..... 125

7.2.2 Performance management for Amkeni staff ..... 125

7.3 Staff capacity and governance structures of Amkeni ..... 126

7.3.1 Quality of governance structures in place ..... 126

7.3.2 Capacity of Amkeni Staff..... 126

7.4 Governance processes of Amkeni ..... 126

7.4.1 SRG and DP meetings ..... 126

7.5 Monitoring and evaluation, reporting and knowledge management..... 127

7.5.1 M&E recommendations from ETE implemented ..... 127

7.6 Visibility and profile of Amkeni as critical actor in governance ..... 127

7.6.1 An interactive Amkeni website ..... 127

7.6.2 Knowledge products developed and disseminated ..... 127

7.7 Amkeni business processes ..... 128

7.7.1 Rating of Amkeni’s Business Processes ..... 128

7.8 Resources for Amkeni’s work generated in sustainable manner ..... 129

7.8.1 Ratio of received funds against the AWP budget..... 129

Initially the programme had a budget of about US\$ 45 million a year. However, this amount was later scaled down to US\$ 20 million. By January 2017, the programme had raised US\$ 2 million and is expecting to bring on board more donors to raise additional US\$ 10 million by February 2017. Once raised, US\$ 12 million translates into 60 per cent of the entire programme budget. Current programme donors include the Government of Netherlands and the Government of the people of Japan. European Union is expected to join the list of donors soon. Some of the donors for the previous phase have not yet committed funds for the programme. .... 129

According to development partners, the programme needs to diversify and figure out how to have uninterrupted funding. One way out would be to move beyond their traditional donors and approach other donors, private sector, philanthropists, and foundations. .... 129

8.0 CONCLUSION AND RECOMMENDATIONS .....	130
8.1 Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans.....	130
8.2 A Rights responsive devolved system of governance .....	131
8.3 CSOs Capacity .....	133
8.4 Strengthening Amkeni Wakenya Programme.....	134
9.0 APPENDIX.....	135
9.1 Sampling Design .....	135
9.2 Sample Distribution .....	136
9.3 Indicators and Data Sources.....	141
9.4 References.....	147

## LIST OF ABBREVIATIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
CAPI	Computer Assisted Phone Interviews
CBO	Community Based Organization
CDP	Country Programme Document
CIDP	County Integrated Development Plan
CPAP	Country Programme Action Plan
CPI	Capacity Performance Index
CSO	Civil Society Organization
DP	Development Partner
EA	Enumeration Area
EACC	Ethics and Anti-Corruption Commission
FBO	Faith-Based Organization
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno-deficiency syndrome
HRBA	Human Rights-Based Approach
IEBC	Independent Electoral and Boundaries Commission
ICJ	International Commission for Jurists
IEC	Information, Education and Communication
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National commission on Human Rights
LPAC	Local Project Appraisal Committee
LRF	Legal Resources Foundation
MTP	Medium Term Plan
NGO	Non-Governmental Organization
ODK	Open Data Kit
PPP	Public Private Partnership
PPS	Population Proportionate to Size
PWDs	Persons with Disability



SID	Society for International Development
SRG	Stakeholders Reference Group
UNHCR	United Nations High Commission for Refugees
UDHR	Universal Declaration of Human Rights
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
VDS	Vision 2030 Delivery Secretariat

**LIST OF TABLES**

Table 1: Political Components of UNDAF .....	18
Table 2: Amkeni Wakenya Phase II Thematic Areas and Potential Partners .....	20
Table 3: KIIIs Distribution.....	33
Table 4: FGD distribution .....	34
Table 5: Form of Justice Accessed.....	40
Table 6: Awareness of places for resolving disputes in the community by County .....	42
Table 7: Experience of recent disputes/cases requiring the intervention of the third party .....	44
Table 8: Action taken on a dispute requiring intervention of a third party .....	45
Table 9: County analysis of where a dispute requiring intervention of a third party was reported ...	47
Table 10: Level of utilization of services of various justice sector institutions/persons .....	48
Table 11: Time taken by various justice institutions to resolve a dispute .....	49
Table 12: Affordability of justice by county .....	49
Table 13: Satisfaction with the outcome of the dispute resolution by institution .....	51
Table 14: Confidence in the Police in Guaranteeing Rights and Freedoms .....	51
Table 15: Confidence in Courts by County .....	53
Table 16: Distance Covered to the Nearest Institutions of Resolving Cases.....	56
Table 17: Level of Information on one’s rights and freedoms .....	59
Table 18: Demand for rights and freedoms.....	63
Table 19: Sources of information on rights and freedom in various Counties.....	67
Table 20: Factors leading to limited/unimproved knowledge of the rights and freedoms of the respondents by County .....	70
Table 21: Respondents who have benefited from Legal Aid Programme by County .....	75
Table 22: Mechanisms for getting citizenry views on county policy, budget and legislative matters..	81
Table 23: Means of inviting people to citizen engagement forums by county .....	84
Table 24: Ease to participate and influence county decision and legislation making.....	85
Table 25: Level of public participation in counties .....	86
Table 26: Satisfaction with the extent of public participation in the operations of county governments .....	89
Table 27: Satisfaction levels with the extent of public participation in the operations of county governments by Gender .....	90
Table 28: Participation in County legislation meeting/forum .....	95
Table 29: Extent of consultations in county decision making.....	97
Table 30: Awareness of the Devolved Governance Processes by County.....	100
Table 31: Extent to which citizens are informed about devolved governance functions by county .	102
Table 32: Extent to which citizens are informed about devolved governance by gender .....	103
Table 33: Public Perceptions of the functions of key county offices by gender.....	105
Table 34: Principles and Values observed by county government .....	105
Table 35: Civic Education on Devolution by County .....	107
Table 36: Providers of Civic Education.....	109
Table 37: Rating effectiveness of CSOs in responding to contemporary governance issues .....	119
Table 38: Percentage of respondents working in an extractive industry by county .....	120
Table 39: Percentage of Kenyans reached by CSO voter education .....	121
Table 40: Public awareness of corruption and integrity in key institutions .....	123

Table 41: Do ordinary people have a role in the fight against corruption..... 124  
 Table 42: INDICATOR MATRIX DASHBOARD ..... 148

**LIST OF FIGURES**

Figure 1: Baseline Survey Approach..... 32  
 Figure 2: Percentage of Kenyans Accessing Justice ..... 39  
 Figure 3: Percentage of Kenyans Accessing Justice by County ..... 39  
 Figure 4: Percentage of Kenyans Accessing Justice by Gender ..... 40  
 Figure 5: Access to justice by Persons with Disabilities ..... 41  
 Figure 6: Awareness of place (s) for resolving disputes/ cases arising among community members .. 41  
 Figure 7: Awareness of places for resolving disputes in the community by gender ..... 43  
 Figure 8: Popular places for dispute resolution ..... 43  
 Figure 9: Action taken on a dispute requiring intervention of a third party ..... 44  
 Figure 10: Where dispute requiring intervention of a third party was reported ..... 46  
 Figure 11: Time taken to resolve a dispute ..... 48  
 Figure 12: Affordability of various Justice Institutions ..... 50  
 Figure 13: Satisfaction with the outcome of the dispute resolution ..... 50  
 Figure 14: Confidence in the Kenyan courts ..... 53  
 Figure 15: Challenges encountered in seeking justice from courts..... 57  
 Figure 16: Level of Information on one’s rights and freedoms ..... 59  
 Figure 17: Awareness of various rights and freedoms ..... 61  
 Figure 18: Sources of information on rights and freedom ..... 65  
 Figure 19: Factors leading to limited awareness of human rights..... 69  
 Figure 20: Access to justice by the marginalised ..... 72  
 Figure 21: Access to justice by the marginalised per county ..... 73  
 Figure 22: Awareness of legal aid programmes ..... 74  
 Figure 23: Awareness of legal aid programmes by county ..... 74  
 Figure 24: Percentage of people benefitting from a legal aid programme..... 75  
 Figure 25: Percentage benefitting from legal aid by Gender ..... 75  
 Figure 26: Mechanisms for getting views from the citizenry on county policy and legislative matters80  
 Figure 27: Means of inviting people to county public participation matters ..... 83  
 Figure 28: Obtaining citizenry opinion..... 86  
 Figure 29: Motivating factors to attend/participate in county public participation forums? ..... 87  
 Figure 30: Satisfied with the extent of public participation in the operations of county governments  
 ..... 89  
 Figure 31: Attendance of meetings or forum to give views on county laws/legislation..... 94  
 Figure 32: Extent of consultations in county decision making ..... 96  
 Figure 33: Awareness of devolved governance processes ..... 99  
 Figure 34: Awareness of devolved governance processes by gender ..... 100  
 Figure 35: Informed about devolved governance functions ..... 101  
 Figure 36: Extent to which citizens are informed about devolved governance by gender ..... 104  
 Figure 37: Public Perceptions of the functions of key county offices..... 104  
 Figure 38: Received civic education on devolution? ..... 107

Figure 39: Providers of the civic education.....	108
Figure 40: Rating effectiveness of CSOs in responding to contemporary governance issues .....	118
Figure 41: Percentage of Kenyans working in an extractive industry .....	120
Figure 42: Percentage reached by CSO voter education .....	121
Figure 43: Level of public awareness of corruption and integrity in key institutions.....	122
Figure 44: Do ordinary citizens have a role to play in the fight against corruption? .....	123

## EXECUTIVE SUMMARY

### Background

This report presents the findings of a Baseline Survey carried out for UNDP's Amkeni Wakenya second Phase programme (2015- 2018). The programme is concentrating on five result areas, namely; access to justice and realization of human rights; entrenching rights-responsive devolved system of governance; enabling environment for civil society in Kenya; effective civil society response to contemporary governance issues; and improving internal capacities of the programme. The baseline survey was carried out from 8<sup>th</sup> to 25<sup>th</sup> November, 2016.

The chapters are organized to give a simple and clear insights into the findings, and accompanied with illustrations where appropriate. Chapter I gives background information on the programme and pertinent issues crucial to interventions on the thematic areas. The contextual issues, survey approach, coverage and methodology are reviewed in the first two chapters.

Chapters three to eight present the findings based on the programme's outcome and output indicators. Quantitative and qualitative survey findings have been collated, discussed and integrated in the respective indicators. Particularly, chapter three discusses Access to Justice and Human Rights issues, with focus on county analysis. It presents findings on human rights awareness and engagements, confidence in the justice system, alternative dispute resolution, marginalization, demand for rights and freedoms, as well as civil society dialogue in governance and development.

Chapter four captures findings on the state of devolved governance and incorporation of human rights-based approaches to development and planning, while chapter five highlights the environment in which CSOs operate.

Chapter six explains the capacity of CSOs to respond to governance as chapter seven details organizational appraisal of the programme functioning. The capacity of Amkeni Wakenya to support CSOs and stakeholders, effectively and efficiently, is discussed in this chapter. Chapter eight provides conclusions and recommendations.

### Survey Objective

The survey was aimed at establishing the baseline values for Amkeni Wakenya Phase II outcome and output indicators. It covered 20 counties namely; Garissa, Isiolo, Kakamega, Kisii, Kisumu, Kitui, Kwale, Laikipia, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Narok, Nyeri, Tana River, Turkana, Uasin Gishu and Wajir ,where the programme is being implemented.

## Methodology

This survey used a mixed approach which involved quantitative and qualitative methods. A review of literature was conducted to collect secondary data that helped to understand the programme context as well development of the data collection tools. Secondary data helped in triangulating survey findings with those of previous relevant studies.

The quantitative phase entailed household interviews with a representative sample of members of the public in the targeted counties. In total, 3,277 household interviews were conducted in the counties.

Qualitative method included focus group discussions with members of public and key informant interviews with crucial stakeholders of the Amkeni Wakenya Programme. In total, 75 key informant interviews and 20 FGDs were conducted.

## KEY FINDINGS

### **Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans**

The Constitution of Kenya 2010 provides for respect and enjoyment of human rights and freedoms for Kenyans<sup>1</sup>. The Constitution further provides for access to justice for all, at an affordable fee<sup>2</sup>. Since promulgation of the Constitution in 2010, human rights and rule of law have taken centre stage in national discourse.

Overall, only about one out of every 10 Kenyans (14.3 per cent) who had sought justice was able to access it<sup>3</sup>. The highest proportions of respondents who sought and got justice were in Laikipia (34 per cent), Marsabit (32 per cent), Kisumu (32 per cent) and Kisii (30 per cent). Further, only 15 per cent of the marginalized and vulnerable communities indicated that they sought and got justice<sup>4</sup>. Access to justice remains a challenge to the poor hence the need to operationalize and enhance legal aid provision.

Informal justice mechanisms were the most popular among the respondents. A majority of respondents who referred their disputes to a third party did so - to either a local administrator (44

---

<sup>1</sup> Chapter 4 of the constitution.

<sup>2</sup> Article 48

<sup>3</sup> This is the percentage of Kenyans who took a dispute to a third party for resolution and were satisfied with the outcome.

<sup>4</sup> Marginalized communities are defined as; a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as whole, b) a traditional community that, out of need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as whole, c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy or, d) pastoral persons and communities.

per cent), the police (32 per cent) or Council of Elders (10 per cent). Preference of informal justice system shows the complementary role of alternative dispute resolution and its institutions as an alternative to the court process.

Lack of public confidence in justice institutions remains a major issue. A majority of the respondents (54 per cent) lacked confidence in the Kenya Police Service to promote human rights standards and fundamental freedoms. Similarly, nearly half (49 per cent) of the respondents indicated that they didn't have confidence in the courts to provide justice for all.

Respondents cited several challenges hindering access to justice. Inadequate access to legal services (67 per cent), complicated legal procedures (34 per cent), long distances to the relevant institutions (29 per cent), unaffordable costs (28 per cent) and corruption (23 per cent) were mentioned as the major challenges faced when seeking justice from the courts of law.

Awareness of human rights and freedoms is below average. Only 39.2 per cent of the respondents indicated they were well-informed of their rights and freedoms. A majority of the respondents were either somewhat informed (54.2 per cent) or not informed at all (6.5 per cent) of their rights and freedoms. More people had top of mind awareness of their civil and political rights compared to economic, social and cultural rights. According to the key informants, enforcement of rights and freedoms is a challenge even to those who are aware of such rights.

CSOs, NGOs and other government agencies have been providing civic education through different approaches to raise awareness of human rights and freedoms. The key approaches deemed appropriate and innovative were: mainstream media (radio and TV), social media, information, education, and communication (IEC) materials, and one-on-one forums.

### **Entrenching a rights-responsive devolved system of governance**

The 2010 Constitution ushered in a new system of devolved governance. The Constitution established 47 county governments and provided for devolution of functions and services<sup>5</sup>. Article 10 of the Constitution lists public participation and human rights as key principles of governance for all state organs.

All of the surveyed county governments have established frameworks for citizen engagement. Citizens are mainly engaged during budget preparation, policy-making and legislation. Among the mechanisms used to engage people include; public participation meetings, interactive websites, radio talk shows, newspapers and social media.

---

<sup>5</sup> Article 6

The household survey established that public participation in county government affairs is quite low. For most counties, less than one in every 10 people has ever had their opinion sought by their respective county governments. Garissa and Uasin Gishu counties recorded the highest public participation scores at 51 per cent and 31 per cent respectively. However, 29 per cent of the respondents who haven't attended their county public participation forums would do so if invited. Others would attend if they were aware of such public participation forums (20 per cent) or if the matter at hand directly affects them (8 per cent). Overall, a majority (52 per cent) of the respondents are not satisfied with the level of public participation in county government affairs.

Interviews with county government representatives established that 10 out of the 20 surveyed counties have enacted public participation laws to guide citizen engagement frameworks. They are: Turkana, Nyeri, Nairobi, Kwale, Wajir, Garissa, Laikipia, Kisumu, Nakuru and Tana River. Mombasa and Uasin Gishu counties have their Public Participation Bills pending in county assemblies.

### **Organizational performance, sustainability and enabling environment for CSOs in Kenya**

This survey findings show a weak policy and legislative reforms for the public benefits sector. In the recent months, several CSOs have faced hostility from both their regulator and other government authorities. There have been unwarranted restrictions such as cancellation of registration and freezing of CSOs' bank accounts.

Nearly all of the surveyed CSOs indicated they had operational systems, such as strategic plans, annual work plans, grants manual, advocacy manual, resource mobilization manual, monitoring and evaluation plans, financial management manuals, human resource manuals and communication manuals. All CSOs indicated that they have put in place a financial management system, and that they fulfilled contractual obligations to their donors.

### **Capacity of civil society organizations to respond to contemporary governance issues**

According to a majority - 65.8 per cent - of Kenyans, civil society organizations have been effective in responding to contemporary governance issues. Surveyed CSOs underscored their role in responding to contemporary governance issues. They reported their involvement in integrity and public accountability demands. Other emerging governance issues that CSOs have responded to include; protection of human rights and freedoms, extrajudicial killings, parliamentary Bills, rule of law, and access to justice among others.



### **Capacity of Amkeni Wakenya to Support CSOs and stakeholders**

All of the surveyed CSOs rated the Amkeni Wakenya Programme as either good or very good. According to them, the programme has played a critical role in delivering quality and timely services.

## I.0 INTRODUCTION AND BACKGROUND INFORMATION

### I.1 The Amkeni Wakenya Programme

*Amkeni Wakenya* is a UNDP-supported Civil Society Democratic Governance programme set up in 2008 to promote democratic governance in Kenya. It works through civil society organizations to promote democracy, human rights, governance reforms, and the integration of human rights- based approach in social and economic reforms. The first phase of Amkeni Wakenya (2008- 2014) was supported by the Embassies of Japan, Netherlands, Norway and Sweden, the European Union and the UNDP.

The first phase was designed to promote objectives of the broad national and UN development frameworks such as Kenya's Vision 2030's first Medium Term Plan (MTP I), the United Nations Development Assistance Framework (UNDAF) for 2009-2013; and UNDP's Country Programme Action Plan (CPAP). During that phase, *Amkeni Wakenya* supported more than 370 CSOs to contribute to reforms in the country, including national healing and reconciliation following the 2007/8 post-election violence; implementation of Agenda Four of the National Accord; Constitution review and implementation; civic and voter education on the 2013 general elections. The support involved grant making, capacity building and knowledge management.

The second Phase (2015- 2018) is aligned to the Strategic Result No. I of the United Nations Assistance Framework on Transformational Governance which seeks to ensure that by 2030, Kenya enjoys good governance anchored in rule of law that guarantees human rights and equitable access to justice.

UNDP is committed to support four strategic programme areas: a) devolution and accountability; b) productive sectors and trade; c) environmental sustainability, renewable energy and sustainable land management; and d) community security, cohesion and resilience. Amkeni Wakenya programme is anchored on priority one - supporting civil society to promote dialogue between citizens and governments.

The UN believes that achieving sustainable human development, inclusive growth and a peaceful and just society cannot happen without good governance. In pursuit of this, the Government and the UN have identified four UNDAF outcome domains, under the Transformational Governance Strategic Result Area, for UN support: Policy and Institutional Frameworks; Democratic Participation and Human Rights; Devolution and Accountability; and Evidence and Human Rights-based Decision-making as shown in the table below.

**Table I: Political Components of UNDAF**

<b>Political</b>		
<b>Political and issue-based, people-centered, results-oriented and democratic political system</b>		
Strategic result I-Transformational Governance		
By 2030 Kenya has a state of good governance anchored in the Rule of Law that guarantees human rights and equitable access to justice, underpinned by a democratic culture that is open, participatory, effective, inclusive, credible and transparent with institutions and systems that are fully devolved, responsive, accountable and result oriented.		
<i>Outcome Policy Institution Framework</i>	<i>1.1 and</i>	By 2016 the constitutionally mandated policy and institutional framework is fully operationalized; National laws meet international standards particularly with regard to the protection of human rights; the judiciary and justice system are responsive, effective, accessible and independent; and law enforcement system is reformed, people-oriented and anchored on integrity.
<i>Outcome Democratic participation and human rights</i>	<i>1.2</i>	By 2017 Kenya has a democracy in which human rights and gender equality are respected; elected officials are responsive and accountable; citizens and civil society are empowered, responsible and politically/socially engaged; equitable representation is achieved through affirmative action; and the electoral processes are free, fair, transparent and peaceful
<i>Outcome Devolution and accountability</i>	<i>1.3</i>	By 2017 Kenya has a participatory devolution process that is well understood by stakeholders, adequately coordinated and equitably resourced for the delivery of accessible and quality services; devolved institutions are legally and technically empowered, well managed, effective and accountable; resource management is transparent, equitable, effective and efficient at all levels.
<i>Outcome Evidence- Rights-based decision making</i>	<i>1.4</i>	By 2018 development planning and decision making are evidence and rights based, supported by a well-established and strong research monitoring and evaluation culture that guarantees the independence, credibility, timeliness and disaggregation of data, broadly accessible to the intended audience

Source: United Nations Development Assistance Framework for Kenya (2014-2018), pp.5

To ensure devolution meets citizens’ needs, UNDP seeks to provide technical capacity development to county governments so that public service delivery is provided efficiently and equitable and in particular,

meet the needs of women, youth, persons living with disabilities, HIV/AIDS and other vulnerable groups. Specifically, UNDP specifically undertakes to support the development and implementation of policy and legislative frameworks; institutional strengthening; and transformative leadership and citizen engagement. The interventions are guided by principles of transparency and accountability in public financial management; effective public administration and integrity; conflict-sensitive programming (including decision-making and resource allocations); and inclusive public participation. The programme will prioritize establishment of a robust monitoring and evaluation system and building the capacities of counties and central systems to generate credible data, develop evidence-based and gender-responsive policies, plans and ‘pro-poor’ budgeting. UNDP will utilize its broad experience of collaboration with civil society organizations to enhance citizen engagement and accountability.

Phase II of the Amkeni Wakenya programme focuses on five result areas, namely; access to justice and realization of human rights; entrenching rights-responsive devolved system of governance; enabling environment for civil society organizations in Kenya; effective civil society response to contemporary governance issues as well as improving internal capacities of the programme.

The programme has developed a monitoring and evaluation framework which has nine outcome indicators and 38 output indicators (details are annexed). The programme plans to continually track these indicators through a vibrant monitoring and evaluation system that continually shows the status of performance/results of the programme against targets. The programme is expected to generate diverse reports to be shared with key stakeholders, including donors and UNDP. Monitoring and evaluation will pay special attention to high level results that demonstrate change, transformation and impact.

Amkeni Phase II will sustain existing and forge new partnership with independent statutory and constitutional bodies as indicated below:

**Table 2: Amkeni Wakenya Phase II Thematic Areas and Potential Partners**

<b>Thematic area</b>	<b>Potential partner(thematic policy audiences)</b>
<b>Human Rights and access to justice</b>	National levels CSOs including FBOs, CBOs, NGO’s, Trade Unions, Academia and private sector organizations), Article 59 Commissions, Judiciary Service Commission, Judicial Training Institute; National Environment Management Agency; National Police Service Commission; Independent Policing Oversight Authority.
<b>Devolution</b>	National Level CSOs, Transition Authority, Commission And Revenue Authority, Office Of The Auditor General, Office of The Controller of Budget; Counsel Of Governors, Intergovernmental Technical Committee And Other Organs As Set Up In The Intergovernmental Relations Act
<b>Elections</b>	National level CSOs, Independent Elections And Boundaries Commission, National Cohesion and Integration Commission; Kenya National Integrated Civic Education Programme
<b>Extractive Industries</b>	National level CSOs, National Environmental Management Agencies; National Land Commission; Energy Regulatory Commission, Ministry of Mining
<b>Capacity development</b>	National level CSOs Kenya School of government, National curriculum development center, Institute of development studies, Public Benefit Authority.
<b>Cross- cutting issues</b>	National level CSOs Kenya law reform commission, Constitutional Implementation commission

Source: Amkeni Project Document (pp. 19)

## 1.2 Situational Analysis

Kenya Vision 2030 is a long-term development policy that aims to transform the country into a newly industrialized and middle-income status; providing a high quality of life to all citizens in a clean and secure environment. The Vision comprises three key pillars: Economic (achieve an average economic growth rate of 10 per cent per annum and sustaining the same until 2030); Social (engender just, cohesive and equitable social development in a clean and secure environment); and the Political (realize an issue-based, people-centered, result-oriented and accountable democratic system).

It is spearheaded by Vision 2030 Delivery Secretariat (VDS), which provides strategic leadership and coordination in the realization of the overall goals and objectives of the Strategy and its Medium Term Plans. The first Medium Term Plan (2008-2012) was to implement the Flagship Projects identified under Vision 2030 as well as other key policies and programmes over the first five years. In the second Medium Term Plan (2013-2017), the government is working towards the strategic vision on democracy and public participation.

MTP II also seeks to build capacity and implement human-rights based approaches to development and service delivery. The Plan further seeks to ensure that the rights are preserved through good governance, democracy, and respect for the rule of law, social protection and welfare for the disadvantaged<sup>6</sup>.

The Constitution further provides the framework for improved governance, respect for human rights and freedoms, and governance access to justice.

The following summary gives situational assessment of the context relevant to the baseline study;

- I. On respect for human rights and freedoms, there is notable improvement since promulgation of the new Constitution. Chapter four of the constitution provides a comprehensive Bill of Rights and provisions for enforcement of such rights. The chapter further provides for the rights of vulnerable groups such as children, persons with disabilities, youth, old people, as well as minorities and other marginalized groups.
- II. Police reforms have also been undertaken, including training on human rights and respect for the rule of law. However, media reports indicate persistent human rights violations by the security

---

<sup>6</sup> Republic of Kenya (2013) Transforming Kenya: Pathways to devolution, socio-economic development, Equity and National Unity. Second Medium Term Plan (2013-2017)

agencies<sup>7</sup>. The Judiciary has, in various instances, stamped its authority and issued orders to enforce and protect human rights and freedoms.

- III. Access to justice is a constitutional right. Various policy, legal and judicial reforms have been put in place to enhance access to justice for all. However, many Kenyans still depend on informal justice mechanisms owing to challenges associated with the formal justice systems such costs, physical access and legal technicalities. Access to legal aid services is limited. The Judiciary has initiated various reforms, including vetting of judicial officers, recruitment of more judicial officers, establishment of additional court stations, introduction of mobile courts and review of judicial rules and regulations for the various courts.
- IV. Following the 2013 general elections, 47 county governments have been established in line with the Constitution. County governments have mainly spent their first three years putting the necessary structures in place. Nearly all county governments have developed County Integrated Development Plans. Whereas human rights issues (especially socio-economic rights) are mentioned and/or discussed in those CIDPs, it is not clear how such rights will be enforced. Further, most county governments are faced with teething problems including inadequate personnel and resources to enforce these rights.
- V. Several pieces of legislation have been enacted to give effect to devolution. There is need therefore to scale up civic education and educate Kenyans on the provisions of these laws and other devolved processes.
- VI. Public participation is now a constitutional requirement. Several county governments have not passed public participation policies and laws to guide citizens' engagement. As such, public participation in a majority of the county governments is quite low.
- VII. Kenya is preparing for the 2017 General Election. In particular, there are new political realignments. The ruling coalition has converted itself into a party – Jubilee – while the opposition Coalition for Reforms and Democracy (CORD) has joined ranks with Amani Coalition to form National Super Alliance (NASA). The campaign period is characterised by propaganda, hate speech, falsehoods and incitements, which is likely to create tensions and give rise to militia gangs notorious for human rights abuses. This is likely to create breaches of the law.

---

<sup>7</sup> Case in point is the alleged abduction and killing of a human rights lawyer, his client and a taxi driver on their way from a court session in Athi River.

- VIII. Rampant cases of corruption at the national and county government undermine public service delivery. Without effective measures to combat the runaway corruption, public confidence in the governance institutions is likely to wane with the disastrous consequences.
- IX. Most civil society organizations are registered as NGOs. The NGOs sector is regulated by the Non-Governmental Organizations Co-ordination Act, 1990 despite the fact that the sector supported a new law, the Public Benefits Organizations Act 2013. The Act is yet to be operationalized despite agitation by CSOs.<sup>8</sup>
- X. The Non-Governmental Organizations Co-ordination Board – the regulator - is often embroiled in confrontations with NGOs, which though may be administrative are in real sense meant to stifle those seen as political and deemed to be critical of government. Consequently, it has deregistered or suspended some CSOs. Indeed, CSOs pushed for self-regulation regime to replace the NGOs Coordination Act and create a new and enabling legal environment for the organizations.
- XI. The relationship between the government and CSOs continues to be adversarial and unfriendly, particularly those involved in human rights organizations and civic education. Some of the CSOs in the counties have been left exposed after the Ministry of Interior ordered county commissioners to inspect their offices to ascertain that they are only doing what their constitution mandates them to do<sup>9</sup>. Several counties have indicated that CSOs that intend to operate in those

<sup>8</sup> In Petition No. 351 of 2015 between Trusted Society of Human Rights Alliance & Others and Cabinet Secretary, Ministry of Devolution and Planning and the Attorney General, the High Court at Nairobi observed that failure to commence the Act showed effective abuse of discretion and gave the then CS for Devolution and Planning fourteen days to commence the Act. This wasn't complied with, but instead the functions of the NGO Board were moved to the Ministry of Interior.

<sup>9</sup> On January 6, 2017 the Interior Principal Secretary Karanja Kibicho issued a circular to all the 47 county commissioners directing them to shut down NGOs that are not properly licensed or are implementing projects that they have not been registered to undertake. The directive required NGOs to place their registration permits at all times in their offices to be inspected by county authorities where they work. Further, it required all foreign employees working for NGOs in the country to produce on demand a valid work permit issued by the Directorate of Immigration Services, which to get, they must have had a recommendation letter from the NGO Coordination Board.



regions will have to be vetted afresh before they are permitted to work<sup>10</sup>. Local human rights CSOs have previously been forced to seek court protection after the NGO board attempted to stop their activities.

- XII. The poor relationship between the government and CSOs has seen funding to the sector dwindle. Many organizations lack the financial resources they require for activities and in the wake of the veto on the IFES Kenya Electoral Assistance Programme, many groups that had shown interest in the voter and civic education have suffered setbacks. Many regular funders of CSOs have also cut back financing to the governance sector.
- XIII. CSOs have complained of hostile working environment in the country marked by burdensome registration requirements, restricted financing from foreign sources, harassment of staff, arrests and intimidation, censorship, clampdowns and de-registration and undue surveillance by security forces.

### I.3 Literature Review

#### Introduction

The primary strand of literature on Amkeni Wakenya programme Phase II is a continuum from the project strategic plan to relevant documents and reports. Previously, the programme based its work on a joint baseline survey undertaken by Uraia, UN Women and Amkeni Wakenya Phase I in 2012. In this current phase, a new baseline is required to look at the internal processes of the programme delivery as well as indicators for the other key result areas. The approach is set out in the context of the national Kenya's Medium Term Plan II (2013-2017), the UN Strategy on Devolution; United Nations Development Assistance Framework (UNDAF) for 2014- 2018, the UNDP Kenya Country Programme Document as well as Kenya Vision 2030.

---

<sup>10</sup> In December 2016, the Uasin Gishu Governor, Jackson Mandago announced that all NGOs and civil society groups planning to carry out civic education and peace work in Rift Valley ahead of the general election will be vetted, and they will be monitored closely. The NGOs will be required to seek clearance by county security teams "so that their activities are clearly known," he noted. This was soon after the President in Jamhuri Day speech on 12/12/2016 warned against civic education programs in Kenya, claiming that it was a ploy by foreigners to interfere with the general elections. See [http://www.the-star.co.ke/news/2016/12/15/ngos-conducting-civic-education-in-rift-to-be-vetted\\_c1473215](http://www.the-star.co.ke/news/2016/12/15/ngos-conducting-civic-education-in-rift-to-be-vetted_c1473215)

The main focus of the review is to examine recent assessments and gaps in the democratic outcomes in the work of Amkeni Wakenya and its partners. In this way, it will draw comparisons with findings from other relevant surveys. The baseline survey looked at benchmarks or standards in both national and county governments to gather information and resources appropriate for conducting the next phase of the governance project. Qualitative and quantitative information around key democratic values on access to justice and human rights, devolved governance and constitutionalism, local civil society strengthening and information on effective development cooperation with the UNDP Amkeni constitute the main search questions in the survey process.

### **Improved enjoyment and respect for human rights, access to justice**

The Constitution guarantees various human rights and freedoms, which include and translates to; access to justice for all, recognition of such rights, protection of those rights and equal access to judicial mechanisms for such protection. The constitutional arrangement in Kenya, fostered by the Bill of Rights, has in this respect supported universal human rights and promised strong judicial remedies in the event of violations.

Access to justice revolves around the ease with which ordinary citizens are able to make use of the laws, legal procedures and legal institutions to resolve their problems in general and particularly to secure their rights<sup>11</sup>. Access to justice in the country has been impeded by many factors, such as high court fees, long geographical distance to court houses and complexity of rules and procedure. Fair rights infringements are also noted in the criminal justice process<sup>12</sup>. However, the Constitution has enshrined access to justice in the Bill of Rights. The State is obligated to ensure access to justice for all persons<sup>13</sup>.

Human rights provisions in the constitution would otherwise be futile without an effective knowledge of the provisions and the means of seeking redress for their breach. In expanding access to justice, the laws

---

<sup>11</sup> KNCHRD (2015) Human Rights – The Elusive Mirage: The Fourth State of Human Rights Report: Post-Promulgation, 2010-2014

<sup>12</sup> The National Council on Administration of Justice recently carried out an audit into the criminal justice system in Kenya to provide a comprehensive analysis of the system towards providing recommendations to strengthen service delivery and policy reforms. The Audit acknowledged that the system is largely skewed against the poor, and that more poor people are likely to be arrested, charged and sent to prison as compared to the well to do. The full report is cited as The National Council on Administration of Justice (NCAJ), Legal Resources Foundation Trust (LRF) and Resources Oriented Development Initiatives (Rodi), 2016, CRIMINAL JUSTICE SYSTEM IN KENYA: An Audit, Judiciary, Nairobi.

<sup>13</sup> Article 48

should be accessible to the citizens, there should be a variety of easily accessible and effective mechanisms for resolving disputes and the procedures ought to be fair and simple to understand. The Judicial Transformation Framework was developed to ensure the government revamps the Judiciary as credible institution to deliver justice.

In a report released in June 2016 by the Judiciary's Performance Management Directorate on Judiciary Customer, Employee Satisfaction and Work Environment survey, 80 per cent of the respondents either strongly agreed (23 per cent) or agreed (57 per cent) that it was easy to find and identify court locations. The indicator, however, was the signage or other means used by the Judiciary to locate the courts. However, about 23 per cent of the respondents covered more than 41 kilometers to the closest court, and travelled at least three to four hours to access them (20 per cent). Although about 40 per cent of the respondents travelled for less than one hour to the nearest court, or where distance to court was 10 Km and below, 58 per cent of them perceived the judicial staff to be corrupt. Nonetheless, the Judges and Magistrate's Vetting Board as well as the EACC have overtime investigated and taken action against judicial officers with reported improprieties. The Judiciary has also established an internal complaints mechanism headed by its own ombudsman.

Regardless, these are common fears that hamper public access to formal justice system. The survey was conducted in mid-2015 and covered 178 courts, including Supreme Court and Courts of Appeal.

In terms of access to legal aid services, another survey noted that legal aid services are increasingly being popularized<sup>14</sup>. The survey found that 4,420 citizens were provided with legal aid services from the government in 2014/2015, up from 3500 in 2013/2014. Currently, the National Legal Aid Act has been enacted by Parliament and there is a clear legal framework on access to legal aid services by people who cannot afford it.

UNDP appreciates that access to justice is both a fundamental human right as well as a means to other rights. Yet, several obstacles impede access to justice for all. These include; low awareness among the citizens on administration of justice, ignorance of rights and laws, court procedures, affordability and accessibility.<sup>15</sup>

---

<sup>14</sup> The KNCHR (2016) Human Rights Baseline Survey Report, Monitoring & Evaluation Department, Nairobi, pg 107

<sup>15</sup> Amkeni Wakenya Profile 2014

According to SID (2012), less than half of Kenyans do not have access to the courts. Access to legal litigation is also perceived as expensive by 70 per cent. Further, court officials score an approval rating of 16 per cent and police as the enforcement agency had even lower approval rating of 15 per cent. The public perception of access to justice is negative, though the public appreciates the new provisions in the Constitution that promote it. In relation to judicial reforms, the impact is yet to register in the minds of most Kenyans. Central to these findings is the perception that women, marginalized groups and the disabled are disadvantaged by court processes.

Although Kenyans were optimistic (62 per cent) about the role of the new Constitution in protecting individual rights, communal rights, and persons with disability, marginalized communities, women and the youth; 29 per cent of them did not see themselves having any role in its implementation. Only 17 per cent of Kenyans said they had a role of participating in civic education programmes.

According to a study by Africa Centre for Open Governance (AfriCOG) in 2016, Kenyans reported a low level of trust on the judiciary. Some 44 per cent reported to have no trust in the Supreme Court in administering justice while 46 per cent have no trust in the other courts.

There is an increased attention being given to Alternative Dispute Resolution (ADR), with growing numbers of people being trained on it by the government and civil society organizations. Increased application of ADR is considered as one of the measures that will lead to faster arbitration of cases, particularly in tribunals and traditional justice mechanisms. The Judiciary survey (above) further found that 65 per cent of respondents are satisfied with reconciliation services of the Judiciary while another 61 per cent is happy with the arbitration services. This finding suggests that there is a good potential for the expanded use of ADR in the judicial services. However, the Kenya National Commission on Human Rights has also noted that more than half (52 per cent) of the leaders of the councils of elders have not been trained on human rights, raising doubts of the decisions reached by some of them. Most of those who had been trained benefitted from CSOs trainings (62 per cent)<sup>16</sup>.

The AfriCOG (2016) study established that a majority of Kenyans (more than 80 per cent) are aware of their basic rights. For example, 90 per cent were aware of their right to the highest attainable healthcare service, 80 per cent were aware of their right to access adequate housing and reasonable standards of sanitation, 89 per cent were aware of their right to clean and safe water.

---

<sup>16</sup> KNCHR (2016) Baseline Survey (supra)

## Rights Responsive Devolved System of Governance

Kenya's devolved system of governance has two levels: a national government and 47 county governments. Each county government has two arms, the Executive and a County Assembly. The national government has three arms: the Executive, Parliament (the National Assembly and the Senate) and the Judiciary. The Judiciary is a shared institution as it serves both levels of government<sup>17</sup>. The County Assembly is crucial in facilitating effective functioning of the county governments through legislation, oversight and representation.

Devolution is one of the hallmarks of the Constitution. According to the defunct Commission for the Implementation of the Constitution (CIC), the highest number of laws (40 per cent of county laws) passed by counties were those that largely concerned finance and planning; most of these laws are a statutory requirement and a pre-condition for counties to have before accessing or spending funds. Only 11 per cent of the laws related to control of social services, such as liquor control; 11 per cent relating to the education sector (especially management and disbursement of education) and the rest, service delivery such as such as health and transport and infrastructure<sup>18</sup>.

The CIC also provided guidelines to the county Executives and Assemblies on the implementation of the Constitution. The guidelines provided that in developing legislation, county assemblies must observe constitutional provisions relating to the subject matter, ratified international legal instruments, fundamental human rights and freedoms, national values and principles of governance and objects and principles of devolution. Additionally, their legislation needs to comply with national legislation and policies on the sector (CIC/2013/ June, Circular No. 1). The problem, though, was always noted that many of the assemblies lacked the capacity to draft and develop good laws.

Public participation is a key requirement for both national and devolved units. County governments have the responsibility of making sure that the residents and communities are involved and represented in

---

<sup>17</sup> Nangidi Valerie (2015) County Governance: Political and Institutional Structures and their Effectiveness, pg 84-100 in Bosire Conrad and Wanjiru Gikonyo (Supra)

<sup>18</sup> Commission of the Implementation of the Constitution (CIC) Sustaining the Momentum - Assessment of Implementation of the Transferred Functions to the County Governments, 2nd Devolution Assessment Report (2015) 58.

decision-making. This is a constitutional and legislative requirement. Meaningful public participation is critical to the successful implementation of the Constitution and devolution.

Although, currently, there is no nationally designed and coordinated civic education on the Constitution and Devolution, the County Governments Act and the CoK 2010 under Articles 10 and 35 contemplate civic education and/or public awareness programmes to be undertaken by the counties. The county governments should facilitate rolling out of civic education programmes on the Constitution and the devolved system in particular to improve the quality of public engagements and political participation in the counties.

According to the SID 2012 study, 46 per cent of Kenyans could not define devolution. Notably, only 24 per cent of the respondents had sufficient knowledge on how devolved governments work. Further, 20 per cent of the population reported to have participated in formulation of policies on devolution.

AfriCOG (2016)<sup>19</sup> examined various governance and democracy issues in the country. According to the study, 51 per cent of the Kenyans believe that devolution is a major benefit of the Constitution. Further, 33 per cent believe that the Constitution has improved individual rights and freedoms while 17 per cent believe it has enhanced the democratic space. However, Kenyans feel that there are areas of priority in the Constitution that need attention, such as devolution (57 per cent), leadership and integrity (35 per cent) and inclusion of the marginalised (women, youth and PWDs) at 32 per cent.

AfriCOG (2016) also sought to explore the issue of public participation in county government affairs. Some 73 per cent of the respondents felt that it is difficult to participate in county budgeting and planning while only 24 per cent said it is easy. On publics' influence on county decision-making process, 76 per cent felt it is difficult while 21 per cent felt it is easy. Further, 74 per cent felt that it is difficult to access information on county budgets, legislation and project plans.

### **CSOs Regulation and Response to contemporary issues**

The legal framework for registration and operation of NGOs is faulted for being overly autocratic. In recent years, CSOs have decried the laborious registration requirements under the Act, and the constrictions brought into the operating environment by the regulatory board. The operating environment

---

<sup>19</sup> Africa Centre for Open Governance: National Public Perception Survey on select independent commissions, institutions and the three arms of government in the discharge of their duties with transparency, accountability and integrity (2016).

for CSOs is currently perceived as hostile. International NGOs have increasingly come under pressure from the regulatory body.

According to the Human Rights Baseline Survey Report by the Kenya National Commission on Human Rights (2016), only about 60 per cent of the non-governmental organizations sampled for the survey were legally registered under the Act, while the rest were operating without formal registration though in the process of applying for them.

NGOs/CSOs are very crucial in providing civic education services and political rights education in Kenya. In the Africog's (2016) study, Kenyans rated CSOs on various roles such as advocacy for governance (58 per cent), protecting democracy (56 per cent), expressing citizens' interests (52 per cent) and defending citizens' rights (51 per cent). CSOs have played a leading role in demanding for accountability from state and public officers.

Capacity building for CSOs and partnerships to grow independent civilian organizations is therefore critical. Going forward, the degree of government responsiveness to civil society and popular participation will remain a major concern in democratization process.

#### **I.4 Objectives of the Baseline Survey**

The baseline survey had the following activities:

- i. Build a clear understanding of all the Strategic Programme indicators, UNDAF and CPD indicators that Amkeni Wakenya contributes to;
- ii. Undertake literature review that is relevant to the study;
- iii. Design baseline survey tools ensuring they have the capability of establishing baseline values for the Program's indicators.
- iv. Present to Amkeni baseline survey tools for input and concurrence;
- v. Pilot test, refine and produce the baseline survey tools;
- vi. Develop an indicator guidance notes (indicator reference sheet);
- vii. Developing minimum monitoring requirement for each indicator including data collection tools;
- viii. Recruitment and training of enumerators to be used in the survey;
- ix. Jointly with Amkeni Wakenya conduct sampling of regions/counties, organizations, population groups and other respondents to be covered by the survey;

- x. Data capture/entry and analysis;
- xi. Produce and present draft report to stakeholders for inputs;
- xii. Produce and submit final Report incorporating stakeholders' feedback.

### **I.5 Study Scope**

This baseline survey focused on UNDP Kenya's programmatic work mainly in 20 counties: Garissa, Isiolo, Kakamega, Kisii, Kisumu, Kitui, Kwale, Laikipia, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Narok, Nyeri, Tana River, Turkana, Uasin Gishu and Wajir.

### **I.6 Target Groups**

Various stakeholders were interviewed including: civil society organizations, development partners; stakeholders reference group; cooperating partners in the democratic governance sector; private sector representatives; national government officials; county government officials; Amkeni Programme staff and the general public.

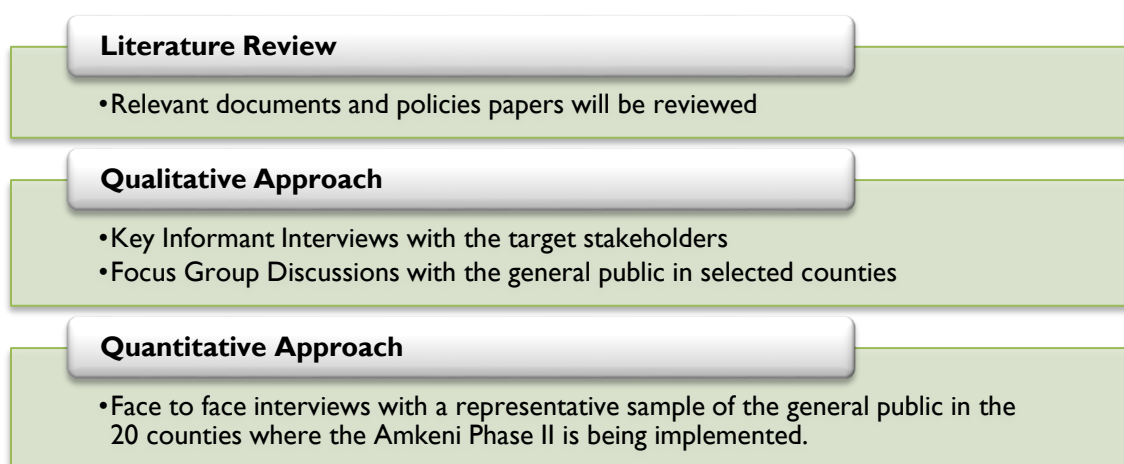


## 2.0 SURVEY APPROACH AND METHODOLOGY

### 2.1 Introduction

This baseline survey utilized a mixed methods approach which involved both quantitative and qualitative methods. A rigorous review of literature was conducted to establish the research gaps and help in understanding the programme context and developing the tools. Further, secondary data helped in data triangulation by relating the survey findings to previous studies.

The quantitative methods involved face-to-face interviews with residents of the targeted counties. The qualitative methods included key informant interviews and focus group discussions with key stakeholders of the Amkeni Wakenya Programme and the general public.



**Figure 1: Baseline Survey Approach**

An evaluation matrix (See Appendix C) which outlined the outcome and output indicators, definitions, sources of data, data collection methods and status guided the development of tools, ensured that all indicators were covered. Most indicators that have been determined by Amkeni, as in the approved M&E framework, were verified or confirmed in the survey through various data collection methods.

### 2.2 Literature Review

This involved comprehensive review of all relevant reports and publications relating to the Amkeni Wakenya programme, such as:

1. Amkeni Wakenya Project Document for 2015- 2018;
2. Amkeni Strategic plan 2011-2015;

3. Joint baseline survey undertaken between Uraia, UN Women and Amkeni Wakenya in 2012;
4. All-County Survey conducted by National Democratic Institute in July 2014;
5. Government of Kenya’s Medium Term Plan (MTP) II;
6. UN Strategy on Devolution; United Nations Development Assistance Framework (UNDAF) for 2014- 2018;
7. UNDP Kenya Country Programme Document;
8. Vision 2030 and similar baseline surveys conducted by Government of Kenya, NGOs, development partners etc.

### 2.3 Qualitative Approach

The qualitative approach involved both key informant interviews and focus group discussions. Key informant interviews were conducted among development partners, civil society sector players and leaders, policy makers and national and county leaders as shown in the table below:

**Table 3: KIIs Distribution**

Category	Target Interviews	Achieved Interviews
Amkeni and UNDP Staff	5	6
Development Partners	5	1
Stakeholders Reference Group	3	3
County Government Officials (2 per County)	40	36
National Government Officials	6	2
CSOs	40	27
<b>Total</b>	<b>99</b>	<b>75</b>

Additionally, focus group discussions were conducted among the general public and mainly targeted men and women of mixed ages. Each FGD was made up of between 8-12 participants. The distribution of the focus group discussions was as follows:

**Table 4: FGD distribution**

County	Youth (Mixed Gender)	36+ years (Mixed Gender)	Total
Garissa	1	1	2
Isiolo	1	1	2
Mombasa	1	1	2
Kisumu	1	1	2
Uasin Gishu	1	1	2
Nakuru	1	1	2
Turkana	1	1	2
Nairobi	1	1	2
Kitui	1	1	2
Nyeri	1	1	2
<b>Total</b>	<b>10</b>	<b>10</b>	<b>20</b>

## 2.4 Quantitative Approach

Face-to-face interviews were conducted among the general public (18 years and above) across the 20 counties. The total targeted sample (3,080) was stratified to incorporate the gender (male/female), location (urban/rural), and the social economic class. This allowed disaggregation of data based on those criteria to explore relevant programmatic gaps or needs. Computer Assisted Personal Interviewing (CAPI) which uses the Open Data Kit (ODK) system was used to collect data and a sample of 3,277 was achieved (See Appendix B for breakdown).

## 2.5 Sampling Procedure, Household and Respondent Selection

This survey used the 2009 Kenya Population and Housing Census as the sampling frame, targeting the adult population (18+ years). Using the population proportionate to size (PPS), the total targeted sample was distributed to the targeted counties cascading down to the sub-counties. After the allocation of the sample per sub-county, sub-locations were then randomly selected. Using the sub-locations as the primary sampling units, a total of between 10 and 13 households were randomly sampled in each sampling point.

Households were selected using household selection grid. In each of the sampled sub-location, a starting point was identified and using the left hand (anti-clockwise) rule, skip interval (5 in urban and 4 in rural) and successful interviews, the enumerators randomly picked households to be interviewed. Kish Grid

was used to randomly select respondents in the sampled households. All the eligible members of the household (persons residing in the household and aged 18 years and above) were listed by age and the CAPI software randomly selected a respondent (See *Appendix A*).

## **2.6 Quality Assurance and Control Measures**

Quality control and assurance measures were put in place to ensure the survey design, data collection, data management and analysis was of the highest quality. A well-planned system of procedures, performance checks, quality audits, and corrective actions were put in place to examine the quality of sampling, instrument design, scripting, recruitment and training, fieldwork and site visits, data analysis and processing. This is examined in detail below.

### **2.6.1 Quality Control during Questionnaire Design and Scripting**

The consultant designed and went through the survey tools with the client representatives to make sure all survey indicators were addressed. The tools were translated into Swahili, Somali and Maasai to reach all the potential respondents. The technical team together with the client's representative reviewed the household tool to ensure all questions were properly scripted.

### **2.6.2 Development of training materials/field manual**

The consultant (in consultation with the client) developed a detailed data collection manual describing every task of the data collection exercise. This included guidelines for the enumerators and other team members. Measures were put in place to ensure everyone adhered to the protocols specified in the manual.

### **2.6.3 Recruitment and Training**

Selection of supervisors and interviewers for data collection was done meticulously. Interviewers selected had a post-secondary training with a minimum of two years' experience in data collection. Supervisors had a bachelor's degree and at least three years' experience in data collection supervision. Gender representation was taken into account during recruitment.

The survey counties were clustered into four regions as follows:

- a) Coast Region (Kwale, Mombasa, Tana River and Lamu counties)
- b) North Eastern/ Upper Eastern Region (Garissa, Wajir, Mandera, Isiolo and Marsabit counties)

- c) Nairobi and Environs (Nairobi, Kitui, Nyeri, Laikipia, Nakuru and Narok counties)
- d) Western and North Rift (Uasin Gishu, Turkana, Kakamega, Kisumu and Kisii counties)

Each region was allocated a technical consultant to coordinate data collection. The number of quality control officers, supervisors, enumerators recruited per region was informed by the sample size. A total of 80 enumerators, 21 supervisors and quality control officers, 20 key informant interviewers and 20 FGD recruiters were contracted to carry out the baseline survey. Each county had at least three enumerators and a supervisor.

Training of trainers was conducted on 7<sup>th</sup> November, 2016, in Nairobi. It involved all field coordinators and data analysts. The trainers were taken through training manual, the objectives, methods and tools for for the baseline survey. The following day on 8<sup>th</sup> November, 2016, all the field coordinators travelled to their respective regions, except Nairobi and North Rift/Western, where regional training was conducted 8<sup>th</sup> November, 2016. Other regional trainings were conducted on 9<sup>th</sup> November, 2016 save for Isiolo and Marsabit team, which was trained on 14<sup>th</sup> November, 2016.

#### **2.6.4 Pilot Survey and Debrief**

After the training, a full day piloting/pre-test of the questionnaire was conducted. The interviewers were deployed to the field to administer the questionnaire to three respondents (outside the main study sample). The purpose was to test the effectiveness of the questionnaires. This phase also served to pilot the logistics of the data collection process.

#### **2.6.5 Field deployment**

Infotrak deployed field teams comprising a coordinator, a quality assurance officer, a supervisor, and interviewers. A ratio of 1:4 between the supervisors and the enumerators were employed to ensure efficiency.

#### **2.6.6 Fieldwork**

Data collection in the North Rift region, and Nairobi region started on 10<sup>th</sup> November, 2016. In Coast, Western, Eastern, Central, and North Eastern regions, fieldwork started on 11<sup>th</sup> November, 2016. Field work in the Upper Eastern region started on 15<sup>th</sup>, November 2016.

Face-to-face interviews were conducted through CAPI (Computer Assisted Personal Interviews) with the use of tablets. Key informant interviews were done in all regions with stakeholders. Focus groups discussions were done in 10 target counties namely; Uasin Gishu, Kisumu, Turkana, Mombasa, Nakuru, Nairobi, Kitui, Nyeri, Garissa and Isiolo counties. They were conducted with male and female respondents aged 18 years and above.

### **Site Visits**

For purposes of ensuring quality of actual data collected, field coordinators, client's representatives and quality assurance officers, checked data collection in the various counties. During site visits, key information was collected to critically monitor the progress of the survey. This entailed collection of back-checking data, respondent contact and validation data.

#### **2.6.7 Uploading of Survey Data**

At the end of each day, interviewers uploaded successful interviews into a designated server. The data processing team reviewed incoming data for quality on a daily basis, and shared progress updates with the field teams.

### **2.7 Survey Challenges**

Several challenges were encountered during the baseline survey. Key among them was busy schedules of the target county government representatives hence occasioning delays in data collection. Moreover, several target CSOs had relocated to other counties while others could not be reached on the provided contacts.

Some of the sampled household respondents were reluctant to participate in the survey owing to their busy schedules. However, the enumerators substituted such respondents with other willing respondents within the same or adjacent households. There were also isolated cases of insecurity necessitating substitution of few enumeration areas. Data collection in some counties was also delayed by impassable roads owing to heavy down pour.

Overall, the data collection exercise was successful.

## 3.0 IMPROVED RESPECT, ENJOYMENT AND PROMOTION OF ACCESS TO JUSTICE, HUMAN RIGHTS AND FREEDOMS FOR KENYAN

### 3.1 Introduction

Chapter four of the Constitution provides for the respect, enjoyment and promotion of access to justice, human rights and freedoms. The Bill of Rights guarantees certain rights and fundamental freedoms for all persons in the country, irrespective of age; race, colour, religion or other forms of discrimination<sup>20</sup>. With the enactment of the Constitution, all international treaties or conventions ratified by Kenya became part of the domestic law.<sup>21</sup>

Awareness of human rights is significant in a democratic process. It is linked to democratic models that negotiate or foster the public voice and actions; and where it is weak, human rights and democracy can generally be easily restricted.

### 3.2 Improved Respect and Promotion of Access to Justice

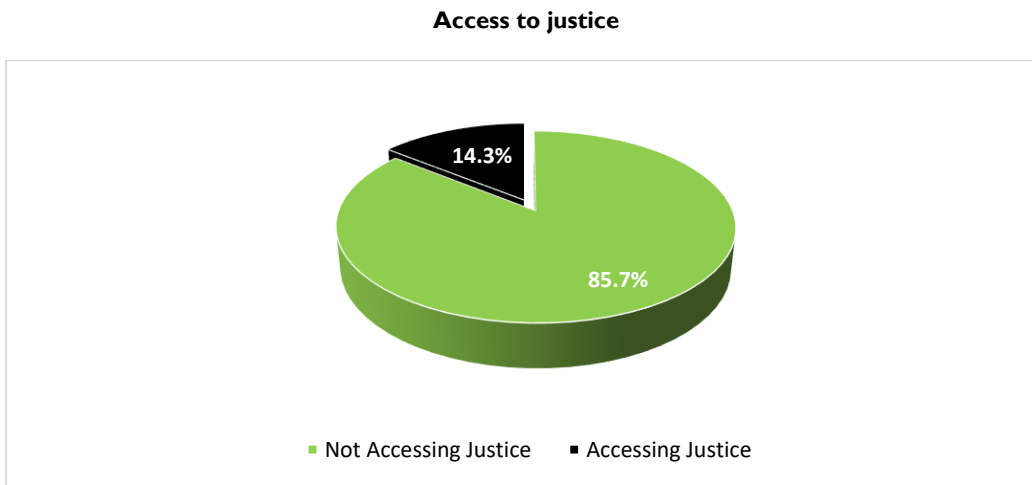
#### 3.2.1 Percentage of Kenyans accessing Justice in the counties

Overall, only 14.3 per cent of the respondents who had sought justice were able to get access<sup>22</sup>. As such, measures need to be put in place to enhance access to justice by all. Promotion of alternative dispute resolution would partly increase access to justice.

<sup>20</sup> Article 27, Constitution 2010

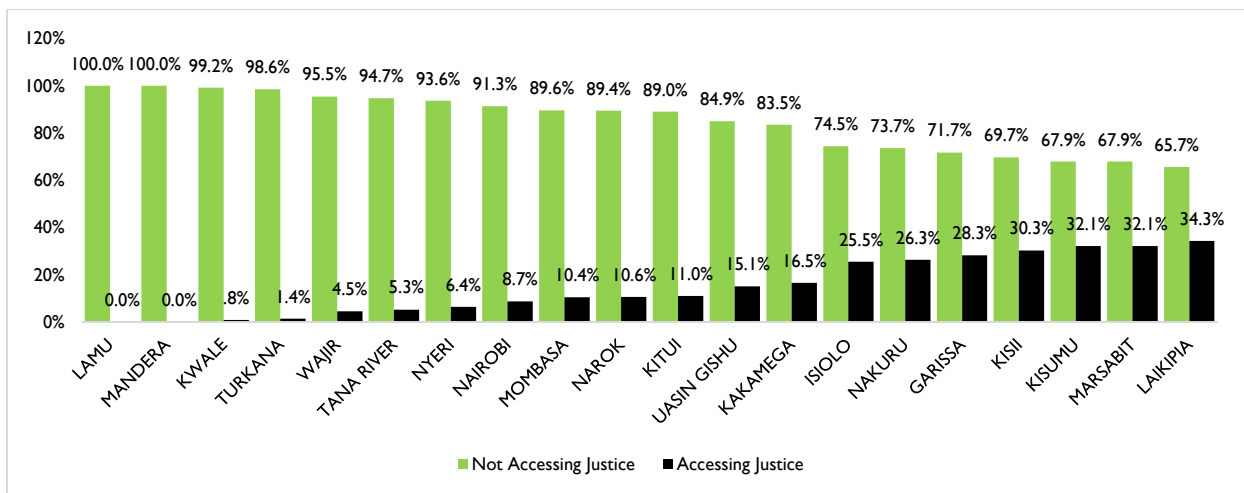
<sup>21</sup> Article 2 (6)

<sup>22</sup> This is based on the percentage of Kenyans who had referred a dispute to a third party for resolution and were satisfied with the outcome.



**Figure 2: Percentage of Kenyans Accessing Justice**

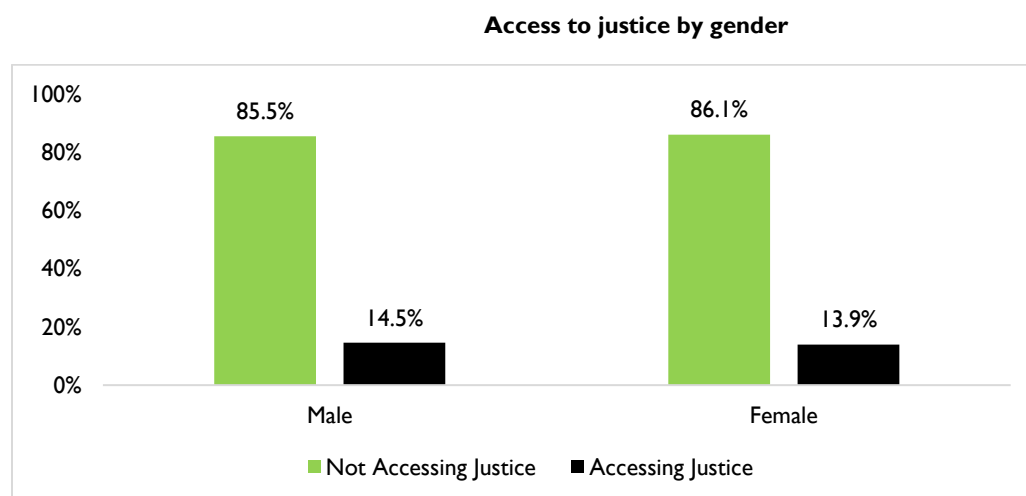
The highest proportions of respondents who sought and got justice were in Laikipia (34 per cent), Marsabit (32 per cent), Kisumu (32 per cent) and Kisii (30 per cent) counties. For Lamu, Mandera, Kwale and Turkana counties, very few of the respondents had a recent dispute referred to a third party for resolution, hence the low percentages.



**Figure 3: Percentage of Kenyans Accessing Justice by County**



There was no significant difference between males (15 per cent) and females (14 per cent) who sought and got justice as shown below. This result is encouraging as it seems to show that there is no discrimination in access to justice for men and women in the country.



**Figure 4: Percentage of Kenyans Accessing Justice by Gender**

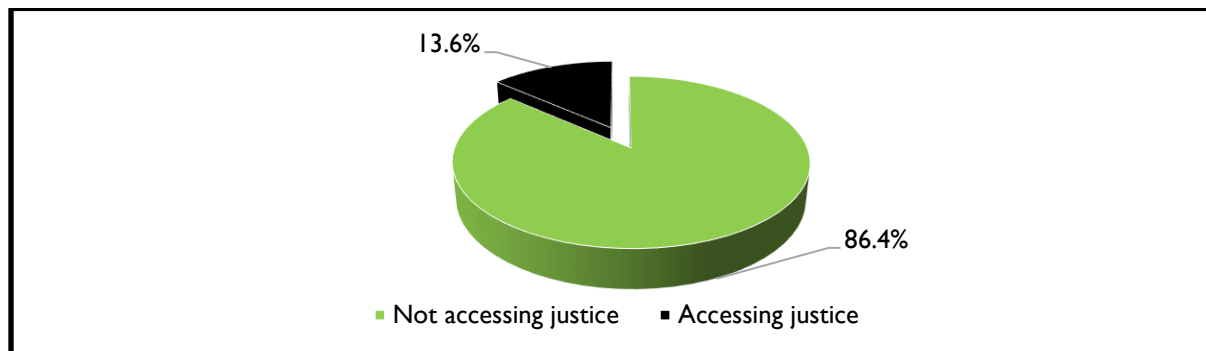
**Table 5: Form of Justice Accessed**

County	Formal Justice	Informal Justice	Total
Kwale	100.0%	0.0%	100.0%
Mombasa	71.4%	28.6%	100.0%
Laikipia	69.6%	30.4%	100.0%
Tana River	66.7%	33.3%	100.0%
Garissa	65.4%	34.6%	100.0%
Nairobi	51.7%	48.3%	100.0%
Wajir	50.0%	50.0%	100.0%
Nakuru	41.9%	58.1%	100.0%
Kisumu	41.5%	58.5%	100.0%
Uasin Gishu	35.7%	64.3%	100.0%
Kitui	35.3%	64.7%	100.0%
Kakamega	31.7%	68.3%	100.0%
Nyeri	20.0%	80.0%	100.0%
Kisii	18.6%	81.4%	100.0%
Isiolo	16.7%	83.3%	100.0%
Narok	6.7%	93.3%	100.0%
Marsabit	5.6%	94.4%	100.0%

<i>Turkana</i>	0.0%	100.0%	<b>100.0%</b>
<b>Total</b>	<b>39.2%</b>	<b>60.8%</b>	<b>100.0%</b>

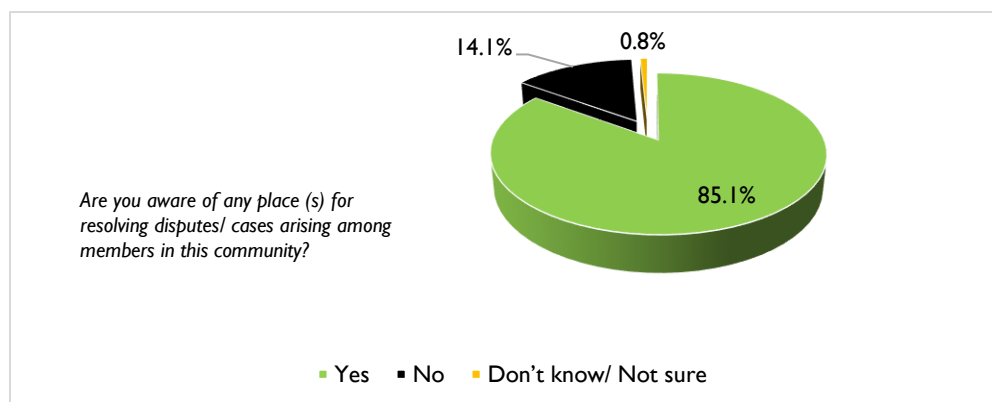
Access to formal justice (in this case police) was highest in Kwale County while access to informal justice was highest in Turkana County.

Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD) – which Kenya is a signatory- obligates states parties to ensure effective access to justice for persons with disabilities on an equal basis with others. Only 13.6 per cent of the surveyed persons with disabilities (PWDs) reported to have sought and accessed justice.



**Figure 5: Access to justice by Persons with Disabilities**

Exercising the level of choice in a resolution of dispute implies that the respondents are aware of the various places of dispute resolution. A majority (85.1 per cent) of the respondents were aware of the various places of resolving disputes arising in their communities.



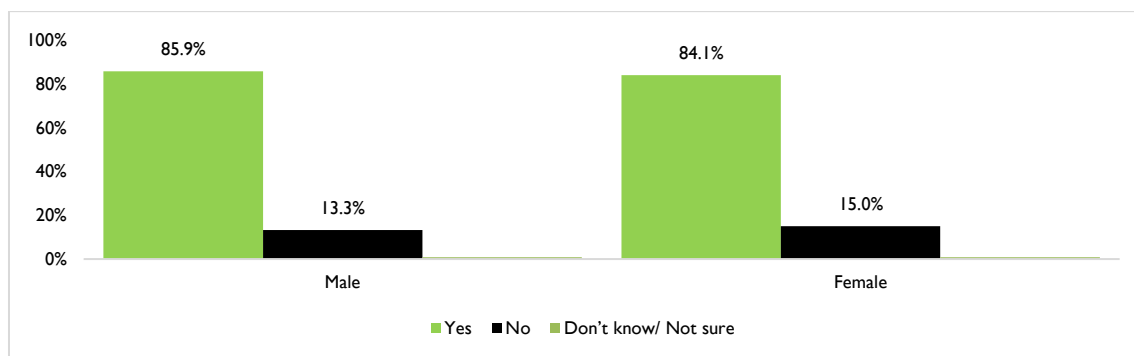
**Figure 6: Awareness of place (s) for resolving disputes/ cases arising among community members**

Such awareness was highest in Kisumu (99 per cent), Kakamega (96 per cent), and Nairobi (95 per cent). On the other hand, awareness of places for dispute resolution was lowest in Mandera (45 per cent) and Wajir counties (53 per cent). Maybe the low awareness levels for the latter counties are explicable by the fact that formal justice mechanisms and facilities are fewer in the region. The distributions of the county responses are presented in the table below:

**Table 6: Awareness of places for resolving disputes in the community by County**

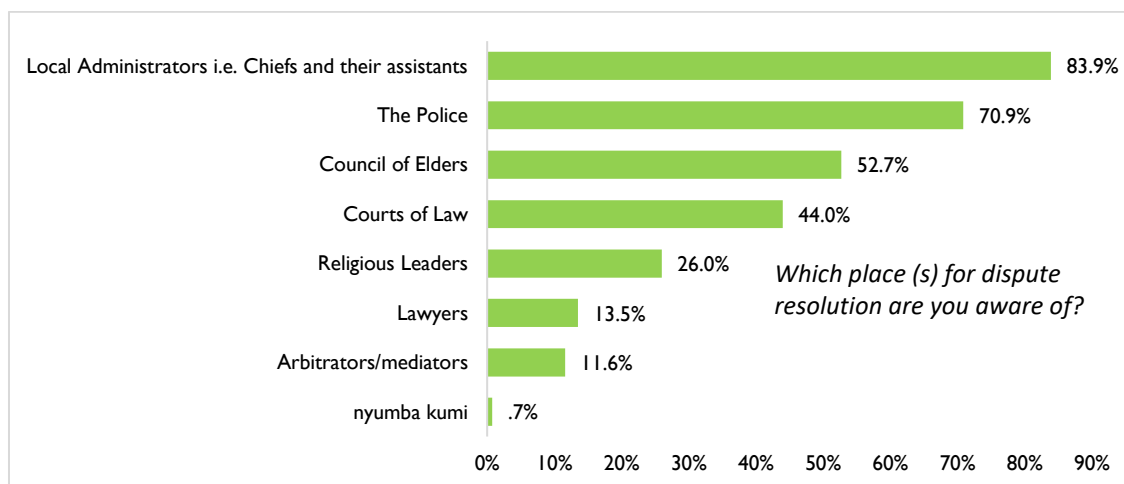
County	Yes	No	Don't Know/ Not Sure	Total
<i>Kisumu</i>	99.4%	0.6%	0.0%	100.0%
<i>Kakamega</i>	95.6%	4.4%	0.0%	100.0%
<i>Nairobi</i>	95.4%	4.3%	0.3%	100.0%
<i>Laikipia</i>	94.0%	6.0%	0.0%	100.0%
<i>Narok</i>	93.7%	5.6%	0.7%	100.0%
<i>Marsabit</i>	92.9%	7.1%	0.0%	100.0%
<i>Lamu</i>	89.8%	10.2%	0.0%	100.0%
<i>Nakuru</i>	89.0%	11.0%	0.0%	100.0%
<i>Nyeri</i>	87.8%	12.2%	0.0%	100.0%
<i>Kitui</i>	83.9%	16.1%	0.0%	100.0%
<i>Isiolo</i>	83.0%	17.0%	0.0%	100.0%
<i>Turkana</i>	81.7%	14.8%	3.5%	100.0%
<i>Kwale</i>	80.5%	16.9%	2.5%	100.0%
<i>Tana River</i>	78.9%	21.1%	0.0%	100.0%
<i>Mombasa</i>	78.6%	20.9%	0.5%	100.0%
<i>Uasin Gishu</i>	78.0%	20.4%	1.6%	100.0%
<i>Kisii</i>	75.4%	23.6%	1.0%	100.0%
<i>Garissa</i>	63.0%	35.9%	1.1%	100.0%
<i>Wajir</i>	53.4%	43.2%	3.4%	100.0%
<i>Mandera</i>	45.4%	50.0%	4.6%	100.0%
<b>Total</b>	<b>85.1%</b>	<b>14.1%</b>	<b>.8%</b>	<b>100.0%</b>

No significant difference in awareness of places for dispute resolution is noted when the data is desegregated by gender, as both male (86 per cent) and female surveyed respondents (84 per cent) gave positive levels of awareness on the question.



**Figure 7: Awareness of places for resolving disputes in the community by gender**

Local administrators (84 per cent), the Police (71 per cent) and Council of Elders (53 per cent) came out as the most popular third party umpires in as far as dispute resolution is concerned. These figures are illustrated as well in the figure below;



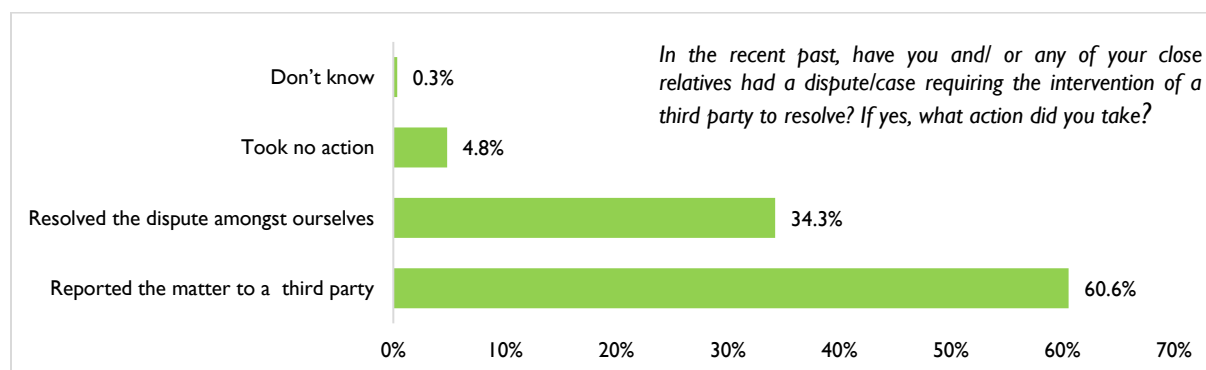
**Figure 8: Popular places for dispute resolution**

About one out of every three (27 per cent) respondents had an experience of a recent dispute, which required the intervention of a third party to resolve. In terms of counties, Laikipia (61 per cent), Marsabit (55 per cent), Isiolo (49 per cent), Kisii (48 per cent), Garissa (45 per cent) and Kisumu (43 per cent) exhibited the highest cases of respondents with a recent dispute requiring the intervention of a third party. It is probable that land conflicts involving pastoralists in a majority of these counties explain the high frequency of recent conflicts noted in the survey. Coastal counties of Lamu and Kwale manifested the lowest scales of recent disputes requiring the intervention of a third party.

**Table 7: Experience of recent disputes/cases requiring the intervention of the third party**

County	Yes	No	Don't know/ Not sure	Total
Laikipia	61.2%	37.3%	1.5%	100.0%
Marsabit	55.4%	44.6%	0.0%	100.0%
Isiolo	48.9%	51.1%	0.0%	100.0%
Kisii	47.7%	50.3%	2.1%	100.0%
Garissa	44.6%	55.4%	0.0%	100.0%
Kisumu	43.0%	57.0%	0.0%	100.0%
Uasin Gishu	38.2%	59.7%	2.2%	100.0%
Nakuru	31.7%	67.6%	0.7%	100.0%
Kakamega	27.8%	69.0%	3.2%	100.0%
Kitui	25.2%	74.8%	0.0%	100.0%
Narok	23.2%	76.1%	0.7%	100.0%
Nairobi	21.4%	78.5%	0.1%	100.0%
Mombasa	20.4%	78.6%	1.0%	100.0%
Nyeri	17.9%	81.4%	0.6%	100.0%
Wajir	15.9%	80.7%	3.4%	100.0%
Turkana	14.8%	76.8%	8.5%	100.0%
Tana River	7.0%	93.0%	0.0%	100.0%
Mandera	6.2%	86.9%	6.9%	100.0%
Lamu	3.4%	91.5%	5.1%	100.0%
Kwale	2.5%	94.1%	3.4%	100.0%
<b>Total</b>	<b>26.5%</b>	<b>71.8%</b>	<b>1.7%</b>	<b>100.0%</b>

Of those who had a dispute requiring the intervention of a third party, a majority (61 per cent) indeed reported it to the third party, 34 per cent resolved it among themselves, while 5 per cent of disputants took no action.



**Figure 9: Action taken on a dispute requiring intervention of a third party**

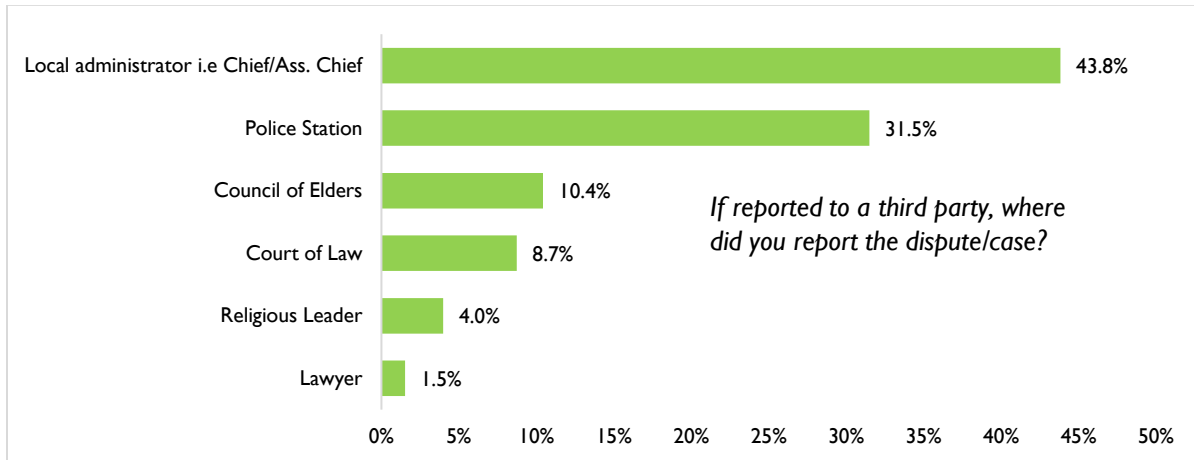
Nakuru, with 84 per cent, recorded the highest figure of respondents who reported disputes to third party. It was followed in sequence by Tana River (75 per cent), Laikipia (66 per cent) and Marsabit (65 per cent). On the other hand, nearly all respondents who had a dispute in Lamu (100 per cent) and Turkana (91 per cent) resolved them among themselves. The latter indicates high level of community involvement in resolving disputes.

**Table 8: Action taken on a dispute requiring intervention of a third party**

County	Reported the matter to a third party	Resolved the dispute among ourselves	Took no action	Don't know	Total
Nairobi	53.4%	43.2%	3.4%	0.0%	100.0%
Mombasa	63.4%	29.3%	7.3%	0.0%	100.0%
Kisumu	87.3%	9.9%	2.8%	0.0%	100.0%
Uasin Gishu	47.9%	32.4%	19.7%	0.0%	100.0%
Nyeri	42.9%	53.6%	3.6%	0.0%	100.0%
Garissa	63.4%	36.6%	0.0%	0.0%	100.0%
Lamu	0.0%	100.0%	0.0%	0.0%	100.0%
Nakuru	84.3%	13.5%	2.2%	0.0%	100.0%
Kakamega	68.1%	30.4%	1.4%	0.0%	100.0%
Kisii	63.4%	28.0%	8.6%	0.0%	100.0%
Kitui	46.2%	53.8%	0.0%	0.0%	100.0%
Turkana	9.5%	90.5%	0.0%	0.0%	100.0%
Mandera	0.0%	50.0%	25.0%	25.0%	100.0%
Narok	57.6%	42.4%	0.0%	0.0%	100.0%
Kwale	33.3%	33.3%	0.0%	33.3%	100.0%
Wajir	28.6%	64.3%	7.1%	0.0%	100.0%
Laikipia	65.9%	31.7%	2.4%	0.0%	100.0%
Marsabit	64.5%	35.5%	0.0%	0.0%	100.0%
Tana River	75.0%	25.0%	0.0%	0.0%	100.0%
Isiolo	56.5%	34.8%	8.7%	0.0%	100.0%
<b>Total</b>	<b>60.6%</b>	<b>34.3%</b>	<b>4.8%</b>	<b>.3%</b>	<b>100.0%</b>

A majority of the respondents who referred disputes to a third party did so either to a local administrator (44 per cent), the police (32 per cent) or council of elders (10 per cent). There are strong indications that referrals to administrative and police authorities may still end up with formal litigation in the courts. However, for the people who refer disputes to council of elders, it was an effective indication towards informal dispute management through the traditional Alternative Dispute Resolution methods. This is because elders are the custodians of indigenous cultures and traditional practices, and their way of solving disputes are believed to be more just and sustainable. In the key informant interviews, most county officials

expressed the view that the county administrations support use of ADR in land cases since such disputes are numerous, require quick attention and in many times can be resolved using community elders and local administrators.



If reported to a third party, where did you report the dispute/case?

**Figure 10: Where dispute requiring intervention of a third party was reported**

In terms of county analysis, Marsabit (75 per cent), Nyeri (66.7 per cent) and Kisii recorded the highest percentages of those who referred their disputes to a local administrator. On the other hand, Kwale (100 per cent), Garissa (62 per cent), and Mombasa (54 per cent) had the highest proportion of those who reported their dispute to the police. Again for Kwale, Garissa and Mombasa, the trend could denote the high stakes in formal security reporting in the counties. Turkana (50 per cent), Narok (53 per cent) and Isiolo (46 per cent) dominantly refer their disputes to council of elders.

**Table 9: County analysis of where a dispute requiring intervention of a third party was reported**

County	Police Station	Local administrator i.e Chief/Ass. Chief	Court of Law	Lawyer	Religious Leader	Council of Elders	Total
Nairobi	40.5%	29.1%	16.5%	2.5%	2.5%	8.9%	100.0%
Mombasa	53.8%	19.2%	15.4%	0.0%	0.0%	11.5%	100.0%
Kisumu	38.7%	51.6%	1.6%	0.0%	0.0%	8.1%	100.0%
Uasin Gishu	20.6%	52.9%	14.7%	2.9%	2.9%	5.9%	100.0%
Nyeri	8.3%	66.7%	8.3%	0.0%	0.0%	16.7%	100.0%
Garissa	61.5%	3.8%	3.8%	0.0%	26.9%	3.8%	100.0%
Nakuru	41.3%	56.0%	1.3%	0.0%	0.0%	1.3%	100.0%
Kakamega	23.4%	51.1%	17.0%	0.0%	0.0%	8.5%	100.0%
Kisii	16.9%	62.7%	1.7%	0.0%	3.4%	15.3%	100.0%
Kitui	27.8%	55.6%	0.0%	5.6%	11.1%	0.0%	100.0%
Turkana	0.0%	50.0%	0.0%	0.0%	0.0%	50.0%	100.0%
Narok	10.5%	10.5%	10.5%	0.0%	15.8%	52.6%	100.0%
Kwale	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Wajir	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%	100.0%
Laikipia	29.6%	22.2%	18.5%	14.8%	11.1%	3.7%	100.0%
Marsabit	0.0%	75.0%	5.0%	0.0%	5.0%	15.0%	100.0%
Tana River	33.3%	33.3%	33.3%	0.0%	0.0%	0.0%	100.0%
Isiolo	23.1%	30.8%	0.0%	0.0%	0.0%	46.2%	100.0%
<b>Total</b>	<b>31.5%</b>	<b>43.8%</b>	<b>8.7%</b>	<b>1.5%</b>	<b>4.0%</b>	<b>10.4%</b>	<b>100.0%</b>

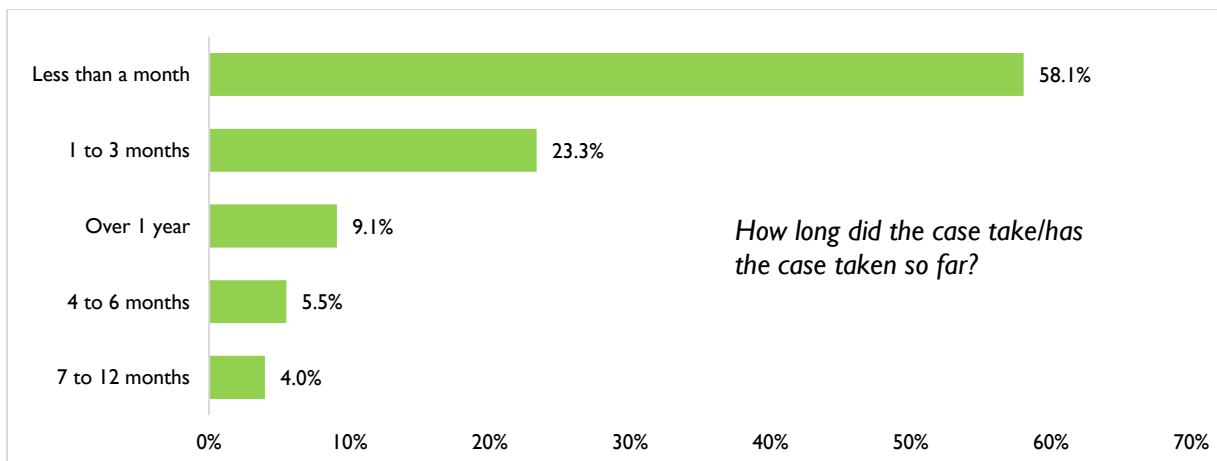
Referrals to local administrators such as chiefs and their assistants is the most frequently used method of dispute resolution. However, use of police and local administrators shows the complementary role of ADR as an alternative to the court process. Even so, in both scenarios, parties may still end up in court if it is the appropriate means of resolving the dispute.



**Table 10: Level of utilization of services of various justice sector institutions/persons**

<b>Institution</b>	<b>Never</b>	<b>Sometimes</b>	<b>Always</b>	<b>Don't know/ Not sure</b>	<b>Total</b>
Judiciary/Courts of Law	25.6%	49.7%	12.9%	11.8%	<b>100.0%</b>
The Police	9.4%	38.7%	<b>48.8%</b>	3.1%	<b>100.0%</b>
Local Administrators i.e., Chief and their assistants	5.2%	26.9%	<b>65.0%</b>	2.8%	<b>100.0%</b>
Council of Elders	13.8%	34.4%	<b>42.7%</b>	9.2%	<b>100.0%</b>
Arbitrators/Mediators	24.5%	35.5%	22.3%	17.7%	<b>100.0%</b>
Lawyers	35.2%	37.6%	11.1%	16.1%	<b>100.0%</b>
Religious leaders	15.2%	46.5%	31.0%	7.3%	<b>100.0%</b>

A majority (58 per cent) of the respondents who reported their disputes to a third party indicated that their dispute took less than a month to resolve. Another 23 per cent said their dispute took one to three months to resolve while 19 per cent indicated their case took more than a year.



**Figure 11: Time taken to resolve a dispute**

It is mainly within the informal justice mechanisms where disputes take less than a month to resolve. This is consistent with the general feeling that ADR processes achieve accessible and affordable justice

to ordinary people than the formal justice system, and that it dispense justice fairly, speedily and without discrimination<sup>23</sup>.

**Table 11: Time taken by various justice institutions to resolve a dispute**

Duration	Local Administrators (Chiefs and their assistants)	Courts of Law	Council of Elders	The Police	Lawyers	Arbitrators/mediators	Religious Leaders	Nyumba kumi	Total
Less than a month	61.1%	57.6%	61.2%	56.3%	54.1%	65.1%	59.0%	85.7%	58.9%
1 to 3 months	21.0%	21.6%	20.7%	24.0%	24.7%	17.5%	25.2%	14.3%	22.8%
Over 1 year	8.7%	10.4%	9.0%	9.0%	12.9%	6.3%	10.1%	0.0%	8.9%
4 to 6 months	5.2%	6.5%	5.0%	6.0%	3.5%	6.3%	4.3%	0.0%	5.5%
7 to 12 months	4.0%	3.9%	4.0%	4.8%	4.7%	4.8%	1.4%	0.0%	3.9%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

While a majority of the respondents who sought justice indicated that the process was affordable, 42 per cent of them indicated that the costs incurred during their dispute resolution was inhibitive.

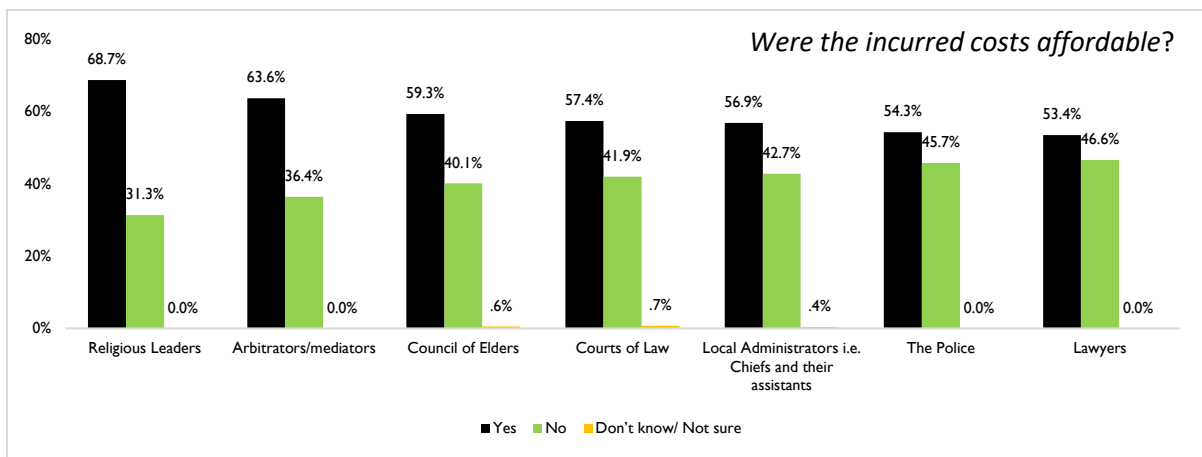
**Table 12: Affordability of justice by county**

County	Affordable	Not Affordable	Don't know/ Not sure	Total
Turkana	100.0%	0.0%	0.0%	100.0%
Marsabit	100.0%	0.0%	0.0%	100.0%
Garissa	87.5%	12.5%	0.0%	100.0%
Kitui	84.6%	15.4%	0.0%	100.0%
Kisii	84.0%	16.0%	0.0%	100.0%
Uasin Gishu	76.2%	23.8%	0.0%	100.0%
Wajir	75.0%	25.0%	0.0%	100.0%
Kisumu	73.2%	26.8%	0.0%	100.0%
Laikipia	60.0%	40.0%	0.0%	100.0%
Kakamega	59.4%	37.5%	3.1%	100.0%
Isiolo	33.3%	66.7%	0.0%	100.0%
Nairobi	28.8%	71.2%	0.0%	100.0%
Nakuru	22.7%	77.3%	0.0%	100.0%

<sup>23</sup> Muigua, Kariuki (ibid), page 121- 145

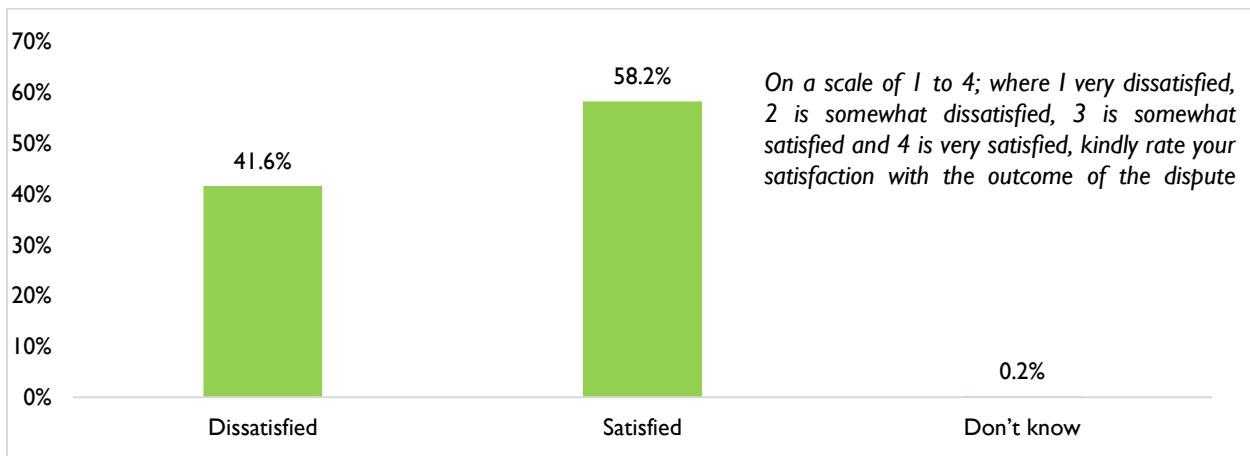
Mombasa	21.7%	78.3%	0.0%	100.0%
Narok	0.0%	100.0%	0.0%	100.0%
Tana River	0.0%	100.0%	0.0%	100.0%
<b>Total</b>	<b>57.3%</b>	<b>42.4%</b>	<b>0.3%</b>	<b>100.0%</b>

Affordability was highest for religious leaders (69 per cent), arbitrators/mediators (64 per cent) and council of elders (59 per cent). On the other hand, respondents affirmed that lawyers were the most unaffordable (47 per cent).



**Figure 12: Affordability of various Justice Institutions**

Indeed, a majority (58.2 per cent) of the respondents who sought justice expressed satisfaction with the outcome of the dispute resolution mechanism.



**Figure 13: Satisfaction with the outcome of the dispute resolution**

The local administration officers, the council of elders, the religious leaders as well as arbitrators and mediators are all part of management of disputes under the ADR mechanisms. Those who exercised

dispute resolution using the informal justice systems reported the highest satisfaction levels with the outcomes (about 61 per cent) as seen in the table below:

**Table 13: Satisfaction with the outcome of the dispute resolution by institution**

LEVEL OF SATISFACTION	LOCAL ADMINISTRATORS (CHIEFS AND THEIR ASSISTANTS)	COURTS OF LAW	COUNCIL OF ELDERS	THE POLICE	LAWYERS	ARBITRATORS/ MEDIATORS	RELIGIOUS LEADERS	NYUMBA KUMI	TOTAL
Somewhat Satisfied	39.6%	46.3%	34.4%	41.6%	50.6%	33.3%	38.1%	42.9%	37.6%
Very Satisfied	21.5%	17.7%	26.4%	18.9%	12.9%	27.0%	23.7%	28.6%	22.0%
Somewhat Dissatisfied	19.1%	16.9%	18.1%	20.4%	17.6%	15.9%	25.2%	14.3%	21.1%
Very Dissatisfied	19.6%	19.0%	20.7%	19.2%	18.8%	23.8%	12.9%	14.3%	19.1%
Don't Know	.2%	0.0%	.3%	0.0%	0.0%	0.0%	0.0%	0.0%	.2%

A majority of the respondents (64 per cent) lacked confidence in the police to promote human rights standards and fundamental freedoms. Confidence in the police was highest in Lamu, Nyeri, Marsabit and Isiolo counties at 78 per cent, 59 per cent, 54 per cent and 53 per cent respectively, and lowest in Kwale and Mandera counties at 6 per cent and 9 per cent respectively.

**Table 14: Confidence in the Police in Guaranteeing Rights and Freedoms**

County	Yes	No	Don't know/ Not sure	Total
Lamu	78.0%	20.3%	1.7%	100.0%
Nyeri	59.0%	41.0%	0.0%	100.0%
Marsabit	53.6%	35.7%	10.7%	100.0%
Isiolo	53.2%	38.3%	8.5%	100.0%
Garissa	45.7%	54.3%	0.0%	100.0%
Turkana	45.1%	35.9%	19.0%	100.0%
Laikipia	44.8%	50.7%	4.5%	100.0%
Tana River	43.9%	50.9%	5.3%	100.0%
Kakamega	42.7%	54.8%	2.4%	100.0%
Wajir	37.5%	60.2%	2.3%	100.0%
Kitui	34.2%	65.8%	0.0%	100.0%
Kisii	33.8%	63.1%	3.1%	100.0%
Nairobi	31.5%	66.3%	2.2%	100.0%
Mombasa	28.4%	69.2%	2.5%	100.0%

Narok	28.2%	70.4%	1.4%	100.0%
Uasin Gishu	23.7%	73.1%	3.2%	100.0%
Nakuru	21.0%	77.6%	1.4%	100.0%
Kisumu	18.8%	80.0%	1.2%	100.0%
Mandera	9.2%	87.7%	3.1%	100.0%
Kwale	5.9%	85.6%	8.5%	100.0%
<b>Total</b>	<b>33.0%</b>	<b>63.8%</b>	<b>3.2%</b>	<b>100.0%</b>

The suspicion surrounding the police undermines their role in dispute resolution. Ordinary people believe that the police do not serve their interests. This may be one reason behind people resorting to alternative mechanisms of justice. However, utilization of police services still remains high as it's the entry point for nearly all criminal cases. In the focus group discussions, some of the respondents gave the following opinions.

“A person may be arrested in the morning for committing a serious offence but in the evening on the same day, you will see that person again in the streets...” **Elderly FGD respondent**

“When you report a crime to the police, the perpetrator will be informed by the same police that you reported him, hence endangering your life.....” **Elderly FGD respondent**

“A young man assaulted an old woman here and knocked off her teeth. It was reported to the police. After some time, the police turned tables on her claiming that it is the victim who will have to pay the man. Right now, she has no teeth, and the man who assaulted her is free....” **FDG Respondent**

“There is a day my brother forgot his driving licence in the house. Around 7 pm he was found parked in a wrong area as he was picking a friend. He was arrested and charged with several offences, including rape, evading police arrest and driving without a driving license, just because he refused to give a bribe. I have no confidence in them....” **FGD respondent**

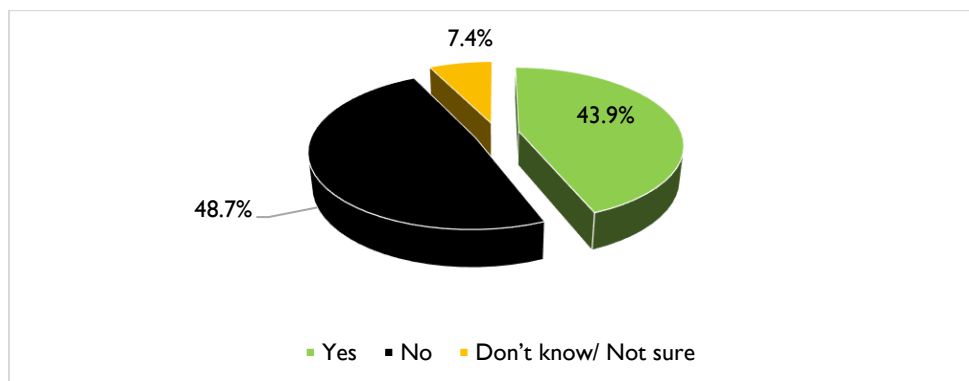
“...Police are good if you have money because for them, if you want anything to work, they will tell you that even the vehicle does not have fuel...” **I 8-35 Years FGD Respondent**

“...I don't have faith in them. For instance, you may be attacked by thieves at night but when you call them, they arrive the following day in the morning. So, they don't respond immediately...” **36+ Years Respondent**

Before the promulgation of the 2010 Constitution, and the subsequent judicial reforms, the Judiciary was seen as an appendage of the Executive. According to critics, the ‘level of interference with judicial functions was lamentable’<sup>24</sup> with various human rights abuses blamed on the Judiciary. Yet it has the important role to interpret the law and determine the disputes before it. The Constitution emphasizes the independence

<sup>24</sup> Mitulla W, Odhiambo Morris and Osogo A (2005) *Kenya's Democratization: Gains or Losses*, Claripress, Nairobi, pg 34

of the Judiciary to underscore this point. However, according to this survey, nearly half (49 per cent) of the respondents indicated that they did not have confidence in the courts to provide justice for all<sup>25</sup>.



**Figure 14: Confidence in the Kenyan courts**

Only about four out of every 10 respondents indicated that they had confidence in the Kenyan courts to provide justice for all. Confidence in the courts was highest in Lamu, Nyeri, and Garissa counties at 75 per cent, 74 per cent and 71 per cent respectively. Mandera, Kisumu and Kwale counties recorded the lowest confidence levels for the courts at 10 per cent, 20 per cent and 22 per cent respectively. The courts face numerous challenges which may affect public perception of them from one place to another. Among the main problems are backlog of cases, affordability as well as corruption.

**Table 15: Confidence in Courts by County**

County	Yes	No	Don't know/ Not sure	Total
Lamu	74.6%	20.3%	5.1%	100.0%
Nyeri	74.4%	20.5%	5.1%	100.0%
Garissa	70.7%	26.1%	3.3%	100.0%
Kitui	63.9%	36.1%	0.0%	100.0%
Marsabit	55.4%	35.7%	8.9%	100.0%
Kakamega	50.8%	36.7%	12.5%	100.0%
Turkana	50.7%	30.3%	19.0%	100.0%
Laikipia	50.7%	41.8%	7.5%	100.0%
Nakuru	49.8%	45.6%	4.6%	100.0%
Isiolo	48.9%	44.7%	6.4%	100.0%
Uasin Gishu	45.2%	38.7%	16.1%	100.0%

<sup>25</sup> But the judiciary's own customer satisfaction survey, conducted in May 2015 and published in 2016 showed that 71% of the respondents in its survey expressed satisfaction with it. While 53% of them agreed that they had confidence and trust in the institution, another 19% strongly agreed with the statement. Generally the introduction of the Judiciary service Week, and other reform initiatives to improve public engagement with the judiciary have contributed to improved confidence in the courts, it appears that this current study sampled many respondents who actually doubt the efficacy of the courts and as such have not dealt with them unlike the Judiciary study that concentrated on respondents who had actually gone to court to seek services.

Kisii	43.6%	47.7%	8.7%	100.0%
Nairobi	40.9%	54.8%	4.3%	100.0%
Wajir	38.6%	53.4%	8.0%	100.0%
Narok	35.9%	56.3%	7.7%	100.0%
Tana River	31.6%	57.9%	10.5%	100.0%
Mombasa	30.3%	64.2%	5.5%	100.0%
Kwale	22.0%	65.3%	12.7%	100.0%
Kisumu	20.0%	72.1%	7.9%	100.0%
Mandera	10.0%	86.9%	3.1%	100.0%
<b>Total</b>	<b>43.9%</b>	<b>48.7%</b>	<b>7.4%</b>	<b>100.0%</b>

Regarding confidence in the Judiciary, most FGD participants were of the view that judicial reforms have achieved little<sup>26</sup>. Many of the FGD participants who had no confidence in the Judiciary held the view that that disputes in court take too long to settle and powerful parties tend to bend the law in their favour. The independence of the Judiciary is also questionable and respondents believed that external influence in the judgments made by the courts is still a reality. Some of these positions are shown in the FGD views below;

*“So most people are not going to the courts because there are so many cash demands. I am poor and what I get is used to buy food. When you ask me for half a million now, where will I get it?....” Youth FGD respondent, Mombasa*

*“It is about money. If you have money, you will not be taken to court...” FGD respondent, Eldoret*

*“Moneyed people can influence processes right at the police station. The underprivileged do not have a voice....” FGD respondent, Eldoret*

<sup>26</sup> For comparison; note that access to justice remains a challenging problem in Kenya. According to a survey carried out by Infonet in 2013, 23 percent of the respondents reported that a household member had lodged a court case in the three years preceding the survey. However, half of those who lodged legal cases in Lang’ata (57 per cent), Embakasi (54 per cent) and Bungoma (50 per cent) were either asked for a bribe or some form of gift. A whole range of court officials were mentioned as seeking for bribes including paralegals, magistrates, lawyers and police. People viewed the court system as expensive and did not trust it, noting that the laws are applied disfavorably to the poor. In Kisumu (37 per cent), Siaya (23 per cent) and Murang’a (18 per cent,) respondents noted that the Judiciary was acting more independently without interference from the state. See <http://www.infonet.or.ke/state-of-public-service-and-access-to-justice-in-kenya-a-blue-report/>

*“..The judges deciding on the cases have always been under pressure from the external forces. In addition, the by-laws concerning judicial system made by the legislators have worked in favor of their interests depending on specific cases especially those which involve them...”* **18-35 Years Respondent Kitui**

*“...they say, justice delayed is justice denied. They keep dilly-dallying the cases and therefore, and somebody will end up giving up the whole process of paying a lawyer, so you just give up on the system...”* **18-35 Years Respondent Nyeri**

*“... No. Because you find that petty offenders are jailed for years as compared to those who commit more serious crimes for instance the corrupt people in the society...”* **36+ Years Respondent Kitui**

Depending on the nature of the cases and the avenues used to pursue them, some people have obtained justice and in good time while others have not. Cases presented to the labour offices were reported to be resolved justly and in good time. From the discussions it transpired that some people do not know the right places to seek justice or end up going to wrong platforms for assistance. This tends to delay the resolution of their problems.

However, it is true that most of the respondents preferred informal justice systems to the courts. It is only complicated cases that are solved under formal justice systems. With high levels of suspicion against the police and even court officials, generally there was a prevailing perception that ordinary Kenyans had very little chance to redeem their rights in the formal justice process. Poor and illiterate families are even more vulnerable. Some of them even opt to pursue witchcraft to access justice. In their view, alternative dispute resolution methods can lead to better outcomes in settling down matters since going to court is like taking the issue nowhere. The traditional alternative dispute resolution approaches require that the issues are resolved amicably with the persons who are directly involved in the dispute.

In Turkana for instance, many disputes including penal code offences such as theft are still solved through community elders. The survey also established that cases of domestic violence are high in some of the areas but where elders are unable to solve or reconcile differences, the disputes are taken to the chiefs. Serious offences are reported straight to the police, but it is mostly petty offences and domestic quarrels that are taken to the traditional dispute arbitrators before they can be scaled up to the police and the courts. Cases of child maintenance, also high in Turkana, appear to be well coordinated by the children officers and defaulting parties must prepare to face the courts if they fail to take care of their children.

Below are some of the responses from the focus group discussions:



“...Local law enforcers have been of great help to address rights violation. Many people have managed to report cases of rights violations and have been able to get them back...” **18-35 Years Respondent Kitui**

“..Religious institutions have been able to address some disputes. In several occasions, the religious leaders have resolved disputes...” **18-35 Years Respondent Kitui**

“...In the village we first take the matter to the sub-chief then the chief. From there we go to the police station...” **36+ Years Respondent Nairobi**

“...We use the local community based courts (The Nyumba Kumi/10 households) headed by elders and the area chiefs...” **36+ Years Respondent Nairobi**

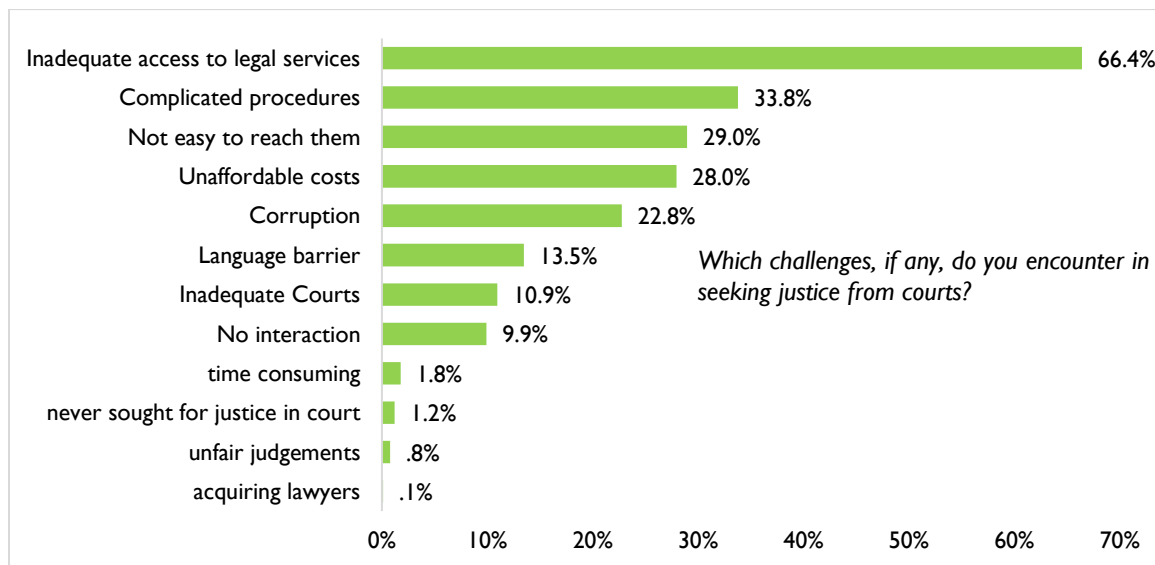
“As you may have heard in Coast region there is a lot of witchcraft. We go there because that is where you will get instant justice....” **Youth FGD respondent, Mombasa**

Focusing on distance, local administrators are the most accessible. Half (50 per cent) of the respondents travel less than a kilometre to access them. This partly explains their high utilization by community members to resolve disputes. About a third (35 per cent) of the surveyed respondents travel less than a kilometre to access the nearest police station/post. And in terms of distance, courts of law were the least accessible with more than two-thirds (67 per cent) of the respondents travelling more than five kilometres to access the nearest court.

**Table 16: Distance Covered to the Nearest Institutions of Resolving Cases**

<i>Institution</i>	<b>Less than 1 KM</b>	<b>1 – 5 KM</b>	<b>6 – 10 KM</b>	<b>11 – 50 KM</b>	<b>Over 50 KM</b>	<b>Don't know</b>
<i>Police Station/Post</i>	34.7%	40.0%	16.4%	7.1%	1.3%	.5%
<i>Court of Law</i>	4.7%	24.7%	28.0%	27.8%	11.3%	3.5%
<i>Local Administrator i.e. Chief/Assistant chief</i>	50.3%	34.1%	11.2%	3.4%	.4%	.5%

Generally, court processes have their own unique problems. Inadequate access to legal services (67 per cent), complicated procedures (34 per cent), long distances (29 per cent), unaffordable costs (28 per cent) and corruption (23 per cent) were mentioned as the major challenges faced when seeking justice from the courts of law.



**Figure 15: Challenges encountered in seeking justice from courts**

During focus group discussions, respondents mentioned that access to justice in the police and courts is hampered by delays, inaction by the police corruption, poverty and fear of retaliation. Confidence in the police was quite low. Most of the respondents had not interacted with the courts hence had no opinion on the Judiciary. For those who had sought justice in the courts; delays, corruption and lack of money was cited as the major challenges.

Below are some of the responses on difficulties in access to justice in the country:

“There is a friend of mine who had a case just immediately after the 2007 post-election violence. He reported a case where one of their family members was killed and up to now, nothing has happened....”

**Youth FGD respondent, Mombasa**

Sometimes you report a case and after a few months the file is lost hence the case collapses...” **Elderly FGD respondent, Mombasa**

“I am currently involved in a case. It is now four years since the case began. Every time I go to the courts, the prosecutors keep saying that there is pending evidence or maybe there are no witnesses. The prosecutor keeps promising that there is a witness who will come to testify but this has not happened. It’s now four years. I don’t think I will get justice....” **Elderly FGD respondent, Mombasa**

“...No. I have a friend of mine whose daughter was defiled. She took the necessary steps by going to the police, to the hospital. The person who defiled the child was arrested the following day. After the arrest,

it only took two days and he was released. Up to today, he has never been rearrested...” **36+ Years**

**Respondent Kitui**

From the FGDs discussions, most people in the counties such as Garissa, Isiolo, Turkana, Uasin Gishu and Marsabit claimed that they preferred to use traditional means to solve their disputes because they are less cumbersome. This is despite the fact that other studies have noted moderate level of human rights awareness among some of the purveyors of ADR such as the council of elders<sup>27</sup> even though their role in dispute resolution remains dominant.

**3.3 Enhanced Citizen Awareness and engagement on human rights using innovative CSO approaches**

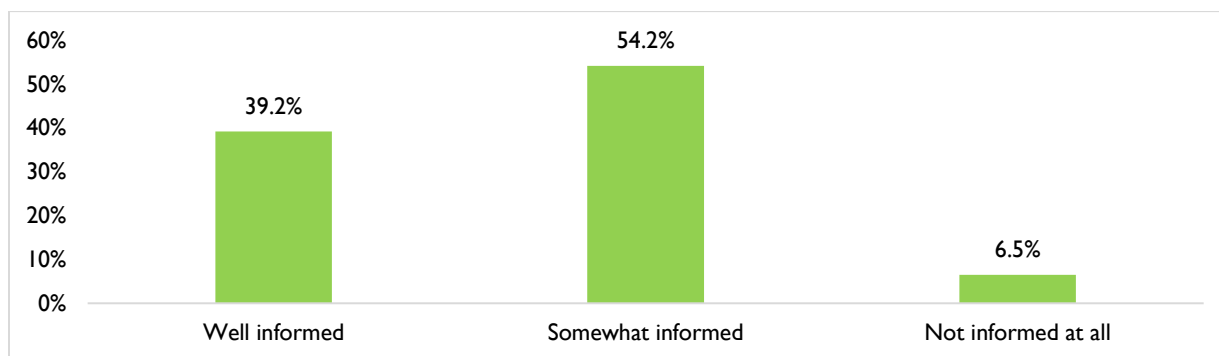
**3.3.1 Percentage of Citizens’ aware of basic human rights (water, health, sanitation, education, and others)**

The Constitution requires public participation of citizens in decisions of governance and development that affect them. The principle of public participation<sup>28</sup> is meaningless without knowledge of the same.

According to the household survey findings, awareness of basic human rights by members of the public is below average. According to the survey, a majority of the respondents are either somewhat aware (54 per cent) or not aware at all (6.5 per cent) of their rights and freedoms. Only 39 per cent of the respondents felt that they are well-informed of their rights and freedoms. According to key informants, enforcement of rights and freedoms is a major challenge even for those who are aware of their rights.

<sup>27</sup> In 2016, KNCHR in its Baseline Survey concluded that only 10% of the Elders had a good knowledge on the bill of rights, while about 29 per cent had an average knowledge of the rights. This was a self-rating survey, and about 33 per cent of them claimed to have a fair knowledge on the bill of rights. In all, about 41 per cent of the members of the Council of Elders they interviewed had never taken part in any human rights training by 2014.

<sup>28</sup> See articles 10, 37, 38 and 118



**Figure 16: Level of Information on one’s rights and freedoms**

Awareness of human rights and freedoms was highest in Lamu (67.7 per cent), Kisumu (55.8 per cent), Nakuru (52.3 per cent) and Isiolo (51.1 per cent). On the other hand, Narok (14.1 per cent), Tana River (15.8 per cent) and Turkana (16.2 per cent) counties recorded the lowest awareness levels. These counties are predominantly pastoralist areas where the largely migratory practices of local communities seem to have denied them a chance to learn about human rights. Also, literacy levels are comparatively low and as well civic education activities are minimal in the areas.

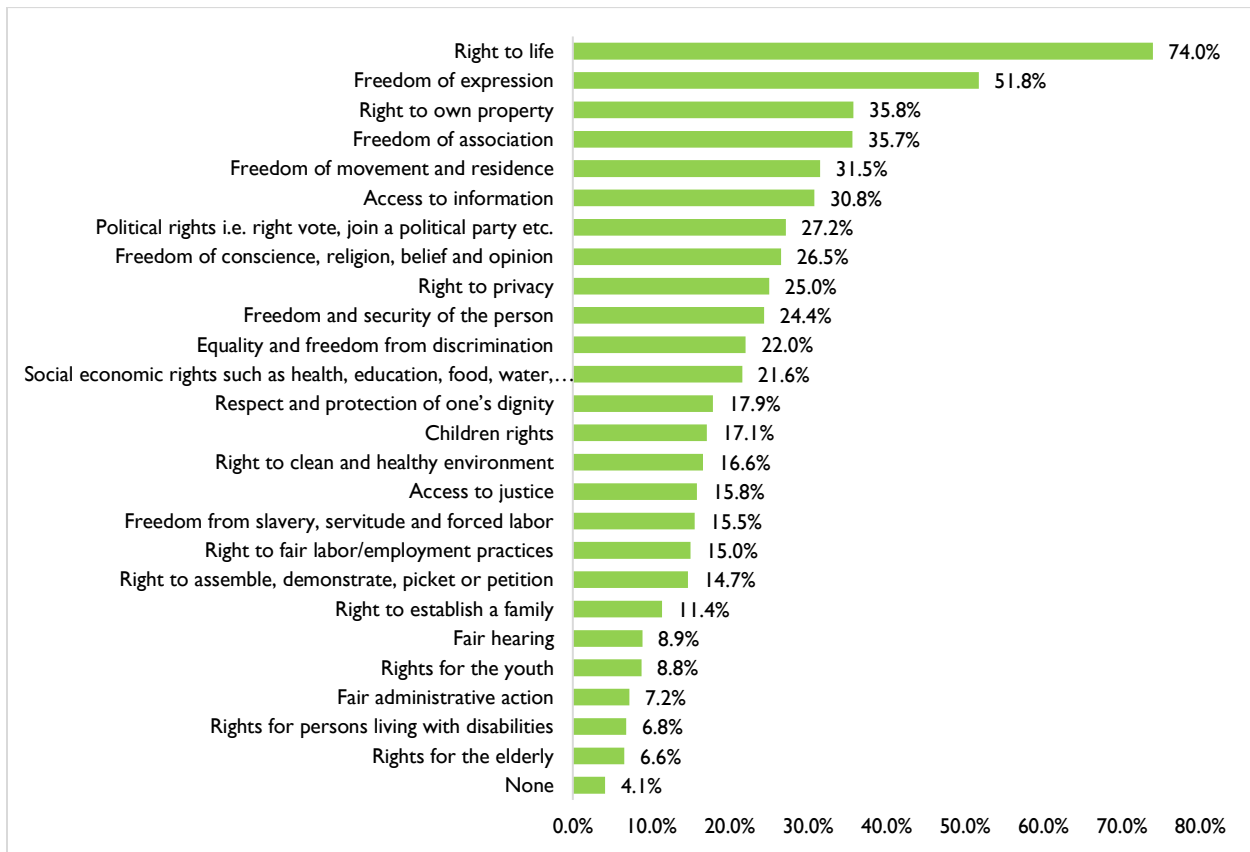
**Table 17: Level of Information on one’s rights and freedoms**

County	Well informed	Somewhat Informed	Not Informed at all	TOTAL
Lamu	62.7%	35.6%	1.7%	100.0%
Kisumu	55.8%	41.2%	3.0%	100.0%
Nakuru	52.3%	46.3%	1.4%	100.0%
Uasin Gishu	52.2%	41.9%	5.9%	100.0%
Isiolo	51.1%	48.9%	0.0%	100.0%
Nairobi	49.9%	47.1%	3.0%	100.0%
Laikipia	47.8%	52.2%	0.0%	100.0%
Mombasa	42.3%	50.2%	7.5%	100.0%
Garissa	37.0%	62.0%	1.1%	100.0%
Kisii	36.9%	59.5%	3.6%	100.0%
Nyeri	36.5%	62.2%	1.3%	100.0%
Kitui	31.0%	66.5%	2.6%	100.0%
Kwale	28.8%	58.5%	12.7%	100.0%
Wajir	27.3%	59.1%	13.6%	100.0%
Mandera	26.9%	48.5%	24.6%	100.0%
Marsabit	25.0%	62.5%	12.5%	100.0%

Kakamega	23.0%	66.9%	10.1%	100.0%
Turkana	16.2%	68.3%	15.5%	100.0%
Tana River	15.8%	59.6%	24.6%	100.0%
Narok	14.1%	74.6%	11.3%	100.0%
<b>Total</b>	<b>39.2%</b>	<b>54.2%</b>	<b>6.5%</b>	<b>100.0%</b>

When respondents at the household level were asked to give examples of what they considered to be their rights, the economic, social and cultural rights were less canvassed, giving an impression that people relate quickly to the basic political and cultural rights. The answers have been captured in the figure provided below: That is to say, the right to life and the freedom of expression are seen as part of the fundamental rights by at least 74 per cent and 52 per cent of the respondents respectively. In all other responses, cumulative frequencies are under 36 per cent.

It may mean that fewer respondents are aware of these rights, or considers them important, or it suggests that a good number of the respondents routinely ignore them. Either way, it leads to the conclusion that more civic education is required in the communities. To be more effective and maintain good impact, civic education must be repetitive. As such, the statistics may also indicate a deficit in reach in terms of civic education on human rights.



**Figure 17: Awareness of various rights and freedoms**

During focus group discussions, respondents gave prominent mention of examples of various fundamental freedoms and rights as enshrined in the Constitution, although it was a challenge for many of them to contextualise the particular provisions. Most of the human rights provisions mentioned in the FGDs are political and civil rights. Below are a few extrapolations of what some of the participants recalled in the list of human rights:

“...it is my right to vote in this country as long as I was born in this country and I am a citizen of this country. I also think it is my right to move, really without being restricted, unless there is maybe a state of emergency I think that is my right...” **18-35 Years Respondent, Nyeri**

“...the right to equal treatment...” **36+ Years Respondent, Nyeri**

“...I have a right to peace, justice and fairness. That people should not be judged based on their tribe...” **36+ Years Respondent, Nairobi**

Other participants also mentioned the rights to vote, privacy, security, freedom of association, freedom of worship, freedom of movement, freedom of expression, freedom of religion, freedom of speech, among others. Economic and social rights were also restated. The socio-economic rights mentioned are: education and ownership of property.

Individuals have different definitions for human rights. Personal history majorly drives a person's acknowledgement of human rights and the attention paid to them. The FGD respondents described human rights in different ways, but underlining it, is the belief that rights should be accessed freely, without cost or discrimination. In most discussions, participants looked at human rights as a guideline for how people should treat each other in the community. Below is a sample of opinions from the FGDs on the meaning of human rights to the people with whom this survey interacted:

“These are the things that each and every person is supposed to enjoy ... in the personal space of a person when relating with other people...” **18-35 Years Respondent Nyeri**

“Your right is your right. Something is your right if you are free to do it without any boundary or restriction ...” **36+ Years Respondent Turkana**

“These are the rights that you get to enjoy as a person. It is like right to life, right to speak, the right to express yourself...” **18-35 Years Respondent Nairobi**

“Basic human rights are the things that an individual is entitled without being given as a privilege with anyone. These may include freedom to do particular things like expressing themselves...” **Kisumu 36 year old respondent**

“...They are those fundamental needs for human beings and they always guide the government in protecting the lives of its people...” **Male FGD Respondent – Garissa**

The respondents appreciate what human rights constitute even if there are difficulties about the actual definition of the concept. Indeed, for some of them, there is a good level of expectation that human rights come with responsibilities and a positive attitude is required to exercise them with adequate care not as to infringe the rights of others.

Sometimes people take part in actions to demand for their rights, such as through demonstrations. However, FGD respondents reported that protests lead to police brutality. Still, there are many constraints that people face when they demand their fundamental rights and freedoms, particularly from the authorities. Such obstacles have dissuaded communities from taking actions to demand human rights. People fear activities that would elicit negative consequences. Where the action is not likely to produce tangible results, victims also tend to give up.

Only about two out every 10 surveyed respondents (20.4 per cent) indicated that they had taken part in an action to demand for their rights and freedoms. This is really low, and indicates a general lethargy in the expectations that citizens are ready and willing to assert themselves to demand for services. Demand for rights and freedoms was highest in Garissa (50 per cent), Isiolo (46.8 per cent), Marsabit (44.6 per cent) and Laikipia (41.8 per cent) counties.

The table below shows the level to which county residents are engaging with duty bearers to demand for basic rights and freedoms.

**Table 18: Demand for rights and freedoms**

County	Yes	No	Don't know/ Not sure	Total
Garissa	50.0%	50.0%	0.0%	100.0%
Isiolo	46.8%	53.2%	0.0%	100.0%
Marsabit	44.6%	53.6%	1.8%	100.0%
Laikipia	41.8%	55.2%	3.0%	100.0%
Kisii	34.4%	64.1%	1.5%	100.0%
Wajir	33.0%	63.6%	3.4%	100.0%
Uasin Gishu	30.6%	66.1%	3.2%	100.0%
Kisumu	27.3%	70.9%	1.8%	100.0%
Kitui	23.9%	72.9%	3.2%	100.0%
Lamu	20.3%	74.6%	5.1%	100.0%
Nakuru	18.5%	80.8%	.7%	100.0%
Nairobi	16.5%	83.2%	.3%	100.0%
Mombasa	15.9%	83.1%	1.0%	100.0%
Nyeri	14.1%	84.6%	1.3%	100.0%
Mandera	13.8%	78.5%	7.7%	100.0%
Narok	11.3%	86.6%	2.1%	100.0%
Turkana	9.9%	81.7%	8.5%	100.0%
Kakamega	9.7%	87.9%	2.4%	100.0%
Kwale	6.8%	83.9%	9.3%	100.0%
Tana River	3.5%	96.5%	0.0%	100.0%
<b>Total</b>	<b>20.4%</b>	<b>77.2%</b>	<b>2.3%</b>	<b>100.0%</b>

The following are some of the view points from the focus group discussions participants who have demanded for their rights:



“There was a time we sought for our rights from the city council of Nairobi. The environment we are working in was very deplorable and we were being harassed. We got it. The governor addressed us...”

**36+ Years Respondent, Nairobi**

“The houses in which we do business were being broken into sometimes back. There is a time one of us had his premise broken into and we demonstrated and went to the police station where we wrote down statement. We had people we were suspecting. They were called and talked to and from there, we have not had any theft cases...” **36+ Years Respondent, Kitui**

“We demonstrated against insecurity since it is our right to be secure. Where I live, there have been rampant cases of insecurity. The police force has not taken any action yet...” **36+ Years Respondent, Kitui**

Generally as seen with other forms of engagement, there is fear in demanding for one’s rights and freedoms. In view of the forthcoming elections, the situation is more complicated because the stakes are high for the political elite. FGDs respondents concurred that in an election year, it is a problem to demand accountability or redress to violations because you ‘can be killed’ in the process. Notably, several participants argued that during elections, it is risky to speak out on breaches of human rights<sup>29</sup>.

FGDs in Isiolo and Garissa gave additional pointers to the pressing issues in the counties. In Isiolo, it was reported that young men had petitioned the county commissioner in demanding for their land rights. They had also petitioned for the removal of a county police which was successful. In Garissa and Isiolo counties, members of the public had held demonstrations for slow issuance of identification cards.

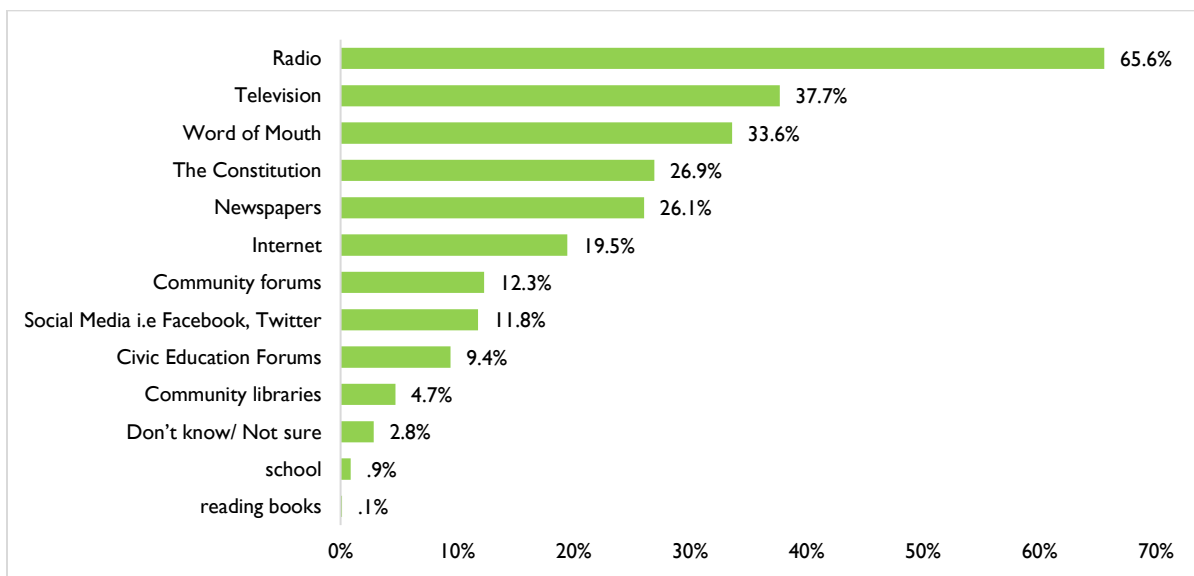
### 3.3.2 Innovative Approaches and Models by CSOs in Raising Human Rights awareness

Innovative approaches consider sustainable techniques and participatory insights in decision making and programme designs. Using innovative approaches maximise the utilization of local opportunities. Innovation in approaches and models of raising human rights awareness is analysed from the perspectives on ways in which human rights education is delivered in the counties.

<sup>29</sup> A case in point was given of recent political violence witnessed in Kalokol in a political rally during a byelection. As a result of tensions in the area, one child and two other people related to one of the political aspirants in the area were shot by the police and badly injured.

Interviews with the CSOs established that different approaches are used in raising the citizens’ awareness. Four innovative approaches were identified: mainstream media (radio and TV); social media; information education communication (IEC) materials; and one-on-one approach.

Household respondents were also asked to name some of the sources of human rights information, and to a large extent, this comprised radio (66 per cent), television (38 per cent), word of mouth (34 per cent) and the Constitution (27 per cent). Less than one in every five respondents got the pertinent information from new media such as the Internet (20 per cent) and the social media (12 per cent). The figures are shown below:



**Figure 18: Sources of information on rights and freedom**

The use of radio, appropriate and popular in many forums, such as reaching the remote parts of the country such as Turkana (70 per cent), Wajir (77 per cent), Isiolo (96 per cent), Marsabit (88 per cent), Garissa (94 per cent) and Tana River (84 per cent) remains widely critical as shown in the presentation on cross tabulation of counties by sources of human rights education. In the FGDs, it was noted that religious institutions also use radio to promote human rights education. In Turkana County, for instance, the Catholic Justice and Peace Commission has an FM radio station, which is credited for the human rights education in the area. Turkana County government is also running a FM radio station that has hosted some of the human rights debates. Human rights curriculum/education in the schools has also contributed sizeably to raising human rights awareness.

The dominant media sources of human rights education included TV programmes and general media debates. Civil society input in disseminating human rights information requires dedicated resources in building content, as well as designing the forums for human rights awareness.

Civic education materials disseminated across the main channels of education were largely the civil society resources such as translated copies of the Constitution and other popular information education and communication (IEC) materials such as T-shirts with civic messages.

Word of mouth is also a common source of human rights learning in Turkana (81 per cent), Kitui (54 per cent) and Garissa (50 per cent) counties. Overall, it was cited by 33 per cent of the surveyed respondents as an important source of human rights information.

**Table 19: Sources of information on rights and freedom in various Counties**

County	Radio	Newspapers	Television	Internet	Community libraries	Civic Education Forums	Community forums	The Constitution	Word of Mouth	Social Media i.e Facebook, Twitter	Learnt in school	Don't know
Nairobi	57.2%	37.8%	65.7%	29.1%	3.9%	5.1%	4.5%	27.7%	38.1%	21.6%	1.5%	2.3%
Mombasa	66.2%	22.4%	58.2%	32.3%	5.5%	10.9%	11.9%	18.4%	10.9%	10.4%	0.5%	5.0%
Kisumu	55.2%	24.2%	19.4%	17.0%	0.0%	3.0%	14.5%	47.9%	31.5%	1.2%	0.0%	3.0%
Uasin Gishu	55.9%	31.2%	42.5%	19.9%	5.9%	5.9%	9.1%	32.8%	8.1%	18.3%	0.0%	0.5%
Nyeri	57.7%	16.7%	32.1%	16.0%	1.9%	3.2%	2.6%	41.7%	37.8%	12.2%	0.0%	1.3%
Garissa	93.5%	2.2%	16.3%	0.0%	0.0%	3.3%	5.4%	3.3%	50.0%	1.1%	0.0%	0.0%
Lamu	64.4%	40.7%	57.6%	32.2%	0.0%	6.8%	28.8%	1.7%	16.9%	10.2%	0.0%	0.0%
Nakuru	54.4%	41.9%	34.9%	16.9%	11.4%	18.0%	13.2%	47.4%	41.2%	10.3%	1.1%	1.8%
Kakamega	74.2%	14.1%	25.0%	14.9%	2.4%	6.5%	11.7%	19.4%	35.9%	4.8%	3.6%	7.7%
Kisii	73.3%	32.3%	37.9%	19.0%	3.1%	9.2%	9.2%	36.4%	18.5%	5.6%	0.0%	0.5%
Kitui	68.4%	18.7%	12.9%	18.7%	5.8%	41.3%	23.2%	57.4%	53.5%	18.1%	0.0%	0.6%
Turkana	70.4%	12.7%	11.3%	7.0%	14.1%	12.7%	40.1%	12.0%	81.0%	9.2%	0.0%	0.0%
Mandera	60.8%	10.8%	17.7%	6.9%	0.8%	7.7%	13.1%	6.2%	36.2%	7.7%	0.0%	5.4%
Narok	75.4%	21.0%	14.5%	14.5%	2.9%	4.3%	13.8%	18.8%	38.4%	16.7%	2.2%	9.4%
Kwale	71.2%	33.9%	47.5%	22.9%	6.8%	7.6%	16.1%	11.0%	23.7%	4.2%	1.7%	6.8%
Wajir	77.3%	11.4%	29.5%	10.2%	8.0%	6.8%	5.7%	5.7%	21.6%	5.7%	0.0%	0.0%
Laikipia	65.0%	35.0%	40.0%	42.5%	17.5%	25.0%	25.0%	30.0%	37.5%	30.0%	0.0%	0.0%
Marsabit	87.5%	5.4%	19.6%	10.7%	1.8%	12.5%	16.1%	7.1%	7.1%	3.6%	0.0%	3.6%
Tana River	84.2%	14.0%	19.3%	5.3%	7.0%	8.8%	29.8%	17.5%	31.6%	0.0%	0.0%	3.5%
Isiolo	95.7%	23.4%	23.4%	12.8%	0.0%	4.3%	8.5%	4.3%	4.3%	2.1%	0.0%	0.0%
<b>Total</b>	<b>65.6%</b>	<b>26.1%</b>	<b>37.7%</b>	<b>19.5%</b>	<b>4.8%</b>	<b>9.4%</b>	<b>12.3%</b>	<b>26.9%</b>	<b>33.6%</b>	<b>11.8%</b>	<b>0.9%</b>	<b>2.8%</b>

A majority of respondents in FGD discussions restated that they have learnt about human rights through the media, both mainstream and social media. For the electronic media, this is during programmes that dwell on human rights, and through politicians, as well as human rights activists, or demonstrations by different groups in the community. A few others have learnt human rights through civic education, *baraza* and word of mouth. Human rights have also been included in the school curriculum, and therefore a number of participants in the meetings had also come to learn about human rights through this means.

Interestingly, there are others who learnt human rights through life experiences, such as having gone through certain violations or helped others through it. Parental education during weaning on moral choices, and legal rights were indicated to be forms of life experiences through which people also learn of their rights. Below are a select of opinions of the respondents on how they learnt about their human rights;

“...through civil society, every time they feel that the government is doing something wrong against the rights of Kenyans, they always come up and say, this and this is what is happening... Also the opposition, every time they feel that the government is going way too much, they always come in between...”

**18-35 Years Respondent Nyeri**

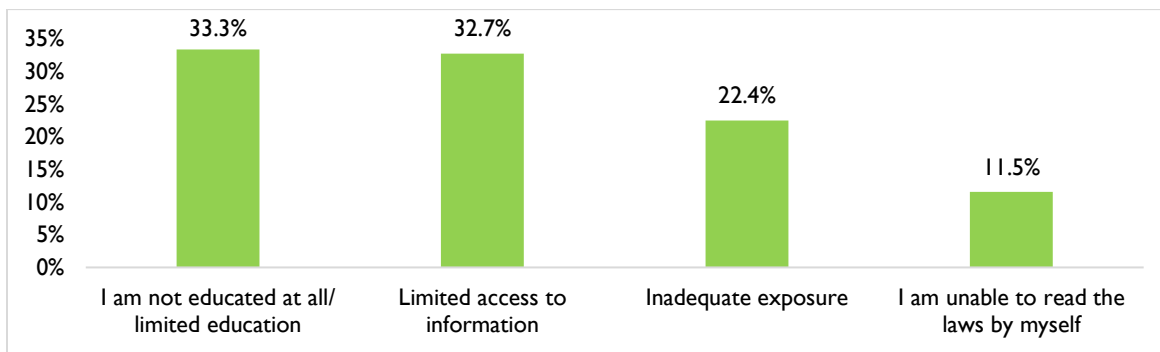
“Introduction of human rights in schools as part of the curriculum and civic education among the people of local community...” **18-35 Years Respondent Kitui**

“Once in a while I listen to constitutional experts....” **FGD respondent, Eldoret**

“Awareness from the media houses, civic education from the county government and reading about the information from the newspapers and constitutions...” **18-35 Years Respondent Kitui**

### **Perspectives on limitations to human rights education and the need for innovative approaches**

Limited education and inadequate access to information were mentioned as the major hindrances to human rights awareness, each at 33 per cent. Further, inadequate exposure was mentioned by 22.4 per cent of the respondents as a limiting factor for their human rights awareness.



**Figure 19: Factors leading to limited awareness of human rights**

FGDs in Mombasa, Isiolo and Garrissa, among others, show that civic education by CSOs contributed heavily to improved citizen knowledge of rights and freedoms. Civil society groups such as HAKI Africa, MUHURI, Uraia, and Kwacha Africa were mentioned as some of the organizations responsible for provision of civic education.

Nevertheless, formal education was also found to be critical. However, illiteracy, ignorance as well as traditional beliefs remain major hindrances to the spread of knowledge on human rights and freedoms. A unique challenge to civic education programs in some parts of the country is the remoteness and vastness of the regions which make it difficult to reach the citizens. Prevailing cultural conditions and situations of local conflict also interfere with opportunities for civic learning as captured in the statements below by discussants from Isiolo County:

“There are a lot of conflicts and people are migrating to other places. When people migrate there is no meaningful education that can go on...” *FGD respondent, Isiolo*

“Those who are focused on pastoralism cannot get to learn about their rights because information may not reach them in the remote areas...” *FGD respondent, Isiolo*

Other factors include poverty and inadequate access to information. Corruption is also a hindrance to human rights awareness because it tends to undermine critical analysis. The prevailing political culture was also shown to be relevant, and in some areas, politicians and administrators support civic education by disseminating civic information to residents through community gatherings and events. This picture is useful as it implies that effective CSOs innovations are required to overcome challenges to human rights awareness.

**Table 20: Factors leading to limited/unimproved knowledge of the rights and freedoms of the respondents by County**

County	I am not educated at all/ limited education	Inadequate exposure	Limited access to information	I am unable to read the laws by myself	Total
Lamu	12.5%	12.5%	75.0%	0.0%	100.0%
Kitui	0.0%	31.1%	60.0%	8.9%	100.0%
Nyeri	11.4%	20.0%	51.4%	17.1%	100.0%
Kisii	13.5%	13.5%	44.2%	28.8%	100.0%
Tana River	39.1%	8.7%	43.5%	8.7%	100.0%
Nairobi	19.7%	31.6%	42.7%	6.0%	100.0%
Kakamega	30.7%	21.6%	40.9%	6.8%	100.0%
Nakuru	25.9%	27.8%	38.9%	7.4%	100.0%
Garissa	18.8%	25.0%	37.5%	18.8%	100.0%
Narok	42.7%	19.5%	32.9%	4.9%	100.0%
Wajir	53.5%	2.3%	32.6%	11.6%	100.0%
Kwale	32.7%	34.6%	25.0%	7.7%	100.0%
Mombasa	26.1%	30.4%	24.6%	18.8%	100.0%
Laikipia	46.2%	23.1%	23.1%	7.7%	100.0%
Marsabit	36.8%	10.5%	21.1%	31.6%	100.0%
Kisumu	52.8%	2.8%	19.4%	25.0%	100.0%
Uasin Gishu	35.0%	30.0%	17.5%	17.5%	100.0%
Turkana	48.7%	28.2%	14.1%	9.0%	100.0%
Mandera	74.1%	12.1%	10.3%	3.4%	100.0%
Isiolo	50.0%	12.5%	0.0%	37.5%	100.0%
<b>Total</b>	<b>33.3%</b>	<b>22.4%</b>	<b>32.7%</b>	<b>11.5%</b>	<b>100.0%</b>

FGDs in Turkana County revealed a unique approach of public education programmes in some parts of the county. The use of public road shows, significantly a popular marketing technique, has been used by many CSOs in the area for civic education. The largely humanitarian NGOs in the area – Save the Children, Red Cross, International Rescue Committee, World Vision, UNHCR, IoM and Start up Lions – have incorporated human rights education in some of their activities, and often use the method to mobilise and reach villages in the remote outposts. Private company, Tullow Oil, has also been involved in some of the human rights sensitization activities in Turkana.

The use of road shows and community drama and theatre with civic messages were prominently used in Turkana. On the whole, other innovative approaches that respondents cited to be using included conducting civic education through women’s groups meetings, holding human rights rallies, video shows

and community gatherings. Such methods are flexible, adult learner-friendly, creative and therefore laudable.

For a long time, civic education programmes by NGOs have been effective in sensitization and awareness creation of human rights. In some cases, civic educators and paralegals have offered referrals of serious cases to appropriate service providers. In the first phase of the AMKENI Access to Justice Programme, knowledge of the specific rights was a large component of the interventions. However, the challenge is that in recent years, funding constraints have affected many civic education activities and undermined their creative approaches. The situation may only get worse with increasingly strained relations between the government and civic education CSOs and funders<sup>30</sup>. The poor funding and roll-out of civic education activities probably explain why civic education forums are ranked average by responses regarding sources of human rights education in the counties.

The space for CSOs to operate freely and work without intimidation has also been a challenge both nationally and in the counties<sup>31</sup>. In some counties, CSOs do not want to collide with the administrations. As such, most of their human rights education focuses on non-controversial issues like peace-building and conflict resolution. Some of the respondents believed that the obstacles to human rights awareness are deliberate strategies by leaders and interest groups to retain their authority without accountability.

---

<sup>30</sup> On 19<sup>th</sup> December, 2016 the NGO Coordination Board wrote a letter to International Foundation for Election Systems (IFES), an American Electoral Assistance Organization working in Kenya outlawing its operations, and terminating its Kshs2 billion [US-funded election education programme](http://www.the-star.co.ke/news/2016/12/19/kenya-cancels-sh2-billion-us-civic-education-fund_c1475919). The USAID-IFES agreement aimed to fund the Kenya Electoral Assistance Program (KEAP), with the objective of supporting efforts toward peaceful, credible and inclusive 2017 elections. [http://www.the-star.co.ke/news/2016/12/19/kenya-cancels-sh2-billion-us-civic-education-fund\\_c1475919](http://www.the-star.co.ke/news/2016/12/19/kenya-cancels-sh2-billion-us-civic-education-fund_c1475919)

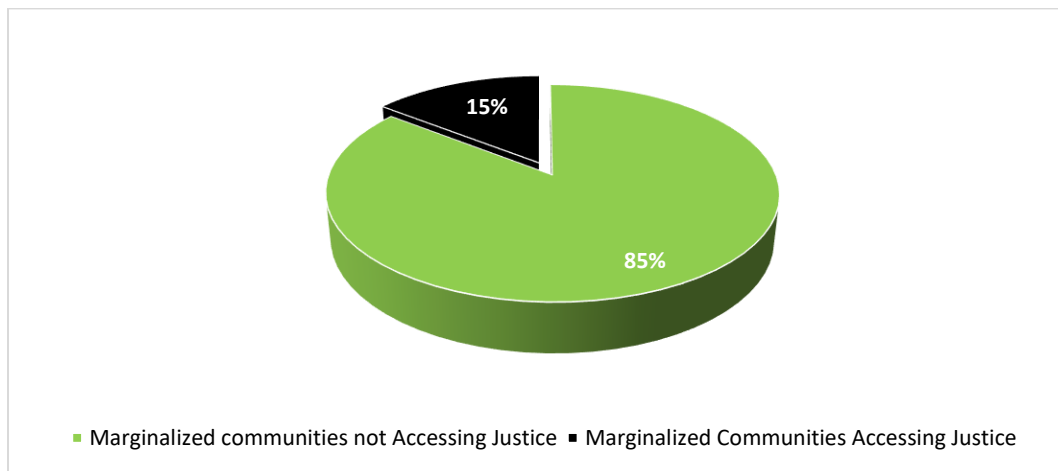
<sup>31</sup> On January 6, 2017 the Interior Principal Secretary Karanja Kibicho wrote to all the 47 county commissioners directing them to shut down NGOs that are not properly licensed or are implementing projects that they have not been registered to undertake. The directive required NGOs to place their registration permits at all times in their offices to be inspected by county authorities where they work. Further, it required all foreign employees working for NGOs in the country to produce on demand a valid work permit issued by the Directorate of Immigration Services, which to get, they must have had a recommendation letter from the NGO Coordination Board.



### 3.4 Enhanced Access to justice for the marginalized and vulnerable communities using innovative CSO approaches

#### 3.4.1 Enhanced Access to justice for the marginalized and vulnerable

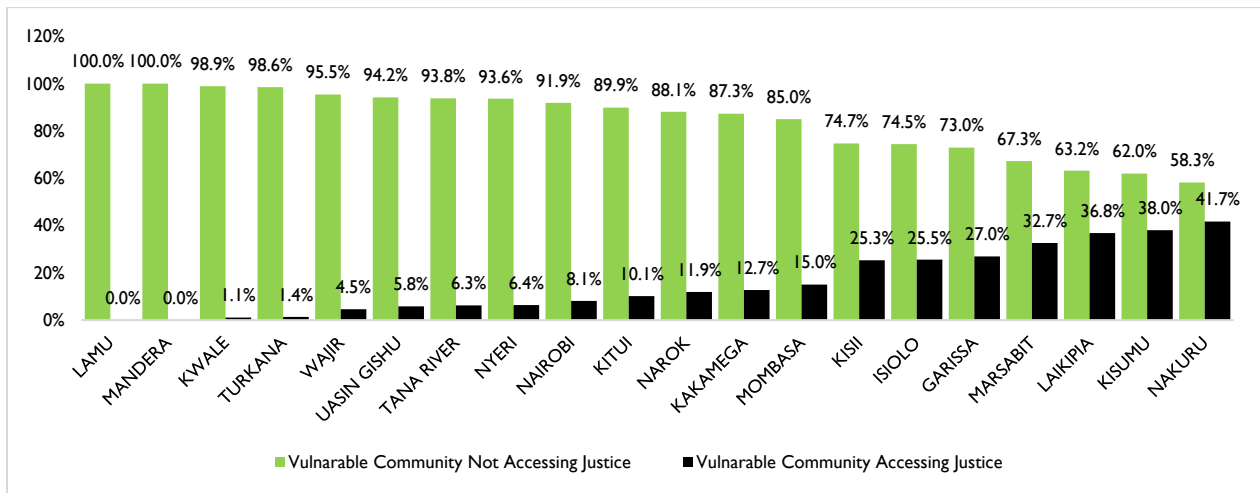
Marginalisation was tested based on constitutional definitions<sup>32</sup>. Only 15 per cent of the marginalized and vulnerable communities indicated that they sought and got justice. This is consistent with the overall responses that showed communities like the pastoralists had less access to civic and human rights education.



**Figure 20: Access to justice by the marginalised**

In the county aggregates, Nakuru (42 per cent), Kisumu (38 per cent), Laikipia (37 per cent) and Marsabit (33 per cent) had the highest proportion of marginalized communities who sought and got justice. Kwale, Wajir and Turkana counties had very few respondents who had referred a dispute to a third party for resolution. Marginalization increases the risk that the voice of a section of the community is shunted or ignored and that they are excluded from decision-making.

<sup>32</sup> Marginalized communities are defined as; a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as whole, b) a traditional community that, out of need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as whole, c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy or, d) pastoral persons and communities.



**Figure 21: Access to justice by the marginalised per county**

According to surveyed key informants, access to justice is a challenge to the poor. The cost of justice is high and unaffordable to many. However, the Judiciary has initiated steps (physical, procedural, laws and policies) to enhance access to justice by the poor.

In meeting access to justice needs of the marginalised and vulnerable, mechanisms like legal aid programmes are crucial. Legal aid has not been fully operationalized and this has hindered access to justice, especially to the poor. Nonetheless, a majority of the respondents were not aware of any legal aid programme in the country despite recent initiatives to improve the scheme to benefit more poor and vulnerable people. Slightly more than one-third (34 per cent) of the respondents indicated that they were aware of a legal aid programme. The corollary effect of such low awareness of the programme is also its low intake.

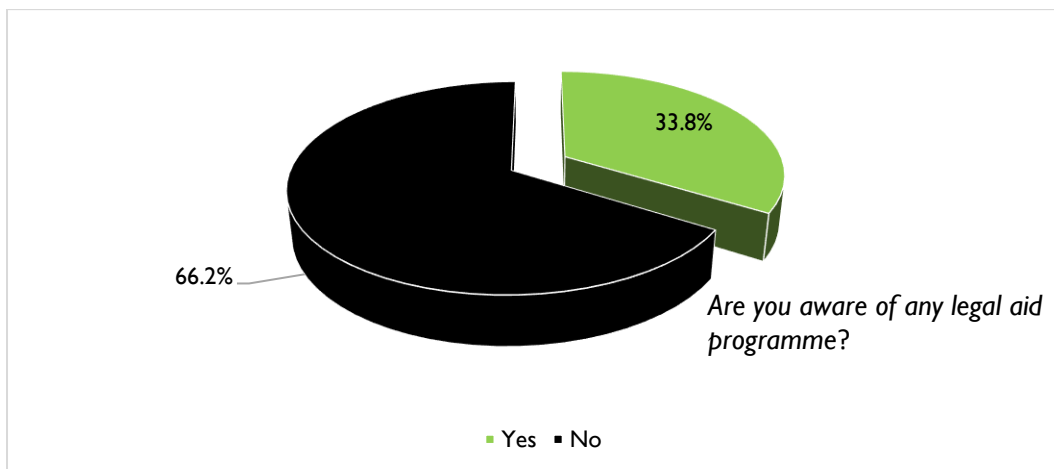


Figure 22: Awareness of legal aid programmes

Awareness of legal aid programmes was highest in Kitui, Kisumu and Nairobi counties at 66 per cent, 58 per cent and 50 per cent respectively. On the other hand, awareness was lowest in Tana River County at 2%.

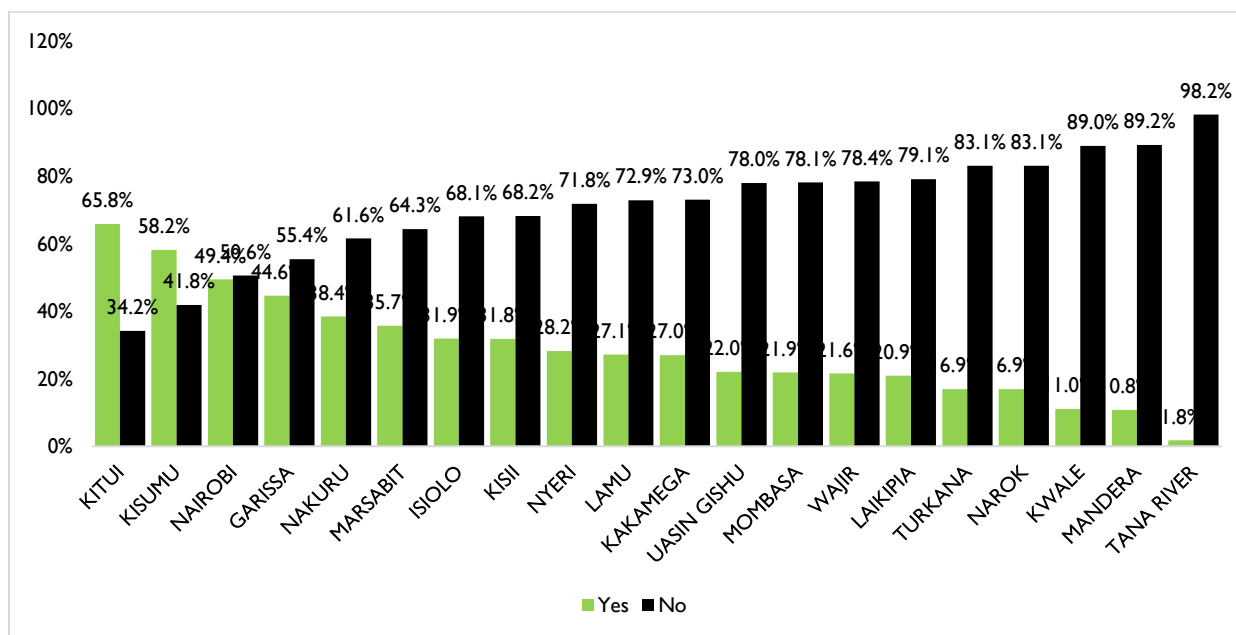
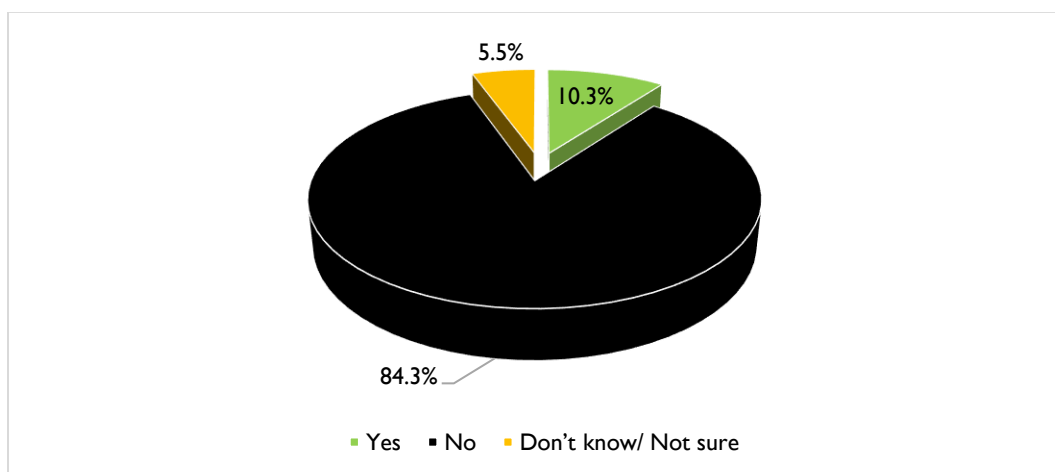
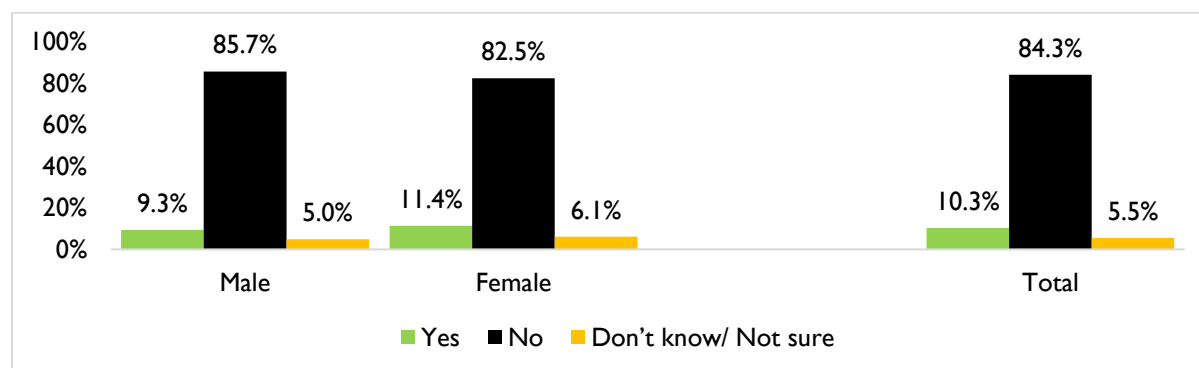


Figure 23: Awareness of legal aid programmes by county

Only 10 per cent of the surveyed households had benefited from one form of legal aid programme or the other. There are no significant gender disparities in the distribution of persons benefitting from legal aid.



**Figure 24: Percentage of people benefitting from a legal aid programme**



**Figure 25: Percentage benefitting from legal aid by Gender**

Garissa (26 per cent), Marsabit (18 per cent), Kitui (17 per cent), and Nakuru (17 per cent) had the highest proportion of households who had benefited from a legal aid programme as shown in the table below.

**Table 21: Respondents who have benefited from Legal Aid Programme by County**

County	Yes	No	Don't know/ Not sure	Total
Tana River	0.0%	100.0%	0.0%	100.0%
Kwale	0.0%	94.1%	5.9%	100.0%
Lamu	3.4%	93.2%	3.4%	100.0%
Nairobi	8.2%	90.8%	1.0%	100.0%

<i>Nyeri</i>	8.3%	89.7%	1.9%	<b>100.0%</b>
<i>Isiolo</i>	8.5%	89.4%	2.1%	<b>100.0%</b>
<i>Mandera</i>	5.4%	88.5%	6.2%	<b>100.0%</b>
<i>Narok</i>	4.2%	87.3%	8.5%	<b>100.0%</b>
<i>Kisumu</i>	13.9%	85.5%	0.6%	<b>100.0%</b>
<i>Mombasa</i>	7.0%	84.1%	9.0%	<b>100.0%</b>
<i>Turkana</i>	13.4%	83.8%	2.8%	<b>100.0%</b>
<i>Uasin Gishu</i>	10.2%	83.3%	6.5%	<b>100.0%</b>
<i>Nakuru</i>	16.7%	81.9%	1.4%	<b>100.0%</b>
<i>Wajir</i>	13.6%	81.8%	4.5%	<b>100.0%</b>
<i>Kakamega</i>	6.9%	81.0%	12.1%	<b>100.0%</b>
<i>Laikipia</i>	9.0%	80.6%	10.4%	<b>100.0%</b>
<i>Kitui</i>	16.8%	79.4%	3.9%	<b>100.0%</b>
<i>Marsabit</i>	17.9%	78.6%	3.6%	<b>100.0%</b>
<i>Garissa</i>	26.1%	72.8%	1.1%	<b>100.0%</b>
<i>Kisii</i>	15.4%	58.5%	26.2%	<b>100.0%</b>
<b>Total</b>	<b>10.3%</b>	<b>84.3%</b>	<b>5.5%</b>	<b>100.0%</b>

Although the Legal Aid Act was only passed recently, NALEAP has been active since 2007 providing legal aid support and awareness to Kenyans who sought their assistance. Respondents were asked if they knew about legal aid initiative for vulnerable persons and the responses from FGDs and key informants interviews were negative. This clearly demonstrates the need for legal aid to be expanded to give greater legal protection to the marginalised.

### 3.4.2 Number of laws and policies on ADR adopted at National Level

Alternative Dispute Resolution (ADR) mechanisms refer to a set of mechanisms used to manage disputes without resorting to adversarial court litigation<sup>33</sup>. The most commonly used ADR mechanisms include; mediation, arbitration, negotiation, reconciliation and adjudication. These methods are anchored in the traditional justice system in the communities.

The Constitution supports ADR by obligating courts and tribunals to promote the application of the traditional dispute resolution mechanisms<sup>34</sup>. At the national level, the Judiciary has gazetted guidelines on ADR. The judiciary supported mediation is focused on family matters where mediation is monitored by

<sup>33</sup> See Muigua Kariuki (2015) Alternative Dispute Resolution and Access to Justice in Kenya, Glenwood Publishers, Nairobi, page 19

<sup>34</sup> Article 159 (2) c

the courts. Awards of the court supported mediation are filed in court and the judiciary has powers to enforce them. CSOs took part in consultations to develop and popularize the above mechanism. No specific policies and legislations were available at the county level on ADR procedures at the time of this survey.

## 4.0 ENTRENCHING A RIGHTS- RESPONSIVE DEVOLVED SYSTEM OF GOVERNANCE

### 4.1 Introduction

Devolution has been defined as a form of decentralization in which the authority for decision-making with respect to finance and management is transferred to quasi-autonomous units of local governments<sup>35</sup>. It is basically a political concept that denotes the transfer of political, administrative and legal authority, power and responsibility from the centre to lower units of government created by the Constitution. Indeed, the principle of devolution is seen as involving shared governance at the national level and self-governance at the devolved level. It involves the transfer of power and functions from the Parliament or Executive to subordinate bodies<sup>36</sup>.

The Constitution creates 47 devolved units known as counties under an elected Governor and a County Assembly. Like the national President, a Governor is elected alongside a deputy on the day of the elections and holds the office for five years. The governor is in charge of running the county in accordance with the Constitution, and appoints an Executive Committee which manages and coordinates the functions of the county administration. The County Assembly is the legislative arm of the county government. Every

<sup>35</sup> Lumumba, P.L.O. Mbondenyei M.K. and Odero S.O. (2015) *The Constitution of Kenya: Contemporary Readings*, Law Africa, Nairobi, page 203

<sup>36</sup> See Parpworth Neil and Padfield Nicola eds. (2004) *The Structure of the United Kingdom and Devolution in Constitutional and Administrative Law*, LexisNexis, UK, Third Edition, pages 160-183

county government can enact its own legislation, but such laws must be aligned to the constitutional roles and functions of the county governments. County legislations cannot therefore insubordinate national laws.

#### **4.1.1 Number of Amkeni supported counties with CIDPs that are HRBA compliant**

County governments are required to develop County Integrated Development Plans (CIDPs) outlining the county's development priorities. Their budgets ought to be linked to the CIDPs. All of the 20 surveyed county governments had developed their plans. Most of those CIDPs have a lifespan of five to 10 years.

Various CIDPs were reviewed to ascertain whether they have taken into account any human rights issues. Eleven out of the 20 surveyed counties indicated that their CIDPs mention and/or discuss human rights. They are: Nairobi, Kwale, Wajir, Garissa, Laikipia, Tana River, Nyeri, Nakuru, Turkana, Uasin Gishu and Lamu. Common human rights concerns that were integrated in the CIDPs include access to water, health, education, children and environmental rights. Youth and women empowerment are also included. The counties have also established operational rules and codes of conduct for the orderlies/askaris, and they go through trainings to enhance respect for human rights.

County government representatives noted that many of the CIDPs had been developed without inputs from human rights experts, and that is how they failed to incorporate human rights. The fact that many counties have not mainstreamed disability in their plans is a major anomaly in some of the plans. In the development of some of the CIDPs, there were no experts to assist in human rights based approaches and some were done in a hurry because of the transition into the devolved governments.

Most key informants, including county officials, indicated the CIDPs need to be reviewed and enriched to include human rights.

The survey noted that a number of CSOs were engaging with the counties, and groups like Transparency International had assisted many counties to integrate anti-corruption strategies and Human Rights Based Approaches in their CIDPs.

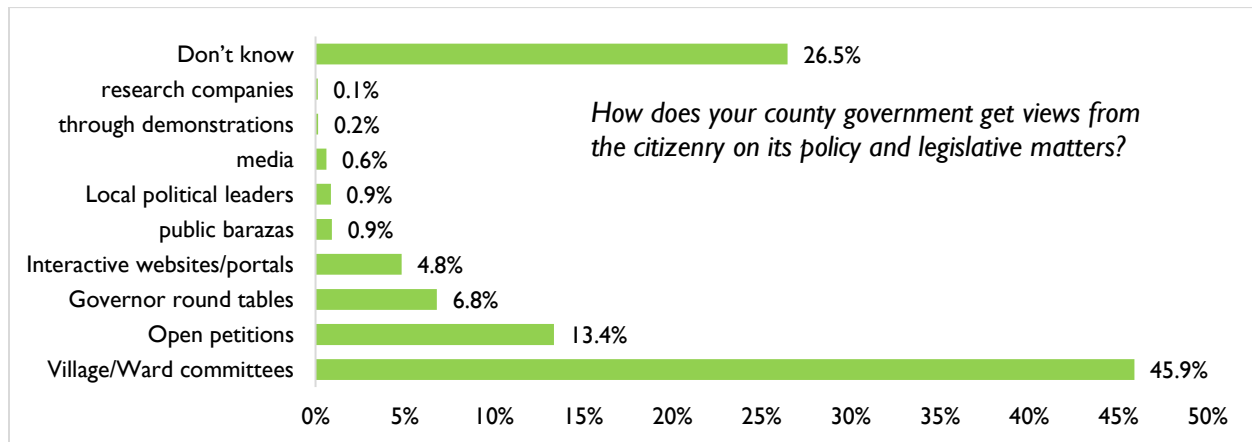
#### **4.1.2 Number of target counties that have functional mechanisms for citizen engagement**

Through both political and non-political engagements, citizens can take part in various activities to promote development. Civic engagement goes hand in hand with public participation as well as enjoyment of the bill of rights. Article 10 of the Constitution enlists public participation as one of the values and principles of governance while Article 196 requires County Assemblies to facilitate public participation in the legislative and other business of the assembly and its committees. Further, Article 201 requires the national and county governments to ensure openness and accountability, including public participation in financial matters. Several county governments have formulated policies and enacted legislation to actualize this constitutional requirement. Interviews with county government representatives established that various counties have put in place a citizen engagement framework. Some of the initiatives include enactment of a public participation law to create a structure of citizenry engagement. A majority (11 out of 20) of the counties indicated that they use existing structures, such as sub-county and ward administrators to coordinate public participation.

Citizens are mainly engaged during budget preparation, policy and legislation making. Some mechanisms used to engage people include; public participation meetings, interactive websites, radio talk shows, newspapers and social media. Indeed, some of the counties such as Kitui and Turkana have radio stations and newspapers. Nakuru County organizes annual public service week to take stock of gains realized.

According to 46 per cent of the household respondents, the county governments harness the views of the citizens through village/ward committees. For another 13 per cent, this is done through open petitions. Governor roundtables were mentioned by 7 per cent of the respondents, while interactive websites/portal was the means noted by 5 per cent of respondents. It is noteworthy that a significant percentage, 27 per cent, of the respondents do not know how their county governments get views of the citizens on governance.





**Figure 26: Mechanisms for getting views from the citizenry on county policy and legislative matters**

The table below outlines how various county governments have been getting citizen views on policy and legislative matters;

**Table 22: Mechanisms for getting citizenry views on county policy, budget and legislative matters**

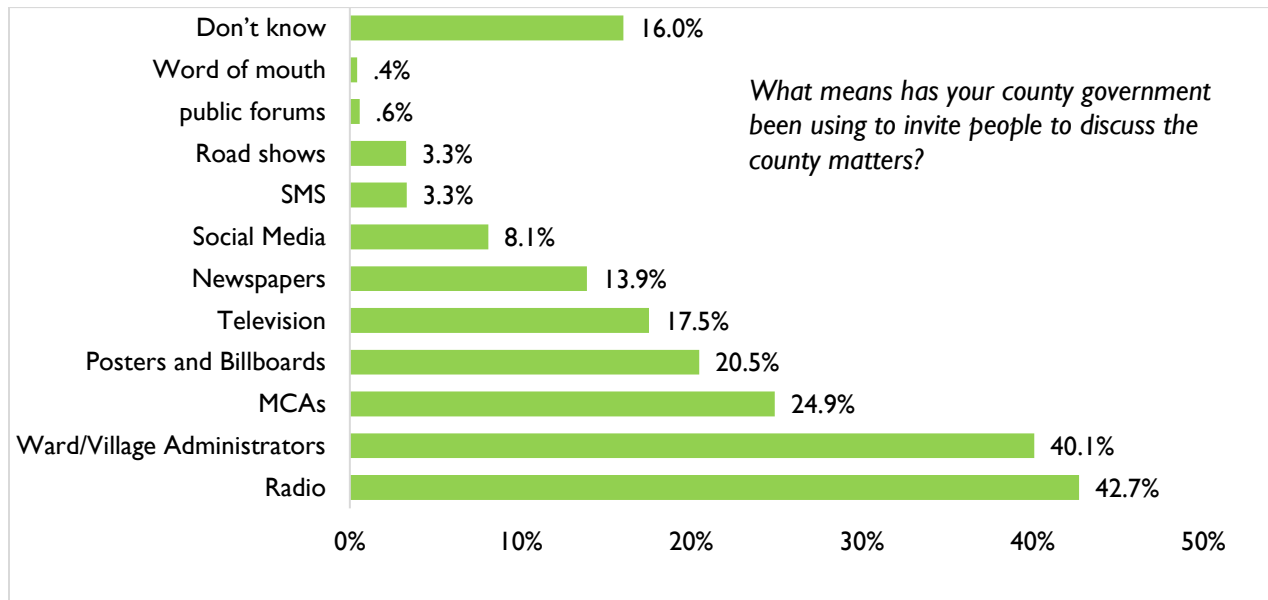
County	Open petitions	Governor round tables	Village/Ward committees	Interactive websites/portals	public barazas	media	local political leaders	research companies	through demonstrations	Don't know	Total
Nairobi	15.2%	7.1%	30.1%	10.0%	1.0%	.6%	0.0%	.3%	.7%	35.1%	100.0%
Mombasa	23.4%	6.0%	48.8%	8.0%	1.0%	1.0%	.5%	1.0%	0.0%	10.4%	100.0%
Kisumu	8.5%	0.0%	43.6%	7.9%	2.4%	0.0%	1.8%	0.0%	0.0%	35.8%	100.0%
Uasin Gishu	6.5%	2.7%	68.8%	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	12.9%	100.0%
Nyeri	5.1%	2.6%	64.7%	1.9%	0.0%	0.0%	.6%	0.0%	0.0%	25.0%	100.0%
Garissa	16.3%	8.7%	71.7%	2.2%	0.0%	0.0%	0.0%	0.0%	0.0%	1.1%	100.0%
Lamu	8.5%	1.7%	89.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Nakuru	41.6%	6.4%	36.3%	2.8%	.7%	.4%	0.0%	0.0%	0.0%	11.7%	100.0%
Kakamega	11.3%	4.4%	36.7%	1.6%	4.4%	4.4%	7.7%	0.0%	0.0%	29.4%	100.0%
Kisii	7.2%	8.2%	46.2%	3.1%	0.0%	0.0%	0.0%	0.0%	0.0%	35.4%	100.0%
Kitui	4.5%	14.8%	57.4%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	20.6%	100.0%
Turkana	4.2%	0.0%	90.8%	.7%	0.0%	0.0%	0.0%	0.0%	0.0%	4.2%	100.0%
Mandera	7.7%	13.1%	36.2%	.8%	1.5%	.8%	0.0%	0.0%	0.0%	40.0%	100.0%
Narok	8.5%	8.5%	18.3%	0.0%	0.0%	.7%	2.1%	0.0%	0.0%	62.0%	100.0%
Kwale	8.5%	10.2%	46.6%	5.1%	.8%	0.0%	0.0%	0.0%	0.0%	28.8%	100.0%
Wajir	6.8%	4.5%	54.5%	1.1%	0.0%	0.0%	1.1%	0.0%	0.0%	31.8%	100.0%
Laikipia	14.9%	31.3%	41.8%	1.5%	0.0%	0.0%	0.0%	0.0%	0.0%	10.4%	100.0%
Marsabit	12.5%	5.4%	48.2%	3.6%	1.8%	0.0%	0.0%	0.0%	0.0%	28.6%	100.0%
Tana River	3.5%	0.0%	52.6%	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%	42.1%	100.0%
Isiolo	6.4%	14.9%	34.0%	6.4%	0.0%	0.0%	0.0%	0.0%	0.0%	38.3%	100.0%
<b>Total</b>	<b>13.4%</b>	<b>6.8%</b>	<b>45.9%</b>	<b>4.8%</b>	<b>.9%</b>	<b>.6%</b>	<b>.9%</b>	<b>.1%</b>	<b>.2%</b>	<b>26.5%</b>	<b>100.0%</b>

As presented in the table, more than one out of every four Kenyans in the survey does not know how their county government is engaging the public on issues that affect them. The use of ward and village committees is perceived to be the most dominant – 46 per cent - mechanism of citizen engagements in the counties. Ward and village committees are the most used mechanisms for counties with expansive rural hinterland such as Turkana (90 per cent), Lamu (90 per cent), Garissa (72 per cent) and Nyeri (65 per cent).

Modern methods of engagement were noted in urbanized counties. Open petitions were popular in Nakuru (42 per cent), Nairobi (15 per cent) and Mombasa (23 per cent) counties. Online channels of engagements such as portals and interactive websites were mentioned in Nairobi (10 per cent), Uasin Gishu (9 per cent), Mombasa (8 per cent) and Kisumu (8 per cent).

Interestingly, FGD discussions revealed that the potential of social media communication is becoming very influential as a tool of engagement with county authorities. A large number of the FGD participants actually noted that they use social media platforms to engage with their county administration and that it is effective. Twitter, whatsapp and facebook are among the main ways that the youth, in particular, are reaching each other, discussing issues and raising them with authorities. Some of the decision makers also actively used the various social media platforms for political engagements and campaigns.

Across the counties, most of the respondents who had attended a county public participation forum were mobilized through the radio (43 per cent) or the ward/village administrators (40 per cent). Below is a full presentations of the channels used to mobilize citizens to attend participation meetings. MCAs (25 per cent), Bill boards (21 per cent) and use of television (18 per cent) constitutes the other mobilization methods.



**Figure 27: Means of inviting people to county public participation matters**

**Table 23: Means of inviting people to citizen engagement forums by county**

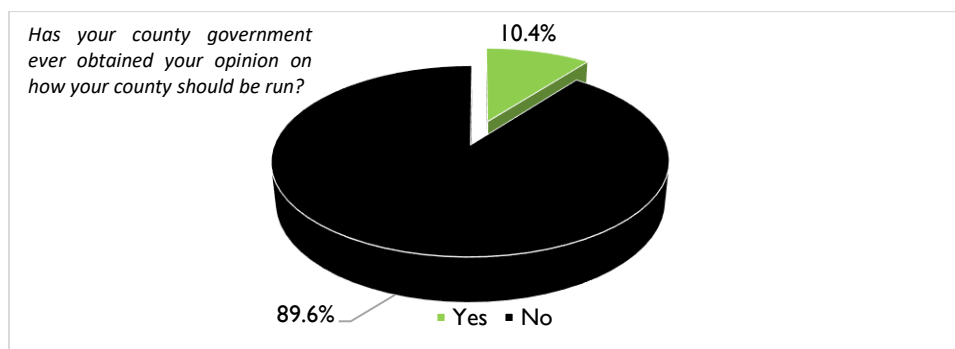
County	Radio	Newspapers	Television	Ward/Village Administrators	MCA's	Posters and Billboards	SMS	Social Media	Road shows	public forums	Word of mouth	Don't know	Total
Nairobi	23.4%	16.9%	25.3%	32.1%	23.0%	20.5%	1.7%	11.6%	.6%	.3%	.1%	27.6%	100.0%
Mombasa	44.3%	11.9%	33.8%	44.3%	11.9%	9.0%	3.5%	6.5%	6.0%	2.0%	1.0%	9.0%	100.0%
Kisumu	28.5%	12.1%	7.9%	49.7%	24.2%	2.4%	0.0%	1.8%	0.0%	0.0%	0.0%	29.7%	100.0%
Uasin Gishu	41.4%	18.3%	33.3%	45.7%	29.0%	25.3%	4.8%	11.3%	0.0%	0.0%	0.0%	2.2%	100.0%
Nyeri	53.2%	7.1%	31.4%	36.5%	14.7%	36.5%	3.8%	5.8%	0.0%	0.0%	0.0%	12.2%	100.0%
Garissa	91.3%	5.4%	12.0%	34.8%	6.5%	2.2%	6.5%	4.3%	0.0%	0.0%	0.0%	1.1%	100.0%
Lamu	25.4%	1.7%	0.0%	78.0%	18.6%	52.5%	0.0%	1.7%	0.0%	0.0%	0.0%	1.7%	100.0%
Nakuru	31.7%	29.2%	15.3%	46.6%	41.3%	49.1%	3.2%	11.4%	1.8%	.4%	0.0%	6.4%	100.0%
Kakamega	20.2%	2.0%	2.4%	30.6%	8.5%	12.1%	.8%	1.2%	31.9%	2.0%	0.0%	27.0%	100.0%
Kisii	52.3%	17.4%	17.4%	33.3%	14.4%	32.3%	6.7%	2.1%	0.0%	.5%	.5%	6.2%	100.0%
Kitui	72.3%	11.6%	3.2%	75.5%	40.0%	27.7%	1.3%	23.9%	0.0%	0.0%	0.0%	14.8%	100.0%
Turkana	65.5%	5.6%	6.3%	74.6%	68.3%	2.8%	3.5%	5.6%	1.4%	0.0%	.7%	0.0%	100.0%
Mandera	45.4%	3.1%	1.5%	26.9%	11.5%	5.4%	5.4%	7.7%	0.0%	3.8%	5.4%	17.7%	100.0%
Narok	52.1%	7.0%	1.4%	12.7%	27.5%	35.2%	1.4%	6.3%	0.0%	.7%	.7%	31.7%	100.0%
Kwale	73.7%	36.4%	41.5%	33.9%	31.4%	8.5%	.8%	.8%	0.0%	0.0%	0.0%	11.9%	100.0%
Wajir	64.8%	3.4%	20.5%	52.3%	33.0%	4.5%	1.1%	9.1%	0.0%	0.0%	0.0%	1.1%	100.0%
Laikipia	34.3%	37.3%	29.9%	47.8%	46.3%	26.9%	32.8%	25.4%	4.5%	0.0%	0.0%	4.5%	100.0%
Marsabit	51.8%	1.8%	1.8%	17.9%	14.3%	1.8%	7.1%	7.1%	3.6%	0.0%	0.0%	16.1%	100.0%
Tana River	66.7%	7.0%	3.5%	35.1%	21.1%	0.0%	0.0%	1.8%	1.8%	0.0%	0.0%	26.3%	100.0%
Isiolo	63.8%	12.8%	10.6%	10.6%	8.5%	4.3%	2.1%	2.1%	0.0%	0.0%	2.1%	25.5%	100.0%
<b>Total</b>	<b>23.4%</b>	<b>16.9%</b>	<b>25.3%</b>	<b>32.1%</b>	<b>23.0%</b>	<b>20.5%</b>	<b>1.7%</b>	<b>11.6%</b>	<b>.6%</b>	<b>.3%</b>	<b>.1%</b>	<b>27.6%</b>	<b>100.0%</b>

An important success factor in public engagement is the ease of participation. A majority of the respondents across the counties – 80 per cent - were of the view that it is difficult to participate in the county budget and planning forums. About three-quarters (77 per cent) of the respondents indicated that it is difficult to participate in their county legislation making , while 74 per cent are of the view that it’s difficult to access information on their county budgets, legislation and project plans. A further 81 per cent of the respondents believed that it is difficult to influence any decision making at the county level. This high level of doubt in the form and outcomes of engagements with county authorities show that for many of the residents, the engagement mechanisms are still ineffective. Until this perception is tackled, the relationship in county engagements will not be much productive.

**Table 24: Ease to participate and influence county decision and legislation making**

	Easy	Difficult	Don't Know	Total
<i>To participate in your County budgeting and planning</i>	14.9%	80.3%	4.8%	100.0%
<i>To influence your County decision making</i>	13.6%	81.3%	5.1%	100.0%
<i>To access information on your county budgets, legislation and project plans</i>	21.0%	73.6%	5.3%	100.0%
<i>To participate in enactment/amendment of your county laws</i>	17.4%	77.1%	5.6%	100.0%

In conclusion, public participation in county decision-making processes remains elusive. A majority (90 per cent) of respondents indicated that their county governments had never sought their opinion on any county governance issues. In other words, only about one out of every 10 people in the survey felt that the county authorities had sought their opinions regarding decisions made at the county. Most people also ignore opportunities for engagement with county decision-makers for various reasons, some of which are discussed later in this report.



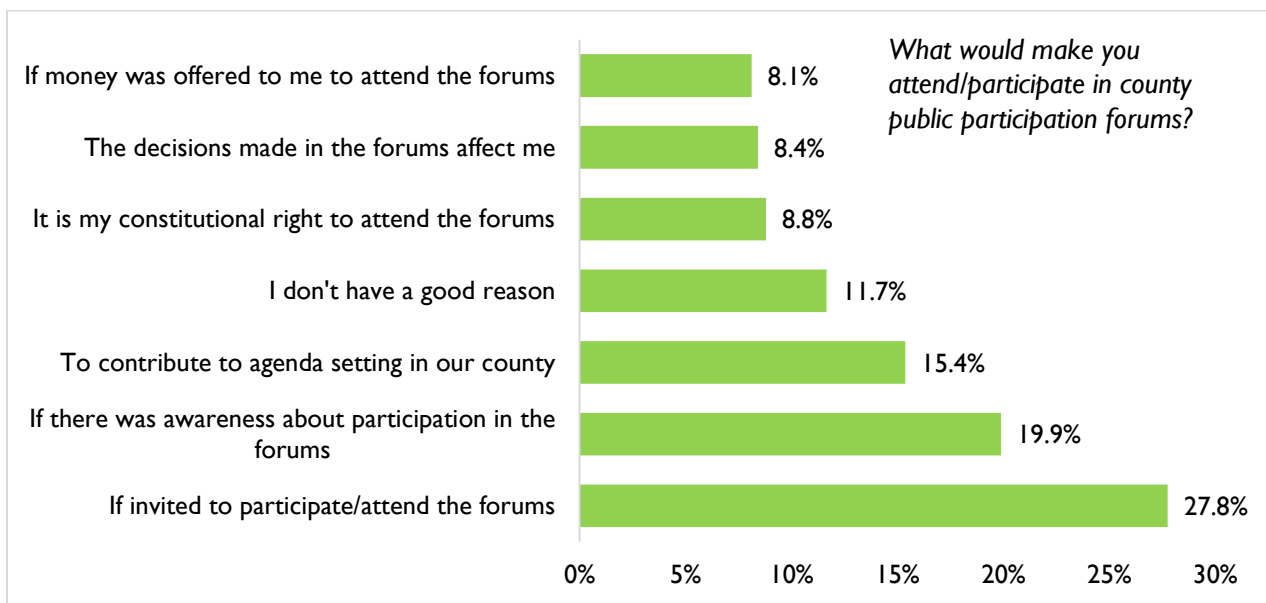
**Figure 28: Obtaining citizenry opinion**

In spite of the legislative and policy requirements for public consultations and engagements, not all the counties have shown the good will to involve the opinion of local residents in their administrative and governance decisions. For most counties, less than one in every 10 people has ever had their opinion sought by the county authorities. Notable efforts to gain public opinion on county issues were seen in only two regions, Garissa and Uasin Gishu. According to the survey, respondents whose opinion had been sought by their respective county governments were highest in Garissa (51 per cent) and Uasin Gishu (31 per cent) respectively.

**Table 25: Level of public participation in counties**

County	Yes	No	Total
Garissa	51.1%	48.9%	100.0%
Uasin Gishu	30.6%	69.4%	100.0%
Nakuru	19.5%	80.5%	100.0%
Kitui	18.1%	81.9%	100.0%
Wajir	17.0%	83.0%	100.0%
Mandera	12.3%	87.7%	100.0%
Kisumu	8.5%	91.5%	100.0%
Kisii	7.7%	92.3%	100.0%
Turkana	7.7%	92.3%	100.0%
Laikipia	7.5%	92.5%	100.0%
Marsabit	7.1%	92.9%	100.0%
Mombasa	7.0%	93.0%	100.0%
Isiolo	6.4%	93.6%	100.0%
Lamu	5.1%	94.9%	100.0%
Nairobi	4.7%	95.3%	100.0%
Nyeri	4.5%	95.5%	100.0%
Tana River	3.5%	96.5%	100.0%
Kakamega	2.8%	97.2%	100.0%
Kwale	2.5%	97.5%	100.0%
Narok	0.0%	100.0%	100.0%
<b>Total</b>	<b>10.4%</b>	<b>89.6%</b>	<b>100.0%</b>

Asked of their motivating factors to attend the county engagement forums, most respondents – 29 per cent - indicated that they are keen to participate in the public participation forums if invited or mobilized to attend. Others would attend if there were informed about the meetings (20 per cent) or if the decisions from the meetings are likely to affect them (8 per cent). Some others believed that they would attend the forums out of their constitutional duty (9 per cent), to contribute ideas (15 per cent) and if offered money by the organizers (8 per cent). The rest of the respondents would attend the meetings anyway even without any good reason.



**Figure 29: Motivating factors to attend/participate in county public participation forums?**

During the FGDs, most participants had not taken part in the county public forums. Those who had participated went to give views on county budget and development plans. But for those who had not attended the forums, they would do so if informed in advance. Lack of information is the main causes of poor attendance of such forums. Similarly, many people were skeptical that their opinion would not influence the county government decisions, and would be more confident in the process only when it is clear that their views count. These views closely relate to the findings of the household survey discussed above.

As such, a section of the respondents indicated that they do not attend the forums because the resolutions are all stitched up and the public are only invited to rubber stamp them. Some feared that the forums come up with nothing and are a waste of time. There are also those who observed that they have no time



for the meetings. It is mainly in county budget meetings that public engagement is mostly required. Even then, the technical nature of the presentations makes it difficult to follow. There was also a feeling that some of the people who speak at the budget hearings have been coached on what to say. There is a perception that public participation, during the budget hearings, only serve to get the residents' endorsement of the county plans, hence are just a ritual.

Whether in Turkana, Garissa, Nairobi or Kisumu, the perception in the FGDs was that strategies for citizen engagements are superficial and only scratches at the surface. Many participants in the FGDs admitted that they can only attend the meetings if they are confident that the issues discussed would be implemented. Some of the respondents had the following to say:

"We get involved to an extent. However, there is no chance to participate but the representatives of the county government are there to say everything. Some people also grab the opportunities to speak. Mostly people talk about politics and not public issues..." **FGD respondent Turkana,**

"...for me I can say like these forums are normally compromised and they are just there to rubberstamp decisions of the county government ..." **18-35 Years Respondent Nyeri**

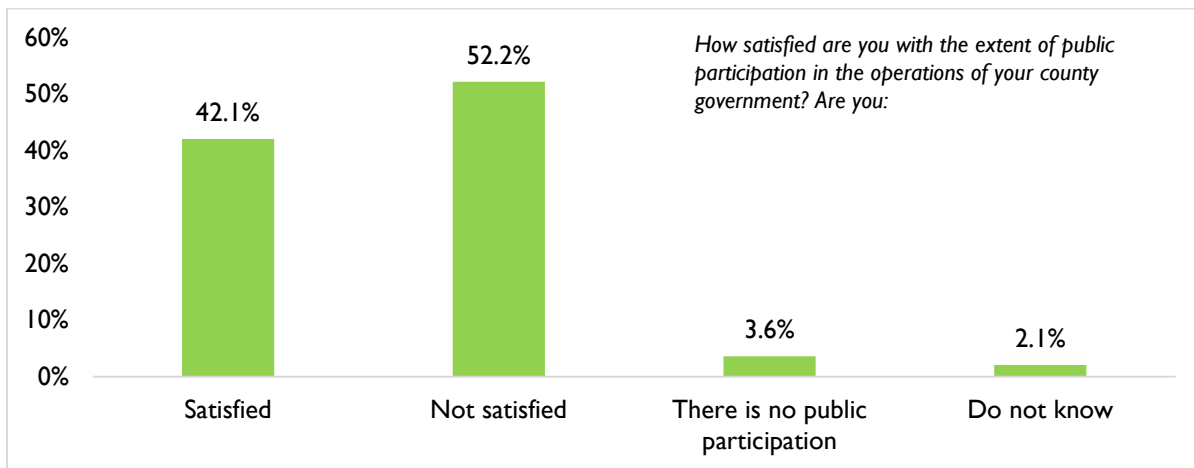
"I have not participated in any of those meetings because the information has not reached me. Most of those meetings are held without our knowledge. There are so many things that they don't want us to know. ...." **Youth FGD respondent, Mombasa**

"I believe public participation has been there. It is the public who are not interested in them. A majority of the Mombasa people have not been attending these forums even when they are invited..." **Elderly FGD respondent, Mombasa**

#### **4.1.3 Percentage of citizens in target counties satisfied with engagement mechanisms employed by the county government**

As already noted, citizen participation in governance is a constitutional requirement in Kenya. Communities are expected to be actively involved in governance not simply as a way to find solution to their concerns but as an important channel of feedback and cooperation with government to strengthen democracy. In this survey, most of the respondents indicated that they are not satisfied (52 per cent) with the extent of public participation in their county governments.

Only 42 per cent of the respondents indicated that they are satisfied with the public participation processes in their counties. The high level of dissatisfaction with the public participation in the counties may partly be explained by the fact that the requirement is only a recent phenomenon; or a vote against the way the forums are organised and the feeling that people’s views never influence decisions. In most regions, the modalities and framework of public participation have only been developed and expected to improve with time.



**Figure 30: Satisfied with the extent of public participation in the operations of county governments**

When analysed by county, Lamu (81 per cent), Turkana (68 per cent), Uasin Gishu (59 per cent), Garissa (54 per cent), Laikipia (52 per cent) and Kisumu (51 per cent) contributed the highest levels of satisfaction with extent of public participation levels. In the rest of the counties, less than half of the respondents expressed satisfaction. Although there are no major gender differences in these attributes, in Nairobi, the number of satisfied men almost doubles that of the women. This could point out to the gendered character of the outcomes of the participation modules and motivations in Nairobi, which tend to favour men than women, thereby causing the differences in opinion.

**Table 26: Satisfaction with the extent of public participation in the operations of county governments**

	Satisfied	Not satisfied	There is no public participation	Do not know	Total
<i>Lamu</i>	81.4%	18.6%	0.0%	0.0%	<b>100.0%</b>
<i>Turkana</i>	67.6%	21.1%	1.4%	9.9%	<b>100.0%</b>
<i>Uasin Gishu</i>	59.1%	36.1%	2.2%	2.7%	<b>100.0%</b>
<i>Garissa</i>	54.3%	45.6%	0.0%	0.0%	<b>100.0%</b>
<i>Laikipia</i>	52.3%	41.8%	3.0%	3.0%	<b>100.0%</b>
<i>Kisumu</i>	51.5%	46.1%	1.8%	0.6%	<b>100.0%</b>
<i>Kakamega</i>	48.3%	45.9%	2.4%	3.2%	<b>100.0%</b>
<i>Nyeri</i>	46.8%	51.9%	1.3%	0.0%	<b>100.0%</b>
<i>Mombasa</i>	45.8%	49.7%	2.5%	2.0%	<b>100.0%</b>
<i>Wajir</i>	44.3%	54.6%	1.1%	0.0%	<b>100.0%</b>
<i>Mandera</i>	43.9%	50.7%	0.0%	5.4%	<b>100.0%</b>
<i>Marsabit</i>	42.9%	55.4%	0.0%	1.8%	<b>100.0%</b>
<i>Nakuru</i>	41.7%	57.3%	0.7%	0.4%	<b>100.0%</b>
<i>Kitui</i>	34.8%	60.6%	3.9%	0.6%	<b>100.0%</b>
<i>Nairobi</i>	34.2%	59.5%	4.6%	1.6%	<b>100.0%</b>
<i>Isiolo</i>	34.0%	61.7%	2.1%	2.1%	<b>100.0%</b>
<i>Kwale</i>	33.9%	55.9%	6.8%	3.4%	<b>100.0%</b>
<i>Kisii</i>	31.8%	62.0%	5.1%	1.0%	<b>100.0%</b>
<i>Narok</i>	13.4%	59.2%	22.5%	4.9%	<b>100.0%</b>
<i>Tana River</i>	8.8%	87.7%	3.5%	0.0%	<b>100.0%</b>
<b>Total</b>	<b>42.1%</b>	<b>52.2%</b>	<b>3.6%</b>	<b>2.1%</b>	<b>100.0%</b>

**Table 27: Satisfaction levels with the extent of public participation in the operations of county governments by Gender**

	MALE				FEMALE			
	Satisfied	Not satisfied	There is no public participation	Don't know	Satisfied	Not satisfied	There is no public participation	Don't know
NAIROBI	20.0%	25.5%	35.1%	13.6%	13.8%	22.3%	19.7%	17.0%
MOMBASA	4.8%	4.0%	3.5%	9.1%	8.9%	8.2%	4.9%	4.3%
KISUMU	6.3%	3.3%	5.3%	0.0%	6.0%	5.9%	0.0%	2.1%
UASIN GISHU	9.1%	3.5%	5.3%	0.0%	6.7%	4.4%	1.6%	10.6%
NYERI	5.1%	4.0%	3.5%	0.0%	5.6%	5.6%	0.0%	0.0%
GARISSA	3.1%	2.4%	0.0%	0.0%	4.3%	2.6%	0.0%	0.0%
LAMU	5.1%	.6%	0.0%	0.0%	1.6%	.7%	0.0%	0.0%
NAKURU	10.5%	10.2%	1.8%	0.0%	6.0%	8.3%	1.6%	2.1%
KAKAMEGA	6.9%	5.6%	1.8%	0.0%	10.8%	8.1%	8.2%	17.0%
KISII	4.3%	8.6%	5.3%	4.5%	4.8%	5.1%	11.5%	2.1%
KITUI	3.3%	4.9%	7.0%	0.0%	4.6%	6.3%	3.3%	2.1%
TURKANA	5.1%	1.6%	3.5%	31.8%	9.2%	2.0%	0.0%	14.9%
MANDERA	3.7%	4.5%	0.0%	13.6%	4.6%	3.1%	0.0%	8.5%
NAROK	1.6%	5.4%	8.8%	13.6%	1.1%	4.3%	44.3%	8.5%
KWALE	3.5%	4.8%	10.5%	4.5%	2.2%	2.7%	3.3%	6.4%
WAJIR	2.9%	2.6%	1.8%	0.0%	2.7%	3.1%	0.0%	0.0%
LAIKIPIA	2.3%	1.0%	3.5%	4.5%	2.9%	2.4%	0.0%	2.1%
MARSABIT	1.2%	1.9%	0.0%	4.5%	2.4%	1.7%	0.0%	0.0%
TANA RIVER	.4%	4.0%	1.8%	0.0%	.3%	1.5%	1.6%	0.0%
ISIOLO	.9%	1.7%	1.8%	0.0%	1.4%	1.7%	0.0%	2.1%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

## 4.2 Capacity of CSO to engage county governments and duty bearers on planning, budgeting, project management and service delivery using HRBA

### 4.2.1 CSOs' participation in planning and budgeting at the county level

About half of the surveyed civil society organizations operating at the counties have taken part in planning and budgeting activities. Although the relationship between CSOs and the government is currently strained, some of the groups view this role as important for checks and balances. CSOs who reported not to have participated in the planning and budgeting, however, said that they have mobilized members of the public to participate in the processes.

A CSOs representative who took part in the interviews noted that once in a while, the organization has participated but only when called upon to do so. CSO participation is often to build safeguards for accountability on public officials as well as other stakeholders involved in the budget and planning process. In addition, organizations involved in paralegal work, or public social accountability have provided critical training and support to citizens interrogate the budgets.

Giving capacity to citizens to interrogate budgets have improved budget hearings in counties like Nairobi and Kisii.

However, the challenge in some counties is negative perception of CSOs. According to some respondents, some county officials view CSOs as enemies and hence, hostile to them. Such attitude hampers role of CSOs in the counties.

#### **4.2.2 CSO and county Government staff trained on HRBA approaches**

A Human Rights-Based Approaches (HRBA) is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights<sup>37</sup>. This approach to development is significant in promoting human rights, inclusivity and participation in programming. It promotes inclusive participation in policy-making and meeting the needs of vulnerable groups such as women and other marginalized people. Four out of the surveyed CSOs have trained their staff on HRBA. Key informant interviews with CSOs like Kenya Human Rights Commission (KHRC), HERAF, Legal Resource Foundation (LRF) and International Commission of Jurists (ICJ) showed that a majority of their staff have been trained in HRBA.

However, several CSOs reported that they never received training on HRBA. Still, even where the trainings have happened, repeat interventions would be critical to address constraints such as staff turnover and to maximise impacts.

Most county government representatives who took part in the key informant interviews were familiar with the approach. Indeed, most of them indicated that their respective county governments had integrated HRBA in their development plans.

---

<sup>37</sup> UN Practitioners' Portal on HRBA to programming

Some of them noted that:

“We have put in place and prioritized programs that improve the lives of marginalized and people with disabilities...” A **County Assembly Clerk**

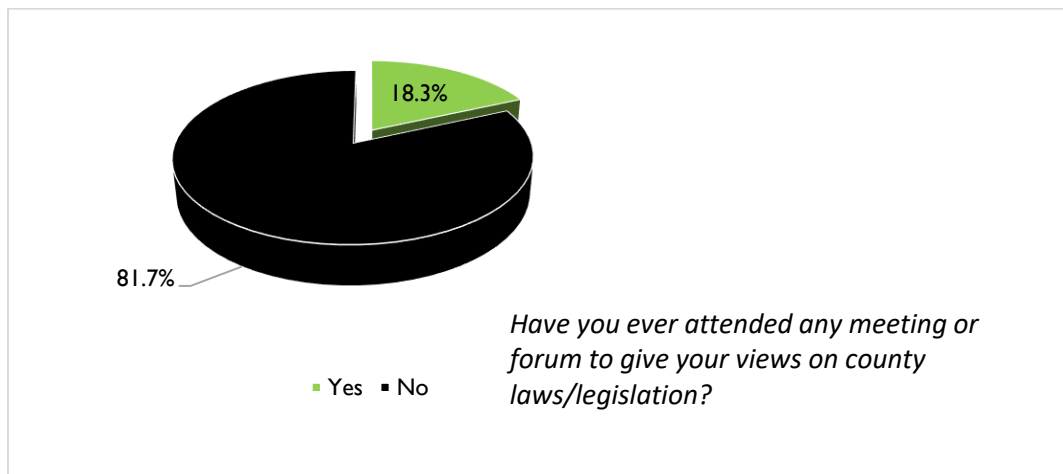
“...yes, we advocate for PWDs and women involvement in our procurement...” A **County Executive, Representative**

Whereas some county government representatives were confident that their staff had received training on HRBA, respondents could not recall the specific number of the trainees. Some counties where the staff has been trained in HRBA include Turkana, Wajir, Lamu, and Marsabit. The trainings have mainly been facilitated by NGOs. It was not immediately possible to establish the exact number of staff beneficiaries of the HRBA training in these counties.

### 4.3 Rights-responsive County Public participation laws, frameworks and platforms established and institutionalized

#### 4.3.1 Percentage of citizen participating in county legislation processes in target counties

Regarding county legislation, only 18 per cent of the respondents affirmed to have participated in a meeting/forum to give their views on county legislation.



**Figure 31: Attendance of meetings or forum to give views on county laws/legislation**

Garissa (50 per cent) and Lamu (51 per cent) counties had the highest percentages of respondents who participated in their county legislation meeting/forum. Participation in county law making processes was lowest in Nairobi (7 per cent), Tana River (5 per cent) and Narok (4 Per cent). Overall, only about one in every five respondents or 18 per cent of the respondents had been given such opportunity of participation in county legislation in the counties.

**Table 28: Participation in County legislation meeting/forum**

<b>County</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Lamu	50.8%	49.2%	100.0%
Garissa	50.0%	50.0%	100.0%
Uasin Gishu	34.9%	65.1%	100.0%
Isiolo	34.0%	66.0%	100.0%
Marsabit	32.1%	67.9%	100.0%
Laikipia	29.9%	70.1%	100.0%
Kisumu	27.9%	72.1%	100.0%
Nakuru	26.7%	73.3%	100.0%
Turkana	23.2%	76.8%	100.0%
Wajir	22.7%	77.3%	100.0%
Kitui	20.6%	79.4%	100.0%
Nyeri	16.7%	83.3%	100.0%
Mandera	16.2%	83.8%	100.0%
Kisii	13.8%	86.2%	100.0%
Kakamega	13.7%	86.3%	100.0%
Kwale	12.7%	87.3%	100.0%
Mombasa	10.9%	89.1%	100.0%
Nairobi	6.5%	93.5%	100.0%
Tana River	5.3%	94.7%	100.0%
Narok	4.2%	95.8%	100.0%
<b>Total</b>	<b>18.3%</b>	<b>81.7%</b>	<b>100.0%</b>

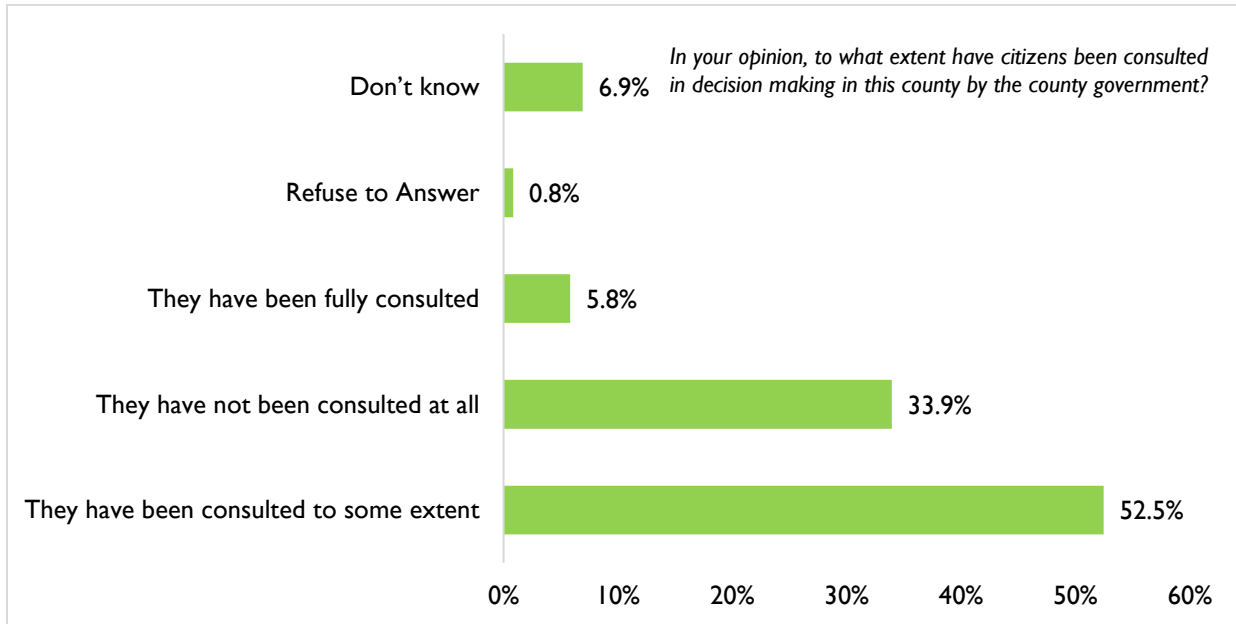
Often, many people think that legislation is a domain for legal professionals and as such ordinary people are reluctant to give views and other contributions in a law making process. This mistaken view may explain why few people have taken part in the county law making exercises. Yet it is the ordinary people who form the context of the law, and are aware of the issues and facts requiring legislative attention.

The reasons for the failure of many citizens to take part in their county legislative processes are not clear. However, the fact that many lay users of the law only wait for it to be codified before they interact with it is a long ingrained culture which will take time to change. With more civic education and awareness on participation rights, ordinary citizens will in the future take more active roles like legislative development.

Interesting to this understanding is the general view of consultation in county decision making. About a third (34 per cent) of the respondents indicated that the county governments do not consult them at all in decision making. Only 6 per cent of the respondents indicated that the county governments have fully



consulted the people in decision making. For a majority (52 per cent), however, there is limited consultation.



**Figure 32: Extent of consultations in county decision making**

Wajir and Mandera counties had the highest proportion of respondents who indicated that their county governments have fully consulted people in their decision-making at 33 per cent and 25 per cent respectively. Like in the perception of marginalization in county legislative activities, a large number of respondents in Nairobi, Narok and Tana River felt that they are not consulted in the decisions of their counties at all. In Tana River, the feeling is overwhelming (77 Per cent).

**Table 29: Extent of consultations in county decision making**

County	They have not been consulted at all	They have been consulted to some extent	They have been fully consulted	Refuse to Answer	Don't know	Total
Wajir	26.1%	12.5%	33.0%	5.7%	22.7%	100.0%
Mandera	24.6%	36.2%	25.4%	0.0%	13.8%	100.0%
Tana River	77.2%	8.8%	12.3%	0.0%	1.8%	100.0%
Turkana	16.2%	54.9%	8.5%	9.2%	11.3%	100.0%
Mombasa	47.3%	37.3%	7.0%	0.0%	8.5%	100.0%
Uasin Gishu	15.1%	68.8%	7.0%	1.6%	7.5%	100.0%
Nakuru	29.4%	62.5%	6.3%	0.0%	1.8%	100.0%
Kwale	37.3%	38.1%	5.9%	0.8%	17.8%	100.0%
Marsabit	16.1%	66.1%	5.4%	0.0%	12.5%	100.0%
Kisii	33.8%	57.4%	4.1%	1.0%	3.6%	100.0%
Kakamega	28.2%	56.5%	4.0%	0.0%	11.3%	100.0%
Kitui	23.2%	71.0%	3.9%	0.0%	1.9%	100.0%
Kisumu	41.8%	53.3%	3.0%	0.0%	1.8%	100.0%
Nyeri	39.7%	57.1%	2.6%	0.0%	0.6%	100.0%
Laikipia	20.0%	70.0%	2.5%	0.0%	7.5%	100.0%
Nairobi	42.0%	51.1%	2.3%	0.0%	4.6%	100.0%
Lamu	10.2%	86.4%	1.7%	0.0%	1.7%	100.0%
Garissa	17.4%	80.4%	1.1%	0.0%	1.1%	100.0%
Narok	50.8%	29.5%	0.8%	0.8%	18.2%	100.0%
Isiolo	61.7%	29.8%	0.0%	4.3%	4.3%	100.0%
<b>Total</b>	<b>33.9%</b>	<b>52.5%</b>	<b>5.8%</b>	<b>.8%</b>	<b>6.9%</b>	<b>100.0%</b>

Mostly, it is the youth who in the FGDs complained a lot that the decisions happen without their inputs. Skeptics believed that only a section of the people, mainly relatives and friends of the county officers, or contractors, can influence decisions and laws in the counties. Some of their views are highlighted herein below:

“But most of the projects done in the county are planned even before such forums are held. In not many occasions do we find what we discussed and the ideas we put across have been implemented....” **Elderly FGD respondent, Mombasa**

“Yes, they reach out to people across the county. They engage them in discussions where everyone is allowed to raise a matter of opinion concerning the kind of projects that should be

put in place by the county government. As much as the opinions are concerned, the county government adopts neither of the opinions made by the public...” **18-35 Years Respondent Kitui**

“No, we only hear that the county government selected or chose representatives amongst its supporters to attend the meetings ...” **36+ Years Respondent Nyeri**

#### **4.3.2 Laws on citizen participation adopted with demonstrable citizen participation at the county level**

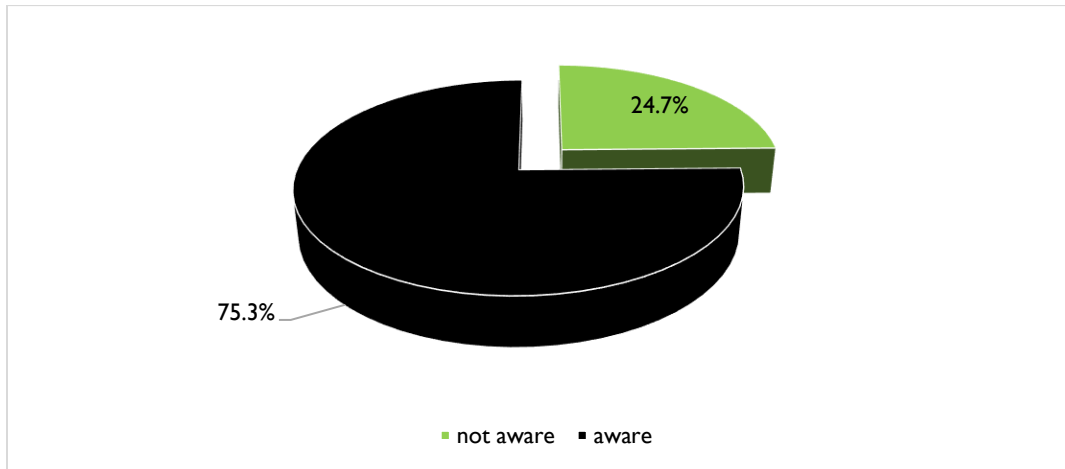
CSOs active participation and involvement with national partners led to adoption of several laws and policy changes. At the county level, CSOs have been important interlocutors in aspects of capacity building around new legislation in the counties, sometimes linking with the Law Reform Commission. Interviewed CSOs representatives observed that they influenced and accelerated the enactment of public participation legislations in various counties.

Key informant interviews with the county government representatives established that some counties had enacted laws on public participation. Of the 20 surveyed counties, 10 have enacted a public participation law. They are: Turkana, Nyeri, Nairobi, Kwale, Wajir, Garissa, Laikipia, Kisumu, Nakuru and Tana River. Mombasa and Uasin Gishu counties have their Public Participation Bills pending at the County Assemblies.

#### **4.4 Enhanced citizens’ knowledge and skills in devolved governance and policy processes**

##### **4.4.1 Percentage of citizens who are aware of devolved governance processes**

The baseline survey further sought to establish the percentage of surveyed citizens who are aware of the roles of the devolved units of governance as indicated in the figure below, three quarters (75 per cent) of the respondents claimed to be aware of the roles of the devolved units of governance while the rest were not aware of the same.



**Figure 33: Awareness of devolved governance processes**

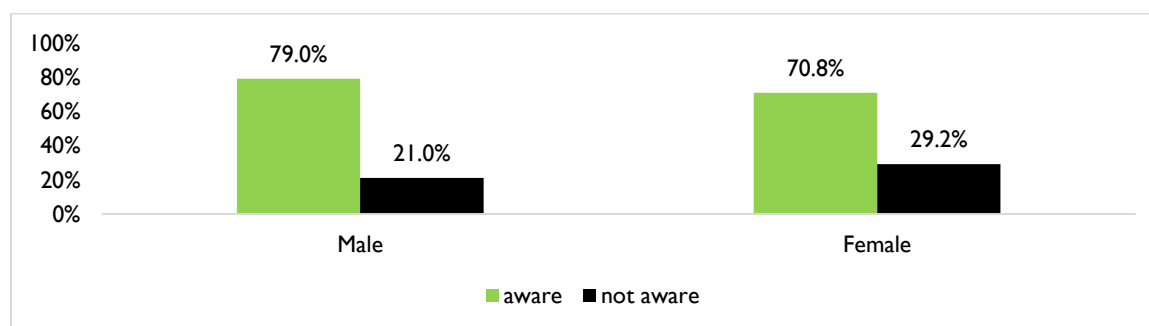
Awareness of roles of devolved units can be attributed to CSOs and county government civic education. Most of the surveyed county government representatives indicated that their county governments have put in place measures to educate citizens on devolved governance processes. They pointed out various civic education platforms such as radio, pamphlets and civic education gatherings. However, it is only in Nairobi, Garissa and Laikipia counties, where respondents indicated that their governments have civic education departments to coordinate the activities.

Of the 20 counties, awareness of roles of the devolved units was highest in Garissa (91 per cent), Uasin Gishu (90 per cent), Laikipia (90 per cent), Kisii (87 per cent) and Kisumu (86 per cent). The three bottom counties in terms of households' awareness of roles of devolved units were: Mandera (55 per cent), Tana River (54 per cent) and Mombasa (53 per cent) although in all the counties, more than half of the households in the survey were aware of the roles of devolved units of governance. Awareness in Nairobi, the capital city, stood at 74 per cent.

**Table 30: Awareness of the Devolved Governance Processes by County**

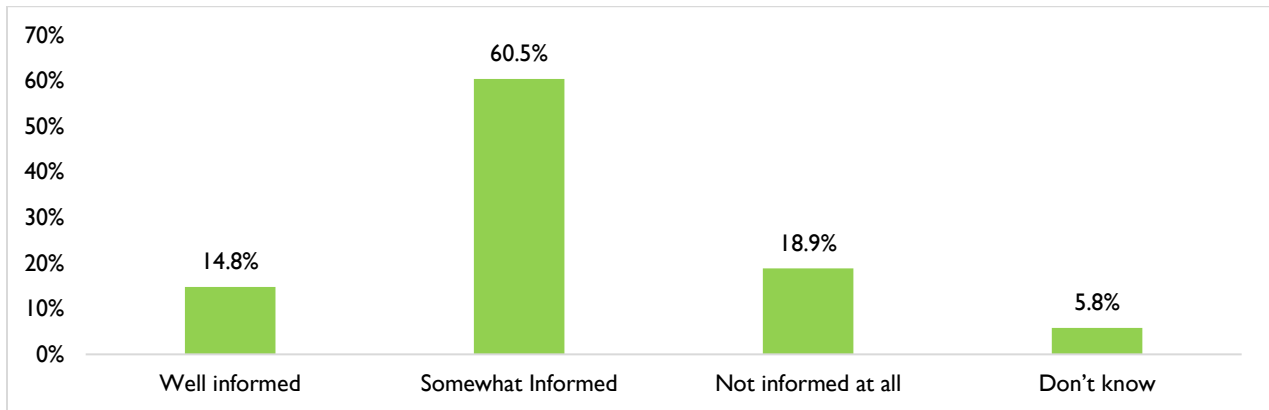
County	Aware of devolved governance processes	Not Aware of devolved governance processes	Total
Garissa	91.3%	8.7%	100.0%
Uasin Gishu	90.3%	9.7%	100.0%
Laikipia	89.6%	10.4%	100.0%
Kisii	87.2%	12.8%	100.0%
Kisumu	86.1%	13.9%	100.0%
Nyeri	82.7%	17.3%	100.0%
Lamu	81.4%	18.6%	100.0%
Kitui	81.3%	18.7%	100.0%
Kakamega	79.0%	21.0%	100.0%
Kwale	78.8%	21.2%	100.0%
Marsabit	75.0%	25.0%	100.0%
Nairobi	74.4%	25.6%	100.0%
Nakuru	73.0%	27.0%	100.0%
Turkana	71.8%	28.2%	100.0%
Isiolo	68.1%	31.9%	100.0%
Narok	66.2%	33.8%	100.0%
Wajir	60.2%	39.8%	100.0%
Mandera	54.6%	45.4%	100.0%
Tana River	54.4%	45.6%	100.0%
Mombasa	52.7%	47.3%	100.0%
<b>Total</b>	<b>75.3%</b>	<b>24.7%</b>	<b>100.0%</b>

In terms of gender analysis, almost eight in every 10 of the surveyed male respondents and seven in every 10 of the female respondents were aware of the devolved governance processes as indicated in Figure below.



**Figure 34: Awareness of devolved governance processes by gender**

On level of awareness, seven in every 10 respondents opined that they are somewhat informed, while 15 per cent are well informed of the same. On the other hand, 19 per cent of the surveyed respondents stated that they were not informed at all, while 6 per cent did not know of any information regarding devolved governance functions. The responses are depicted below.



**Figure 35: Informed about devolved governance functions**

Within the counties, the level of information on devolved governance functions is closely linked to the general awareness noted for counties such as Laikipia, Kisumu, and Garissa, which showed stronger higher percentages of persons well informed about the devolved functions. Again, Mombasa (42 per cent) and Tana River (30 per cent) are among the counties with a higher number of households that were not informed at all about the devolved governance functions. Isiolo (30 per cent), Wajir (39 per cent) and Mandera (27 per cent) also ranked high for counties with significant number of respondents who are not informed at all on county functions. When applied to gender analysis, there were no significant disparities in the responses.

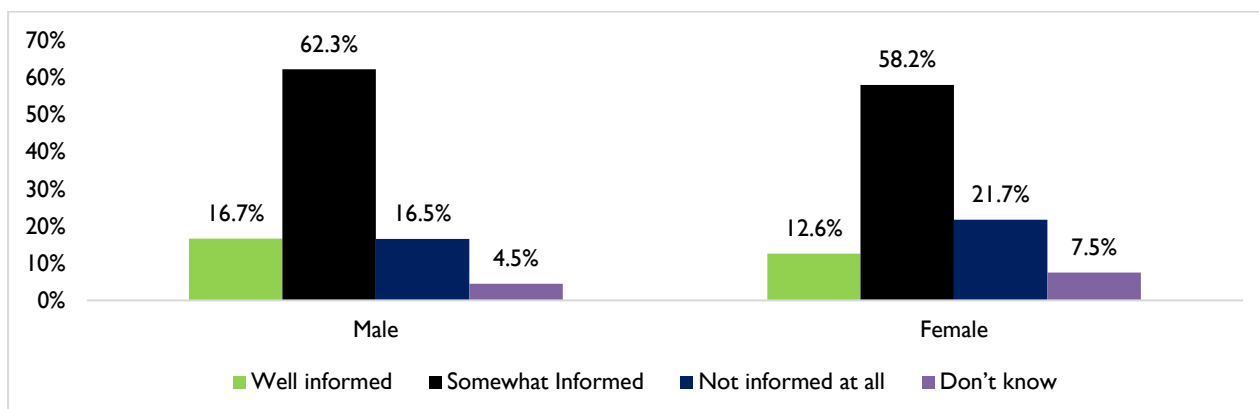
**Table 31: Extent to which citizens are informed about devolved governance functions by county**

<b>County</b>	<b>Well informed</b>	<b>Somewhat Informed</b>	<b>Not informed at all</b>	<b>Don't know</b>	<b>Total</b>
<i>Laikipia</i>	64.2%	25.4%	7.5%	3.0%	<b>100.0%</b>
<i>Kisumu</i>	30.9%	55.2%	10.3%	3.6%	<b>100.0%</b>
<i>Garissa</i>	25.0%	66.3%	8.7%	0.0%	<b>100.0%</b>
<i>Isiolo</i>	21.3%	46.8%	29.8%	2.1%	<b>100.0%</b>
<i>Nairobi</i>	18.6%	55.8%	20.2%	5.3%	<b>100.0%</b>
<i>Kitui</i>	18.1%	63.2%	18.1%	0.6%	<b>100.0%</b>
<i>Uasin Gishu</i>	16.7%	73.7%	8.1%	1.6%	<b>100.0%</b>
<i>Turkana</i>	15.5%	56.3%	19.0%	9.2%	<b>100.0%</b>
<i>Kisii</i>	14.9%	72.3%	11.3%	1.5%	<b>100.0%</b>
<i>Marsabit</i>	12.5%	62.5%	16.1%	8.9%	<b>100.0%</b>
<i>Mombasa</i>	12.4%	40.3%	42.3%	5.0%	<b>100.0%</b>
<i>Nakuru</i>	11.4%	61.6%	17.8%	9.3%	<b>100.0%</b>
<i>Kakamega</i>	7.3%	71.8%	14.1%	6.9%	<b>100.0%</b>
<i>Narok</i>	7.0%	59.2%	21.8%	12.0%	<b>100.0%</b>
<i>Kwale</i>	5.9%	72.9%	11.0%	10.2%	<b>100.0%</b>
<i>Mandera</i>	5.4%	49.2%	26.9%	18.5%	<b>100.0%</b>
<i>Tana River</i>	5.3%	49.1%	29.8%	15.8%	<b>100.0%</b>
<i>Nyeri</i>	5.1%	77.6%	15.4%	1.9%	<b>100.0%</b>
<i>Wajir</i>	2.3%	58.0%	38.6%	1.1%	<b>100.0%</b>
<i>Lamu</i>	1.7%	79.7%	16.9%	1.7%	<b>100.0%</b>
<b>Total</b>	<b>14.8%</b>	<b>60.5%</b>	<b>18.9%</b>	<b>5.8%</b>	<b>100.0%</b>

**Table 32: Extent to which citizens are informed about devolved governance by gender**

County	MALE				FEMALE			
	Well informed	Somewhat Informed	Not informed at all	Don't know	Well informed	Somewhat Informed	Not informed at all	Don't know
NAIROBI	29.1%	21.4%	26.3%	18.8%	22.5%	17.1%	19.3%	19.8%
MOMBASA	4.0%	3.2%	9.4%	3.8%	7.0%	5.2%	17.7%	6.3%
KISUMU	13.4%	3.2%	1.7%	1.3%	5.9%	6.4%	3.7%	4.5%
UASIN GISHU	6.0%	7.0%	2.7%	1.3%	7.0%	6.8%	2.2%	1.8%
NYERI	2.3%	5.8%	2.0%	1.3%	.5%	6.5%	5.6%	1.8%
GARISSA	4.0%	2.8%	1.0%	0.0%	5.9%	3.5%	1.6%	0.0%
LAMU	.3%	3.4%	1.7%	0.0%	0.0%	1.0%	1.6%	.9%
NAKURU	7.4%	10.0%	10.1%	18.8%	5.3%	7.1%	6.2%	9.9%
KAKAMEGA	3.7%	7.9%	2.0%	2.5%	3.7%	10.4%	9.0%	13.5%
KISII	6.4%	8.0%	3.4%	1.3%	5.3%	6.0%	3.7%	1.8%
KITUI	4.7%	4.0%	5.4%	1.3%	7.5%	6.1%	3.7%	0.0%
TURKANA	3.3%	3.5%	2.7%	6.3%	6.4%	4.8%	5.9%	7.2%
MANDERA	.7%	3.1%	8.1%	16.3%	2.7%	3.4%	3.4%	9.9%
NAROK	2.0%	3.9%	4.7%	10.0%	2.1%	4.6%	5.3%	8.1%
KWALE	1.7%	5.5%	2.0%	7.5%	1.1%	2.8%	2.2%	5.4%
WAJIR	.3%	2.2%	7.4%	0.0%	.5%	3.0%	3.7%	.9%
LAIKIPIA	6.7%	.6%	1.0%	0.0%	12.3%	1.2%	.6%	1.8%
MARSABIT	1.0%	1.5%	1.3%	5.0%	2.1%	2.1%	1.6%	.9%
TANA RIVER	.7%	2.1%	4.7%	5.0%	.5%	.6%	.9%	4.5%
ISIOLO	2.3%	.9%	2.4%	0.0%	1.6%	1.4%	2.2%	.9%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

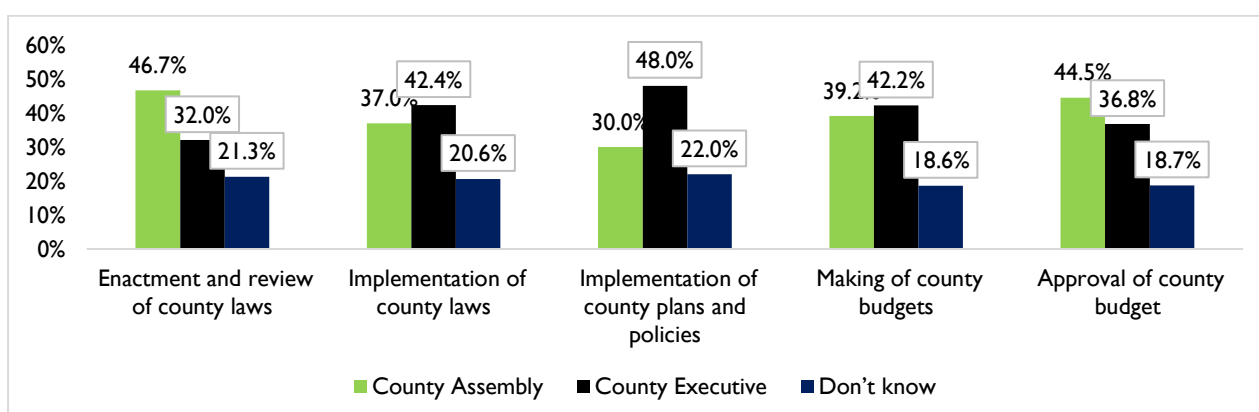




**Figure 36: Extent to which citizens are informed about devolved governance by gender**

The survey also reviewed knowledge on the institutions responsible for what function in the county government. Overall, only 47 per cent of the respondents correctly knew that the county assembly was responsible for the enactment and review of county laws. With regards to implementation of county laws, 42 per cent of the surveyed respondents rightfully believed that it was the responsibility of the county executive. On the same breathe, 48 per cent of the surveyed respondents rightfully believed that the county executive was in charge of implementation of county plans and policies. On the making of county budgets, 42 per cent correctly thought it was the function of the county executive while 45 per cent of the surveyed respondents got it right that it is the function of the county assembly to approve county budgets.

Nevertheless, it should be noted that the correct answers do not even constitute 50 per cent of responses in the various questions. Equally, the level of incorrect responses on the various categories tested is relatively high.



**Figure 37: Public Perceptions of the functions of key county offices**

**Table 33: Public Perceptions of the functions of key county offices by gender**

Responsibility	Male			Female		
	County Assembly	County Executive	Don't know	County Assembly	County Executive	Don't know
<i>Enactment and review of county laws</i>	50.9%	31.5%	17.6%	41.6%	32.7%	25.7%
<i>Implementation of county laws</i>	39.1%	44.6%	16.3%	34.5%	39.6%	25.9%
<i>Implementation of county plans and policies</i>	30.1%	51.5%	18.4%	29.8%	43.8%	26.3%
<i>Making of county budgets</i>	40.9%	44.3%	14.8%	37.0%	39.7%	23.3%
<i>Approval of county budget</i>	47.1%	37.5%	15.4%	41.4%	35.9%	22.7%

The survey also sought to find out if the respondents felt that their respective county governments observed the constitutional values and principles of governance. The indicators covered involvement of citizens in the county activities, adherence to the principles of transparency and accountability in county affairs, equality/inclusion of diverse people in government, and equitable distribution of resources. Finally respondents had the opportunity to say whether they thought the county governments had taken services closer to the people or not.

According to the survey, only between 24 per cent - 48 per cent of the respondents approved the performance of the counties across the various measurements. This is an indictment of the county administrations. Less than half of the people believed that the administrations adhered to constitutional values and principles of governance.

**Table 34: Principles and Values observed by county government**

Principles and Values	Yes	No	Don't know/ Not sure
<i>Recognition and inclusion of women into the government</i>	47.7%	44.0%	8.3%
<i>Taking service provision closer to the people</i>	46.9%	44.8%	8.3%
<i>Recognition and inclusion of youth into the government</i>	43.3%	48.6%	8.1%
<i>Recognition and inclusion of persons with disability into the government</i>	41.7%	46.2%	12.0%
<i>Involvement of the people/ citizenry in its activities</i>	32.7%	59.3%	7.9%
<i>Equality/inclusion of people from all diversities into the government</i>	31.2%	59.4%	9.4%
<i>Equitable distribution of county resources</i>	28.4%	62.8%	8.8%

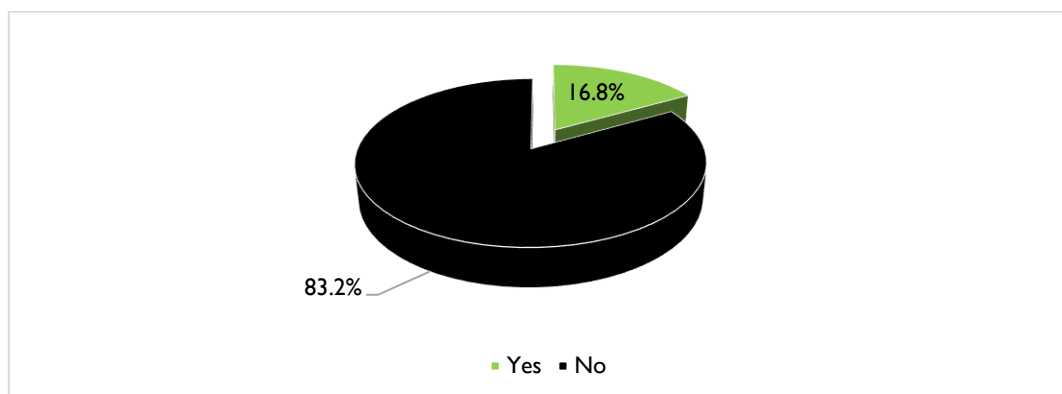
<i>Transparency and accountability in its affairs</i>	24.1%	67.7%	8.1%
---	-------	-------	------

Nevertheless, in most of the FGD discussions, the participants appreciate the strides that the county governments have made in terms of meeting their functions irrespective of the challenges (see section on Impact of Devolution). The most recognizable devolved functions in the discussions were to do with county health sector services, enactment of bylaws, infrastructure, management of ECD as well as street lighting. There is a lot of misrepresentation on the roles of the members of county assemblies, but a majority of the FGD participants recognized that they are responsible for approving the county budgeting and the making county laws. MCAs were therefore correctly seen as law makers at the devolved unit level and as well, the people with the mandate to ‘represent grievances’ to authorities. The roles of the Senator, prominently remembered in the meetings is to ‘impeach the president’ and to ‘oversee affairs of the counties’ while the Governor is viewed as the leader of a county. The Governor ensures the well-being of those within the county. The governor is expected to lead residents in marking public holidays, a traditional ceremonial role of the president at the national level.

Devolution was understood by many people as a way of the ‘government coming closer to the people’ so that the ordinary citizens can have a say in how they are governed. It is important to note that for the governors and senators, there are roles and functions not explicitly assigned by the constitution to them but which the FGDs respondents felt that the offices ought to address. The suggested roles included the promotion of unity in the counties. The views may be reflective of the fears of political divisions in the country as the general elections approaches. Discussions on devolution also revolved around fiscal decentralization, primarily the issue of equitable resource flow to the counties to boost development and services.

#### **4.4.2 Citizens reached with Civic Education on Devolution**

Overall, only 17 per cent of the respondents had received civic education on devolution while 83 per cent had not, as shown in the figure below.



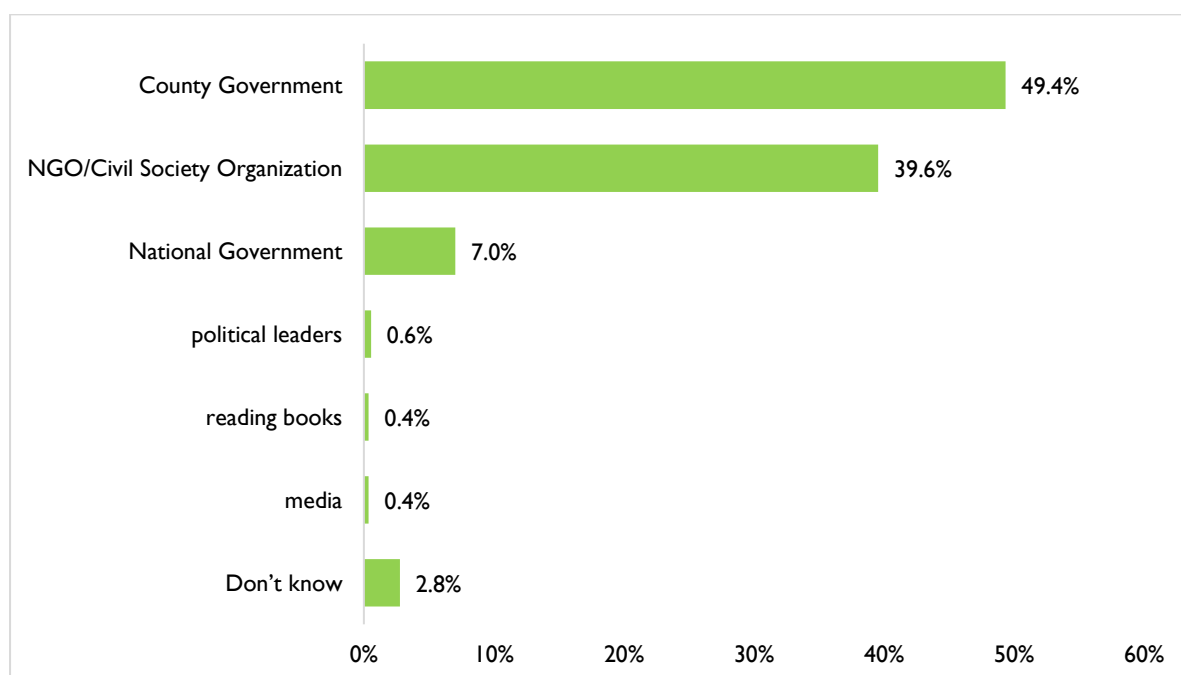
**Figure 38: Received civic education on devolution?**

By county analysis, the Garissa (47 per cent), Kitui, (40 per cent), Marsabit (39 per cent), Isiolo (36 per cent), and Uasin Gishu (34 per cent), respectively, came in the top five of counties with the highest number of respondents who have received civic education on devolution. In Kisumu (4 per cent), Tana River (5 per cent), Narok (5 per cent), Kakamega (6 per cent) and Nairobi (8 per cent), respondents have least been reached by civic education on devolution. These statistics demonstrate a glooming picture of reach of civic education on devolution. As already observed, the low interaction of local citizens with knowledge on devolution and what it entails has not helped public participation in the counties. The distribution of provision of civic education on devolution by county is shown in the table below.

**Table 35: Civic Education on Devolution by County**

County	Yes	No	Total
Garissa	46.7%	53.3%	100.0%
Kitui	40.0%	60.0%	100.0%
Marsabit	39.3%	60.7%	100.0%
Isiolo	36.2%	63.8%	100.0%
Uasin Gishu	33.9%	66.1%	100.0%
Mandera	30.8%	69.2%	100.0%
Wajir	27.3%	72.7%	100.0%
Nakuru	25.7%	74.3%	100.0%
Lamu	22.0%	78.0%	100.0%
Turkana	21.8%	78.2%	100.0%
Laikipia	15.0%	85.0%	100.0%
Kisii	11.3%	88.7%	100.0%
Mombasa	10.4%	89.6%	100.0%
Kwale	8.5%	91.5%	100.0%
Nyeri	8.3%	91.7%	100.0%
Nairobi	7.6%	92.4%	100.0%
Kakamega	6.0%	94.0%	100.0%
Narok	5.3%	94.7%	100.0%
Tana River	5.3%	94.7%	100.0%
Kisumu	4.2%	95.8%	100.0%
<b>Total</b>	<b>16.8%</b>	<b>83.2%</b>	<b>100.0%</b>

Civic education providers include county governments (49 per cent), followed by NGOs/Civil Society Organizations (40 per cent) while 7 per cent of participants mentioned the national government as the facilitator. Others that were mentioned included political leaders (0.6 per cent) and the media (0.4 per cent). It is a constitutional and legislative duty of the county governments to provide civic education and encourage public participation in governance<sup>38</sup>, but many counties have not rolled out the requisite activities. The figure below presents the various facilitators of the civic education on devolution as mentioned by the respondents.



**Figure 39: Providers of the civic education on devolution**

Provision of civic education by NGOs/ CSOs was highest in Garissa, Kwale and Narok counties at 95.3 per cent, 90 per cent and 85.7 per cent respectively. On the other hand, provision of civic education by county governments was highest in Turkana, Nakuru and Kitui counties at 93.5 per cent, 81.4 per cent and 79 per cent respectively.

<sup>38</sup> Sections 98-101 of the County Government Act No 17 of 2012 obligates the county governments to provide civic education according to the laid down principles and objects. Also see Schedule 4 of the Constitution.

**Table 36: Providers of Civic Education**

County	NGO/Civil Society Organization	County Government	National Government	media	political leaders	reading books	Don't know	Total
Turkana	6.5%	93.5%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Nakuru	10.0%	81.4%	8.6%	0.0%	0.0%	0.0%	0.0%	100.0%
Kitui	9.7%	79.0%	3.2%	0.0%	0.0%	0.0%	8.1%	100.0%
Lamu	23.1%	76.9%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Uasin Gishu	14.3%	66.7%	15.9%	0.0%	0.0%	0.0%	3.2%	100.0%
Tana River	33.3%	66.7%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Kisii	22.7%	54.5%	18.2%	0.0%	0.0%	0.0%	4.5%	100.0%
Mombasa	47.6%	52.4%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Kisumu	57.1%	42.9%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Wajir	54.2%	33.3%	8.3%	0.0%	0.0%	0.0%	4.2%	100.0%
Laikipia	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Nairobi	57.7%	32.7%	3.8%	0.0%	0.0%	1.9%	3.8%	100.0%
Nyeri	30.8%	30.8%	30.8%	0.0%	0.0%	0.0%	7.7%	100.0%
Mandera	65.0%	27.5%	7.5%	0.0%	0.0%	0.0%	0.0%	100.0%
Isiolo	76.5%	17.6%	5.9%	0.0%	0.0%	0.0%	0.0%	100.0%
Narok	85.7%	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Kakamega	26.7%	13.3%	0.0%	13.3%	20.0%	6.7%	20.0%	100.0%
Kwale	90.0%	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Marsabit	77.3%	9.1%	13.6%	0.0%	0.0%	0.0%	0.0%	100.0%
Garissa	95.3%	2.3%	2.3%	0.0%	0.0%	0.0%	0.0%	100.0%
<b>Total</b>	<b>39.6%</b>	<b>49.4%</b>	<b>7.0%</b>	<b>.4%</b>	<b>.6%</b>	<b>.4%</b>	<b>2.8%</b>	<b>100.0%</b>

Information gathered during the FGDs showed that public knowledge on functional responsibilities of devolution is hampered by lack of clarity on some of the county functions and their assets. There were also fears that infighting between national government and the counties is slowing down progress in

this area. In specific cases, some participants expressed fears that the national government is frustrating the performance of the counties especially on financing.

#### **4.5 Innovative CSO partnerships with county duty bearers and national processes/institutions (involved in the devolved government reforms) in enhancing rights and freedoms**

The survey findings indicate that there are numerous partnerships between CSOs and county governments on enhancing rights and freedoms, and particularly strengthening service delivery. In some counties, partnerships have matured to levels whereby the county administration supports CSOs activities with financial resources and even infrastructure to roll out mutually agreed activities. The main areas of partnerships which were cited are community sensitization, civic education, capacity building and technical assistance for some of the counties. CSO partnerships have also been around planning (like investments) and budgeting. National level partnerships continue in a wide spectrum of collaboration on governance and development programmes.

##### **4.5.1 Institutions engaged at the national levels**

Key informant interviews indicated that CSOs and development partners such as the Aga Khan Foundation, UNICEF, Action Aid (K), USAID/AHADI, World Bank and UNDP play key roles in human rights and development programmes at the national and county levels. The most prominent national institution involved in activities at the county level is the Ethics and Anti-Corruption Commission (EACC), which has also fostered partnerships with civil society organizations in the counties on anti-corruption campaigns. The agency has launched anti-corruption training for county officers in a number of counties. It was understood that the EACC also works with county-based CSOs and community whistle blowers in follow up activities on the anti-graft campaigns.

The Constitutional Commissions and reform institutions were another category with high level of engagements with CSOs at the national level. The main groups here included the Kenya National Commission for Human Rights (KNCHR), Commission on Administrative Justice (Ombudsman), Independent Police Oversight Authority (IPOA) and the Law Reform Commission (LRC). According to the survey, some CSOs were partnering with these organizations to improve legislative quality of the laws passed in the county assemblies and as well, the execution of devolved functions of the county administrations.

But the partnerships have also suffered due to poor state-NGOs relation that is often marked with mistrust and suspicion. Some CSO respondents indicated the cynicism in the way of doing things with county governments.



The CSOs have played critical role in raising issues affecting the counties. The organizations monitor projects and give feedback on f the county plans and projects. In some counties, CSOs have been invited to deal with challenges such as insecurity/peace building as well as gender mainstreaming in development.

#### **4.5.2 CSOs initiatives supported by the county duty-bearers**

Civil society organizations in the counties have raised many issues on human rights advocacy, civic education, legislation, fight against corruption, conservation of the environment, health and empowerment of marginalized and vulnerable groups. In certain counties, they have received more support than others.

Key informant interviews with the CSOs established that a number of their initiatives have been supported by the county officials. Some of these include trainings on human rights and freedoms, accountability and implementation of human rights policies. Some of the CSOs reported that there were no specific initiatives supported by the county officials but they have accepted the implementation of related programmes.

For instance, in Isiolo County, paralegals were involved in pushing for human rights policies in the county administration. Several CSOs also felt that even where county officials have not supported their initiatives, the fact that they have accepted the implementation of their programs in the regions, is a positive development. In a climate of negative perception of CSOs in certain counties, the goodwill to run projects is seen as progressive.

Successful CSOs partnerships were also noted in Kwale where the Kwale Youth and Governance Group, HURIA, Women groups and county administrators, for example, have engaged in the county's development activities. There are mechanisms for engagements with the CSOs supported by the county. In Kwale, for instance, the county government offers public facilities such as meeting halls and tents for CSOs public meetings. Indeed, it was reported that there was willingness by some county governments to fund CSOs activities but this can compromise the oversight role of the organisations.

#### **4.5.3 Changes arising from the successful partnerships in the devolution landscape**

There are several partnerships between CSOs and other actors in regard to devolution. Key informant interviews showed engagements in counties like Kwale, Kitui and Turkana where government officials and CSOs have been trained together. In some regions, partnerships have led to the formation of viable networks, such as Narok Civil Society Forum to bring together common

civil society position in governance processes. At the national level, specialist CSOs enjoy working partnership with government organs such as the Judiciary, prisons departments or the police, besides the constitutional commissions involved in human rights issues and development.

Successful CSOs campaigns show some of the results of these partnerships such as the one on citizenship of the Makonde people in Kwale County, which culminated into the state pledge to recognise and issue members of the community with identity cards.

## 5.0 ORGANIZATIONAL PERFORMANCE, SUSTAINABILITY AND ENABLING ENVIRONMENT FOR CSOs IN KENYA

### 5.1 Introduction

This chapter discusses findings on organizational performance, sustainability and enabling environment for CSOs in Kenya. Amkeni Wakenya Programme has invested heavily to empower and strengthen CSOs they work with. In the recent months, CSOs have experienced hostility from the government, which affects their engagement in human rights activities. Some of them have faced unwarranted restrictions such as cancellation of registration and freezing of their bank account.

### 5.2 Improved Organizational Performance

#### 5.2.1 CSOs whose capacity performance index has improved

At the start of Amkeni Phase II programme, Society for International Development (SID, was engaged to conduct a capacity and needs assessment of the engaged CSOs. Currently there are 15 CSOs whose performance index score has been assessed. In the mid-term of the project, their indices will be assessed on the same parameters to determine if the score has changed. The same will be done at the end of the project.

During the first phase of Amkeni programme, more than 200 CSOs were involved and by the end of the phase, 95 per cent were responsive and their capacities had substantially improved. Such CSOs have demonstrated improved capacity in terms of reporting and implementation of projects.

However, there was a concern that the performance index measurement in phase one was not very comprehensive even though it demonstrated significant changes in terms of CSOs' performance. As such, subsequent measurement needs to be thorough and comprehensive.

### 5.3 Enabling Policy and Legal Frameworks on CSOs

#### 5.3.1 CSOs Participating in Policy Development Discourses

Of the surveyed CSOs, only two organizations (Legal Resources Foundation and ICJ Kenya) mentioned that they are engaged in policy development discourse.

#### 5.3.2 Laws and Policies on PBOs adopted

Two key laws and policies on PBOs have been adopted at the national level. They are; the Public Benefit Organizations (PBO) Act 2016 and the Public Private Partnership (PPP) Act 2013. The PBO Act provides for the registration and regulation of public benefit organizations in the country.

It is imperative to have an enabling environment for CSOs to perform effectively. This depends on internal and external factors that either assist or constrain civil society including the legal and regulatory framework, the political and governance context, socio-cultural characteristics, and economic conditions. If diligently implemented, the PBO Act is anticipated to change the way things are done within the CSO sector and promote their work. However, concerns have been raised over government attempt to use the Act to control NGO funding.

## **5.4 Capacity of PBO Authority to Discharge its Mandate**

### **5.4.1 CSOs submitting annual returns and reviewed by the CSO Regulator**

All surveyed CSOs indicated that they always submit their annual returns to the regulator. Indeed, CSO representatives interviewed indicated that their organizations are audited annually and payment of the necessary statutory returns done. As a requirement, CSOs are expected to submit their annual returns to the NGO Coordination Board for review.

### **5.4.2 Rating of the CSO Regulator as an enabler for CSOs**

None of the surveyed CSOs representatives rated the CSO regulator (the NGO Coordination Board) as very good or good in providing an enabling environment for CSOs. The average rating of the CSO regulator in providing an enabling environment for CSOs was poor/fair.

For CSOs to thrive, they require an enabling environment and this call for capable and responsive regulator. According to the interviewed CSO representatives, the NGO Coordination Board, as currently constituted, lacks capacity to monitor and regulate the NGOs; competently advice the government on its activities; and facilitate an enabling environment for the sector to thrive.

## **5.5 CSO Self-Regulation Mechanisms**

### **5.5.1 Level of CSO satisfaction with the role of CSO self- regulation**

Most of the CSOs indicated that they are satisfied with self-regulation. According to some respondents, the CSO sector has tried to regulate itself but there is no independent body to perfect this. Efforts by the NGOs Council to encourage self-regulation have not been fruitful. As such, individual CSOs can also regulate themselves but not as a collective unit.

CSO stakeholders are optimistic that though the PBO Act is weak on self-regulation, once operationalized, it will bring about several benefits. However, concerns were raised on the government's intention to restrict CSOs funding through the Act.

In 2012, Amkeni Wakenya I Programme supported the formulation of the PBO Act by facilitating the CSOs Reference Group and Parliament's Departmental Committee. It also committed to support advocacy and capacity development efforts towards implementation of the Act, which includes support towards establishment of self-regulation mechanisms such as the Public Benefits Organization Federation and self-regulation forums. However, self-regulatory mechanisms within the civil society sector appear inadequate, given the persistent wrangles, poor perceptions of accountability and impact of CSOs.

### **5.5.2 CSOs fulfilling their contractual obligations to donors**

All of the surveyed CSOs indicated that they have fulfilled their contractual obligations to donors. Some contractual obligations to donors include; writing and submitting progress and annual reports, filing of returns, beneficiary files, financial and audit reports. In case of delays, affected CSOs have asked donors for extension of time.

Since some of the interviews with CSOs representatives were done out of office, the interviewers could not verify the existence of copies of deliverables such as reports, submitted to donors.

## **5.6 CSO Organizational Development, Impact and Sustainability Capacity**

### **5.6.1 CSOs with Operational Systems in Place**

Among the surveyed CSOs, nearly all of them have put in place various operational systems, including strategic plans, annual work plans, grants manual, advocacy manual, resource mobilization manual, monitoring and evaluation plans, financial management manuals, human resource manuals and communication manuals. Though most of the CSOs did not report about all these operational systems, they all reported to have put in place a financial system.

Amkeni Wakenya programme focuses on building and strengthening of individual capacities of staff working for partner CSOs, in recognition of the fact that these organizations experience unprecedented levels of staff turnover. The programme also focuses on strengthening critical organizational capacities relating to governance, programme management, financial management and human resources and knowledge management. During phase two of the programme, special attention will be paid to supporting financial and organizational sustainability through promotion of such approaches as strategic planning, HRBA, gender mainstreaming and social entrepreneurship. Having good operational systems in place will ensure that wastage of resources is curbed and ultimately maximizing the value for money.

### **5.6.2 CSOs generating at least 10 per cent of their annual budget internally**

About half of the surveyed CSOs have internal income generating activities, but this is less than 10 per cent in most cases. A few of the CSOs reported to rely solely on donor funding. Some activities the CSOs engage in to generate internal income include; consultancy in research and training, entrepreneurship, rent and membership subscriptions.

It was evident that a majority of the surveyed CSOs are small, mainly working in select areas (counties) and reaching the citizens at the grassroots. However, most of them are facing one critical challenge - inability to sustain themselves. Consistent with the findings of this survey, secondary data sources indicate that most CSOs are chronically dependent on donor funding and this impairs their ability to think long-term and hence compromising their independence.

## 6.0 CAPACITY OF CIVIL SOCIETY ORGANIZATIONS TO RESPOND TO CONTEMPORARY GOVERNANCE ISSUES

### 6.1 Introduction

This chapter discusses findings on the capacity of CSOs to respond to contemporary governance issues. It presents the approaches used by CSO to raise citizen awareness as well as law and policy changes.

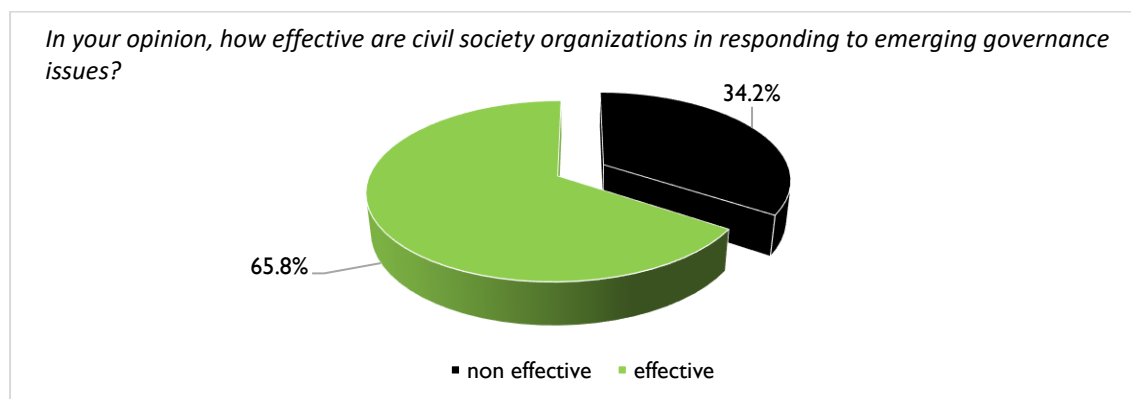
### 6.2 Integration of human rights in laws, frameworks and operations governing extractive industries

#### 6.2.1 Emerging governance Issues

Surveyed stakeholders underscored the importance CSOs in responding to contemporary governance issues. Some of these include; corruption and accountability, abuse of office, human rights and freedoms, extrajudicial killings, access to justice and marginalization. The CSOs have been using strategic methods by engaging various institutions in dialogue and creating awareness among the public. Below are the highlights of the responses.

#### 6.2.2 Stakeholders' perception of civil society response to contemporary governance

A majority (65.8 per cent) of the surveyed households reported that civil society organizations have been effective in responding to emerging governance issues.



**Figure 40: Rating effectiveness of CSOs in responding to contemporary governance issues**

Lamu (88.1 per cent), Uasin Gishu (79.6 per cent) and Isiolo (78.7 per cent) counties had the highest proportion of respondents who feel CSOs have been effective in responding to emerging governance issues. On the other hand, a majority of the respondents in Kisumu (64.8 per cent) and Tana River (54.4 per cent) counties do not think CSOs have been effective in responding to contemporary governance issues.

**Table 37: Rating effectiveness of CSOs in responding to contemporary governance issues**

County	Non-Effective	Effective	Total
Kisumu	64.8%	35.2%	100.0%
Tana River	54.4%	45.6%	100.0%
Mombasa	49.8%	50.2%	100.0%
Kwale	46.6%	53.4%	100.0%
Turkana	40.8%	59.2%	100.0%
Kisii	39.0%	61.0%	100.0%
Narok	37.3%	62.7%	100.0%
Nyeri	35.9%	64.1%	100.0%
Mandera	33.1%	66.9%	100.0%
Kakamega	33.1%	66.9%	100.0%
Marsabit	32.1%	67.9%	100.0%
Nairobi	31.8%	68.2%	100.0%
Kitui	27.7%	72.3%	100.0%
Wajir	27.3%	72.7%	100.0%
Laikipia	25.4%	74.6%	100.0%
Garissa	22.8%	77.2%	100.0%
Nakuru	22.4%	77.6%	100.0%
Isiolo	21.3%	78.7%	100.0%
Uasin Gishu	20.4%	79.6%	100.0%
Lamu	11.9%	88.1%	100.0%
Total	<b>34.2%</b>	<b>65.8%</b>	<b>100.0%</b>

### 6.2.3 Laws and frameworks governing extractive industries with CSOs' participation

The UN has supported the Government of Kenya in developing the Mining Act 2016. The Act is critical for providing policy, legal and institutional framework for managing the extractive sector to ensure that people and communities benefit. The Act outlines revenue sharing, giving 70 per cent to the national government, 20 per cent to the county government and 10 per cent to the community. The Community Land Act, signed into law on 31<sup>st</sup> August 2016, lays out the steps for communities to acquire titles to their ancestral land. However, questions remain over the implementation of the Act as land is an explosive political issue and has been one of the main drivers of conflict for decades. There is also the Energy Policy 2015 and the draft Mining Policy which are currently under review.

Only a few of the interviewed CSO representatives cited their participation in the drafting of the above laws and policy frameworks in the extractive industry. However, majority of the surveyed CSOs had not taken part in the drafting of the policies and legislation. CSOs should play a crucial

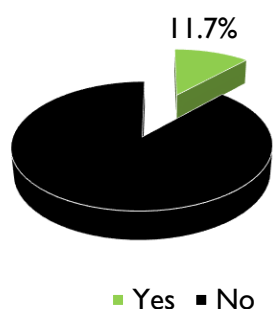


role in the implementation of these laws and enactment of subsequent laws in the extractive sector.

### 6.2.4 Citizens Participating in Extractive Industries

About one out of every 10 (11.7 per cent) surveyed households had a person working in an extractive industry. Extractive industry is defined as any process that involves the extraction of raw materials (oil, gas, minerals, quarrying, sand harvesting) from the earth.

*Do you or any of your household members work in an extractive industry?*



**Figure 41: Percentage of Kenyans working in an extractive industry**

Garissa, Uasin Gishu, Laikipia and Wajir counties had the highest proportion of respondents working in an extractive industry at 42.4 per cent, 37.6 per cent, 37.3 per cent and 31.8 per cent respectively.

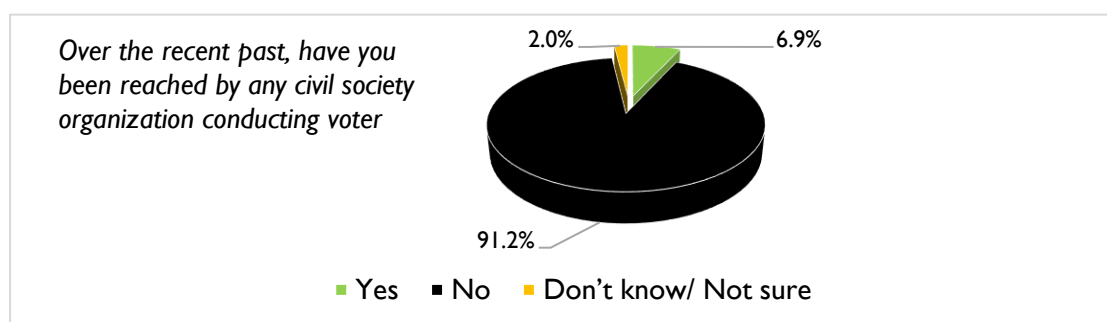
**Table 38: Percentage of respondents working in an extractive industry by county**

COUNTY	Yes	No	Total
Garissa	42.40%	57.60%	100.00%
Uasin Gishu	37.60%	62.40%	100.00%
Laikipia	37.30%	62.70%	100.00%
Wajir	31.80%	68.20%	100.00%
Kitui	19.40%	80.60%	100.00%
Nakuru	16.00%	84.00%	100.00%
Mandera	13.80%	86.20%	100.00%
Isiolo	10.60%	89.40%	100.00%
Kakamega	9.30%	90.70%	100.00%
Kisumu	8.50%	91.50%	100.00%
Kisii	8.20%	91.80%	100.00%
Mombasa	7.00%	93.00%	100.00%
Turkana	7.00%	93.00%	100.00%
Nyeri	6.40%	93.60%	100.00%
Lamu	5.10%	94.90%	100.00%
Nairobi	3.90%	96.10%	100.00%
Narok	2.10%	97.90%	100.00%
Marsabit	1.80%	98.20%	100.00%
Kwale	1.70%	98.30%	100.00%
Tana River	0.00%	100.00%	100.00%
Total	11.70%	88.30%	100.00%

### 6.3 Citizen participation in electoral processes and political accountability

#### 6.3.1 Citizens covered by CSOs during voter education

Majority (91.2 per cent) of the surveyed respondents had not been covered by CSOs conducting voter education. Only 6.9 per cent of the respondents indicated to have been reached by the CSOs.



**Figure 42: Percentage reached by CSO voter education**

Marsabit (26.8 per cent), Kitui (25.8 per cent) and Isiolo (21.3 per cent) counties had the highest percentage of respondents who have benefitted from a CSO facilitated voter education.

**Table 39: Percentage of Kenyans reached by CSO voter education**

County	Yes	No	Don't know/ Not sure
Marsabit	26.8%	71.4%	1.8%
Kitui	25.8%	73.5%	.6%
Isiolo	21.3%	78.7%	.0%
Nakuru	14.9%	84.7%	.4%
Laikipia	10.4%	86.6%	3.0%
Mandera	10.0%	83.8%	6.2%
Nairobi	7.5%	92.5%	.0%
Kisii	6.2%	91.8%	2.1%
Turkana	5.6%	84.5%	9.9%
Wajir	4.5%	89.8%	5.7%
Garissa	4.3%	94.6%	1.1%
Mombasa	3.0%	96.0%	1.0%
Kakamega	2.8%	97.2%	.0%
Tana River	1.8%	96.5%	1.8%
Uasin Gishu	1.1%	92.5%	6.5%
Narok	.7%	99.3%	.0%
Kisumu	.6%	98.8%	.6%
Nyeri	.0%	99.4%	.6%
Lamu	.0%	89.8%	10.2%
Kwale	.0%	96.6%	3.4%

Total	<b>6.9%</b>	<b>91.2%</b>	<b>2.0%</b>
-------	-------------	--------------	-------------

### 6.3.2 CSOs supported to provide civic education

Amkeni Wakenya Phase One Programme supported CSOs to provide civic education through Calls and Quick Response Funds. Generally, CSOs have partnered with Amkeni Wakenya Programme to provide civic education to Kenyans using different channels.

During Phase II of the Amkeni Programme, 15 CSOs have been supported to provide civic education. These CSOs are currently providing civic education on devolution, human rights, access to justice, youth and women participation. They are working in Nairobi, Kwale, Kitui and Turkana counties.

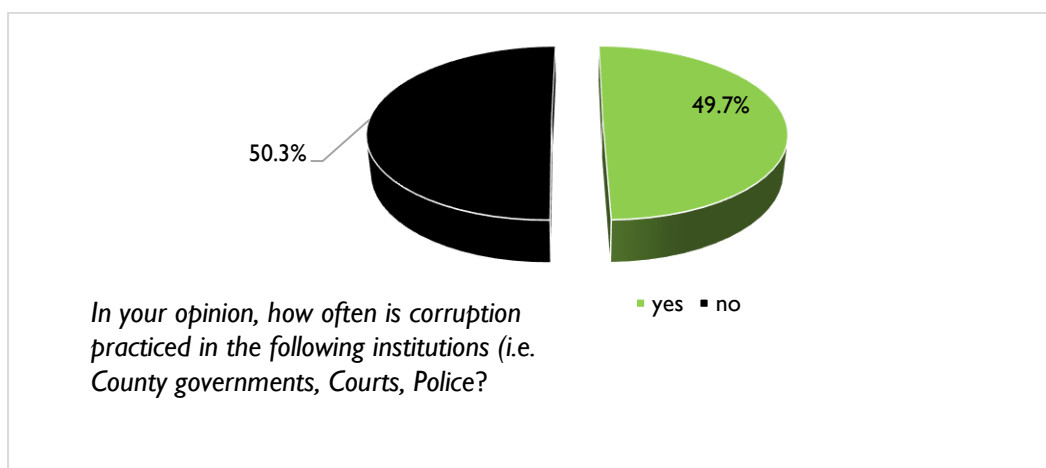
## 6.4 Integrity and political accountability

### 6.4.1 Integrity and accountability laws and policies reviewed

Apart from the Constitution, three key legislations have been passed recently. They include; the Whistle Blower Act, Access to Information Act, Leadership and Integrity Act, and the Anti-Bribery law. Other policies include the Central Bank of Kenya regulations to check money laundering. The Judiciary has also set up an anti-corruption division and gazetted its rules and procedures.

### 6.4.2 Level of Public Awareness on Corruption and Integrity in Key Government Institutions

About half (49.7 per cent) of the respondents are aware of corruption and integrity issues in key governance institutions (county governments, courts, police).



**Figure 43: Level of public awareness of corruption and integrity in key institutions**

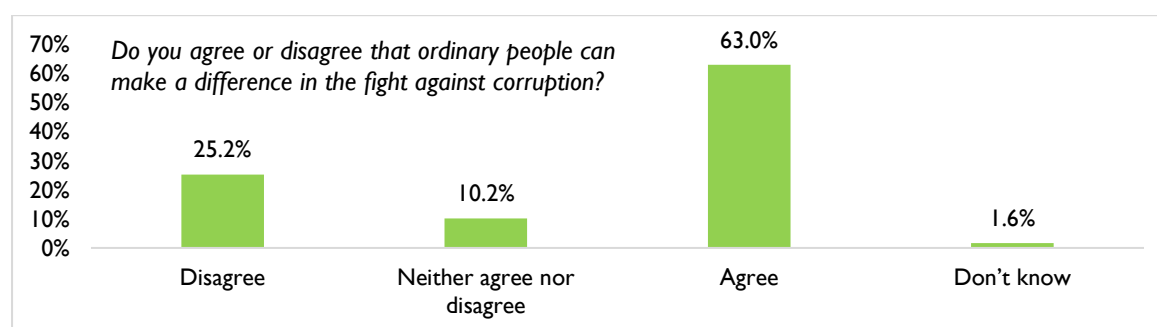
Awareness levels of corruption and integrity in key governance institutions was highest in Garissa (93.5 per cent, Lamu (81.4 per cent) and Uasin Gishu (80.6 per cent) counties.

**Table 40: Public awareness of corruption and integrity in key institutions**

County	Yes	No	Total
Garissa	93.5%	6.5%	100.0%
Lamu	81.4%	18.6%	100.0%
Uasin Gishu	80.6%	19.4%	100.0%
Laikipia	77.6%	22.4%	100.0%
Mandera	67.7%	32.3%	100.0%
Isiolo	63.8%	36.2%	100.0%
Marsabit	62.5%	37.5%	100.0%
Kisumu	60.6%	39.4%	100.0%
Kitui	58.1%	41.9%	100.0%
Kisii	53.3%	46.7%	100.0%
Tana River	52.6%	47.4%	100.0%
Wajir	50.0%	50.0%	100.0%
Narok	48.6%	51.4%	100.0%
Nakuru	48.0%	52.0%	100.0%
Nairobi	38.9%	61.1%	100.0%
Turkana	36.6%	63.4%	100.0%
Kwale	36.4%	63.6%	100.0%
Mombasa	34.8%	65.2%	100.0%
Kakamega	33.5%	66.5%	100.0%
Nyeri	33.3%	66.7%	100.0%
<b>Total</b>	<b>49.7%</b>	<b>50.3%</b>	<b>100.0%</b>

A majority (63 per cent) of the respondents during the household survey agreed that ordinary people can make a difference in the fight against corruption. Only about a quarter (25.2 per cent) of the respondents disagreed. Thus, the survey confirmed that most people prefer to be involved in initiatives to fight corruption in the country.

#### Ordinary people have a role in the fight against corruption


**Figure 44: Do ordinary citizens have a role to play in the fight against corruption?**

Mainly, it was in Nyeri (89.8 per cent), Narok (84.6 per cent) and Kisumu (82.4 per cent) counties, where residents feel that ordinary citizens have a role to play in the fight against corruption. This is encouraging, as it demonstrates that a majority of Kenyans detest corruption and want something to be done about it. The distribution of views across counties is shown in the table below.

**Table 41: Do ordinary people have a role in the fight against corruption**

County	Agree	Neither agree nor disagree	Disagree	Don't know	Total
Nyeri	89.80%	9.00%	1.30%	0.00%	100.00%
Narok	84.60%	4.90%	8.40%	2.10%	100.00%
Kisumu	82.40%	4.20%	12.70%	0.60%	100.00%
Garissa	79.40%	8.70%	12.00%	0.00%	100.00%
Nairobi	71.80%	7.70%	20.30%	0.30%	100.00%
Marsabit	69.60%	14.30%	14.20%	1.80%	100.00%
Lamu	67.80%	18.60%	11.90%	1.70%	100.00%
Kitui	67.80%	1.90%	29.70%	0.60%	100.00%
Uasin Gishu	66.70%	12.40%	18.80%	2.20%	100.00%
Laikipia	65.70%	6.00%	28.40%	0.00%	100.00%
Kisii	64.60%	14.90%	18.40%	2.10%	100.00%
Kakamega	63.70%	4.80%	27.40%	4.00%	100.00%
Nakuru	61.30%	9.30%	29.60%	0.00%	100.00%
Wajir	60.30%	15.90%	23.90%	0.00%	100.00%
Tana River	57.90%	31.60%	10.50%	0.00%	100.00%
Mombasa	46.80%	10.00%	42.70%	0.50%	100.00%
Isiolo	36.20%	6.40%	53.20%	4.30%	100.00%
Kwale	28.80%	28.00%	40.70%	2.50%	100.00%
Mandera	23.80%	13.80%	59.20%	3.10%	100.00%
Turkana	21.80%	15.50%	51.50%	11.30%	100.00%
<b>Total</b>	<b>63.00%</b>	<b>10.20%</b>	<b>25.20%</b>	<b>1.60%</b>	<b>100.00%</b>

## 7.0 CAPACITY OF AMKENI TO SUPPORT CSOs AND STAKEHOLDERS EFFICIENTLY, EFFECTIVELY AND SUSTAINABLY

### 7.1 Introduction

This chapter looks at the programme's capacity to support CSOs and stakeholders efficiently, effectively and sustainably. It highlights baseline values and/or information of the following indicators: CSOs rating of Amkeni's service delivery; performance management for staff; quality of governance structures in place; number of SRG and DP meetings held in accordance to the programme policies; number of M&E recommendations from ETE implemented; an interactive Amkeni website in place; number of knowledge products developed and disseminated; and the ratio of received funds against the AWP budget.

### 7.2 Adequate and professional human resources

#### 7.2.1 CSOs Rating of Amkeni service delivery

Nearly all of the surveyed CSOs rated the Amkeni Wakenya Programme as either good or very good. According to them, the programme has played a critical part in delivering quality and timely services. On a scale of 1 – 3 where; 3 is very good, 2 is good, and 1 is fair or poor, the programme got an average rate of 2 '**good**'. Some of the surveyed organizations had the following about the programme.

"I would rate it very good. Amkeni as a basket has reached the smallest/ youngest organisations in the grassroots, which no other donor has achieved including my own organisation." – **CSO representative**

"...they are really trying to reach the people in the grassroots; they build their capacity and help them grow. I would give them good." – **CSO representative**

"I would rate them good to the extent of targeted practitioners of the public. Their slogan has gone down well with the public. Diversity has been a plus." - **CSO representative**

"I would rate them very good! They [Amkeni] have maintained a cordial relationship with CSOs." - **CSO representative**

#### 7.2.2 Performance management for Amkeni staff

Information gathered through review of annual staff performance appraisal established that the performance management for Amkeni staff is satisfactory. From the key informant interviews, the

performance management for staff was reported to be exemplary. This was attributed to the measures and standards that the team has put in place which have attracted donor funding and maintained the relations.

Similarly, stakeholders applauded the programme for its improved and strengthened M & E unit. Development partners surveyed reported that the programme has taken M & E as a core component of its work.

### **7.3 Staff capacity and governance structures of Amkeni**

#### **7.3.1 Quality of governance structures in place**

Amkeni Wakenya Programme is guided by UNDP global rules and standards. By virtue of being supported by UNDP, the programme has world class governance structures, which guarantees its continued existence. According to the interviewed programme staff, Amkeni Wakenya has quality governance structures in place and its performance is good.

#### **7.3.2 Capacity of Amkeni Staff**

The current programme staff is competent. However, the programme has shortage of technical personnel. More technical people are thus needed to manage the programme's ever growing partners.

If the number of technical personnel managing the programme and the wide number of clients could be increased, it can even strengthen the current governance structures more. But this would require more funding.

### **7.4 Governance processes of Amkeni**

#### **7.4.1 SRG and DP meetings**

The survey established that the programme is supposed to hold four meetings with the Stakeholder Reference Group (SRG) and Development Partners (DP) on quarterly basis. The SRG comprises CSOs representatives elected at an annual meeting of Amkeni partners and stakeholders, to provide strategic advice to the organisation and represent CSOs concerns in the decision-making processes.

The survey confirmed the existence reports on the issues discussed at meetings. In 2016, only three SRG meetings were held, although the third meeting (held on 2<sup>nd</sup> December 2016) combined the agendas for 3<sup>rd</sup> and 4<sup>th</sup> quarters. For Development Partners, sometimes impromptu meetings are held and a brief shared with those who do not make it to the meeting.

## **7.5 Monitoring and evaluation, reporting and knowledge management**

### **7.5.1 M&E recommendations from ETE implemented**

The survey established that there were 14 recommendations from the End of Term Evaluation of Phase I of the Amkeni Wakenya Programme. Some of the recommendations have been implemented, others are in the process, while others have stalled due to lack of funding. Among the recommendations of the previous phase include: the need to continue working on the same thematic issues such as governance, human rights, and capacity development of CSOs. Others are the need to decentralize and focus programme implementation in select counties; and to continue working with the same CSOs to tap on their capacity.

Some of the recommendations implemented include: maintenance of the same thematic issues; collection of baseline data for the second phase (addressed through the present survey) and deepening of the programme in terms of scope. The programme has also decentralised its activities to Kwale, Kitui and Turkana, because of the extractive resources. More counties and partners will be brought on board upon availability of funding. Some of the recommendations yet to be implemented include: online system [dashboard] to monitor progress, as well as building the capacity of the programme partners in M&E to improve programme effectiveness.

It was also recommended that the programme creates a synergy between state and non-state actors. Progress has been made to link the programme's activities with state policies and documentation. However, this is not without challenges as some state agencies are not willing to work with the programme.

## **7.6 Visibility and profile of Amkeni as critical actor in governance**

### **7.6.1 An interactive Amkeni website**

The Amkeni Wakenya website (<http://undp.akvoapp.org/en/organisation/2427/>) has been activated. However, the website is partially interactive and it's still being improved on. Such website will be crucial in promoting efficiency in information and knowledge sharing.

### **7.6.2 Knowledge products developed and disseminated**

During Phase One, several knowledge/information materials/products were developed and disseminated. During Phase II, materials such as booklets, brochures, fliers, banners and T-Shirts have been printed and disseminated. The programme has also developed and disseminated manuals on financial management, sustainability, monitoring and communication for CSOs. The programme



has produced and distributed numerous copies of the constitution as well designing a braille copy. Also in place are civic and voter education manuals.

To ensure sustainability, the programme intends to upload all printable materials on their website to enhance accessibility by Kenyans and other interested stakeholders. Once the materials are online, individuals or organizations can download, print or read them as softcopies. Other non-printable materials such as banners and T-Shirts will be distributed through the CSOs.

The programme has also developed a manual for knowledge management and HRBA. Once published, it will be uploaded in their website.

## 7.7 Amkeni business processes

### 7.7.1 Rating of Amkeni's Business Processes

CSOs and development partners surveyed rated Amkeni's business processes as good. The programme's focus on building capacities and strengthening structures of CSOs at the grassroots level was cited as the most notable feature of the programme. The programme has built partnerships with CSOs at the local level, and this is anticipated to increase Amkeni's visibility and the sustainability of the programme impact. However, there are calls for the programme to improve its communication and keep partners and donors engaged. The partners would appreciate regular updates. One of the interviewed respondents had the following to say:

"... for me I think AMKENI does a good job in all areas, the only problem is funding, may be they need to sustain or increase and also diversify their funding. Otherwise I find their strategies very good..."

– *Development Partner*

## 7.8 Resources for Amkeni's work generated in sustainable manner

### 7.8.1 Ratio of received funds against the AWP budget

Initially the programme had a budget of about US\$ 45 million a year. However, this amount was later scaled down to US\$ 20 million. By January 2017, the programme had raised US\$ 2 million and is expecting to bring on board more donors to raise additional US\$ 10 million by February 2017. Once raised, US\$ 12 million translates into 60 per cent of the entire programme budget. Current programme donors include the Government of Netherlands and the Government of the people of Japan. European Union is expected to join the list of donors soon. Some of the donors for the previous phase have not yet committed funds for the programme.

According to development partners, the programme needs to diversify and figure out how to have uninterrupted funding. One way out would be to move beyond their traditional donors and approach other donors, private sector, philanthropists, and foundations.

Frequent roundtables with the donor community can help address the programme budget deficit. The Amkeni staffs are optimistic that their good relations with the donor community will help secure more funding.

## 8.0 CONCLUSION AND RECOMMENDATIONS

### 8.1 Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans

There is general awareness of basic human rights by a majority of the respondents in the survey even though the technical descriptions and details of what the fundamental rights and liberties may not be known. This is only to be expected. Despite the fact that the Constitution has been around for seven years, many people may still not be conversant with its provisions because of low levels of literacy, and low exposure to the constitutional awareness programmes. A majority of respondents rely on the mainstream media for information on human rights, but increasingly the social media sources are also mentioned. Improvements in this area should consider;

- Increased use of media channels to disseminate human rights information and debate the issues to deepen citizen awareness on human rights and constitutional issues;
- Urge national and county government authorities to promote human rights education in schools;
- Urge political support and funding to civic education and awareness programs for the citizenry from existing partnerships with CBOs, NGOs, statutory bodies like the KNCHR and the IEBC, as well as the faith based institutions.

Access to justice is still hampered by many factors despite constitutional reforms that deliberately targeted transforming the Judiciary and the National Police Service to promote democratic governance and human rights. The survey findings show that access to justice is constrained by delays in court cases, inaction by the police, corruption, poverty and fear of retaliation, among other factors. Confidence in the main institutions to promote access to justice such as the courts and police is still low. In fact, in a majority of cases, Alternative Justice System (AJS) involving the council of elders or the chiefs (and their assistants) is regularly used, and trusted, especially on minor disputes or offences. The baseline survey report should be widely shared with partners and stakeholders, including institutions responsible for the administration of justice in the country for the respective interventions and programming needs of the organizations. The following recommendations can help in broadening access to justice:

- Educate the citizenry on how to enforce their rights and freedoms;
- Allocate resources to enhance the capacity of the actors involved in the alternative justice system (AJS), including consolidating their knowledge and approaches on human rights to make them gender responsive and human rights compliant;
- Deal with the constraining factors to access to justice in the counties particularly fears of corruption among the police and judicial officers, delay of cases and distance to the courts;

- Support further decentralization and resourcing of justice sector institutions for their easy access.
- Support constitutional awareness and sensitization activities to scale up knowledge and practise of the principles and values of the constitutional including the parameters on access to justice;
- Further programmatic interventions by the Judiciary and stakeholders are required to help court users and people in the access to justice process to understand and interact with the law. Legal awareness programs are necessary, unpacking relevant constitutional and legislative information for popular public understanding.
- Simplify the judicial process to encourage self-representation and initiation of claims by citizens whose rights are violated;
- The Judiciary should do more outreach and create awareness of its services;
- The operationalization of the Legal Aid Act should be fast tracked; and a robust paralegal support scheme be implemented to improve awareness and access to justice mechanisms;
- Strengthen and support organizations providing legal aid;
- Accelerate the police reforms agenda to curb impunity and non-accountability by the servicemen such as extortion, torture, intimidation and harassments which tend to slow down actions to access justice.
- Put measures in place to ensure effective access to justice for persons with disabilities in accordance with Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD). The Convention requires state parties facilitate access to justice by PWDs, including training of persons working in the justice sector such as police and prison officers.
- Strengthen the National Council on the Administration of Justice (NCAJ) to effectively coordinate justice sector institutions such as the Police, Judiciary, DPP and Prisons etc.
- Sensitize the citizenry on the existence of the Commission on Administrative Justice (Ombudsman), which is mandated to investigate any act or omission in public administration including; abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

## 8.2 A Rights responsive devolved system of governance

Devolution is a key pillar of governance system in Kenya. The baseline findings revealed wide ranging impacts of devolved governance that citizens are happy with. These includes expanded market facilities, improved county infrastructure such as pathways and drainage in the urban areas, educational scholarships, better ECDE and county health infrastructure, improved profile of the counties as well as job opportunities. Nevertheless, lack of accountability and integrity and poor service delivery,

threaten the achievements and public support of the county governments. Indeed integrity and accountability underpin the constitutional values for leadership in Kenya as provided for under chapter six of the constitution.

Public participation was quite low across the surveyed counties. Most respondents indicated that they are not aware of where and when public participation forums are held. For those who are aware, some do not attend due to the perception that their opinion do not count.

Several counties have also enacted public participation laws to give effect to the constitutional requirement of public involvement in the county decision making and legislation. However, a majority did not know what such legislation entails and its operationalization. The following are thus recommended:

- Observe the principle of public participation in all facets of administration, including legislative processes and decision making in governance and budgetary issues;
- Enhance public participation in the legislative processes through simplifying and interpreting draft National Assembly and County Assembly Bills;
- Stakeholders should create awareness on devolution law, principles and objectives;
- Enact policy and legal framework for citizenry and CSOs engagement;
- Where county public participation law has been passed, to create awareness and involve the residents on its relevant operationalization;
- Amkeni Wakenya in collaboration with partners should develop Public Participation guidelines to improve practices and outcomes of public civic engagements in the country.
- Encourage technology-based participation on platforms such internet, social media and other online platforms. This will be convenient in time and cost;
- Encourage parameters and standards for maximum publicity for the forums and encourage feedback without fear of harassments, intimidation ad manipulations;
- Sensitize, create awareness on the importance of public participation and assure citizens that their views count;
- Create a conducive environment for enhanced engagement and participation of vulnerable groups such as women, youths and persons living with disabilities who are currently faced by a lot of limitations in the public deliberations;
- Tackle corruption and nepotism in the county governments;
- Promote engagement with national government to clarify on issues such as fund allocations and county roles which tends to confuse members of the public, and make efforts for the two levels of government to read from the same script on devolution issues.

- Commission further in-depth studies to ascertain the extent of HRBA compliance of county legislations and integrated development plans (CIDPs).
- Support counties to develop HRBA compliant CIDPs and legislation. This can be tackled within the wider consultations on guidelines on Human Rights Based Approaches on legislation and policy led by the KNCHR;

### 8.3 CSOs Capacity

CSOs have done a commendable work in civic education, county planning and budgeting. They have a key role of facilitating public engagement with county governments. However, their current operating environment is not conducive owing to occasional hostility from the regulator, national and county governments. Their engagement is further frustrated by the fact that there is no legal requirement for them to be engaged by national and county governments. In recent months, the environment has deteriorated with increased state distrust and poor financial support. The sector is still regulated by the Non-Governmental Organizations Co-ordination Act, 1990, despite the fact that the sector generally supported the development of a new law, the Public Benefits Organizations Act (PBO), 2013, which was enacted but has not been commenced to date.

The state of voter and civic education leaves a lot of room for more interventions. Most Kenyans are ready and willing to take part in civic education activities to improve their awareness and knowledge on governance and development. While there are many CSO organizations that are competent to offer civic and voter education, as well as IEBC, the exercise requires a lot of financial resources which many organizations do not have. This has led to a dearth in the activity.

In order to protect the right to vote in democratic, free and fair elections, stakeholders in the civic and voter education process should step up activities in these areas. Civic education is required to expose more citizens to informed political choices and participation in governance processes and decision making.

Kenyans eager to vote need assurance that their votes will count. The public assurance by IEBC that forthcoming elections will be free and fair will go a long way to enhanced public confidence in the electoral process and ensure that people take part in the forthcoming elections without scepticism on the effectiveness and independence of the electoral management process. Other recommendations are;

- Create an enabling environment for CSOs through operationalization of the necessary policies and laws. The government should operationalise the PBO Act to permit a smooth governance framework for the non- profit sector in the country;
- Ensure that issues of integrity and accountability as stipulated in the Chapter 6 of the constitution is taken seriously and given effect in the leadership process;
- Encourage county governments to facilitate civic and voter education at the county levels using available partnerships and resources;
- Increase CSOs facilitation to enhance civic and voter education;
- Encourage women’s participation in political leadership and competitions.

#### 8.4 Strengthening Amkeni Wakenya Programme

To make the Amkeni Wakenya Phase II programme successful, there is need to decentralise it. Relevant and effective structures need to be set up in the identified counties to effectively deliver services to the targeted CSOs and populations. Other recommendations include:

1. Amkeni should focus on efficient and responsive to its partners, invest more on knowledge products, in a sustainable way, promote use of ICT as training platforms,, invest in the capacity of staff and constantly review their skills and knowledge;
2. Maintain standards, as in Phase I of the programme, by ensuring transparency, accountability, donor and implementing partners’ relations, and vigorous fundraising/resource mobilization;
3. Reach out to more donors for resources;
4. Keep all relevant stakeholders (state and non-state) engaged for programme ownership and sustainability.

## 9.0 APPENDIX

### 9.1 Sampling Design

A blow by blow account on the sampling procedure is as follows:

- i. All sub-counties in the respective counties were included in the survey;
- ii. All sub-locations in the respective sub-counties were listed, with their corresponding measure of size (adult population) for each domain as a separate stratum.
- iii. Starting at the top of the list, the cumulative measure of size was calculated and entered in the column next to the measure of size for each unit.
- iv. A Sampling Interval (SI) was then derived by dividing the total cumulative measure of size for the domain or stratum (M) by the planned number of sub-locations to be selected (n) in that stratum. i.e.  $SI=M/n$
- v. A random number referred to as the Random Start (RS) was then selected as a function between 1 and the Sampling Interval (SI) to get the first random sub-location to be selected. This was done by comparing the number with the cumulative measure of size column. The unit within whose cumulative measure of size the number (RS) falls is the first sample unit.
- vi. The second sub-location to be selected will be the one at which the immediate cumulative measure of size is equal to or greater than the sum of RS and the Sampling Interval (SI) i.e.  $RS + SI$
- vii. Subsequent units are chosen by adding the Sampling Interval (SI) to the preceding number i.e.  $RS + SI*2, RS + SI*3$  etc. The procedure is repeated till the last sub-location is selected.

The sample elements were selected independently from each enumeration area (EA) in a manner consistent with the measurement objectives of the survey. In a nutshell, the following measures were taken to ensure that the sample derived was statistically representative of the larger population.

- i. Use of a combination of random and systematic sampling in selection of EAs and households included in the survey and by extension ensuring all sub-counties were covered;
- ii. Coverage of the various sub-groups ensured that key segments of the population are represented;
- iii. The error of non-response was minimized by ensuring maximum participation of survey respondents.



## 9.2 Sample Distribution

County	Sub County	18+ Pop(2009 Census)	Sample(3,082)	Achieved Sample	# of Sub Locations
<b>NAIROBI</b>		<b>2,043,643</b>	<b>669</b>	<b>692</b>	<b>68</b>
	Westlands	115056	38	42	4
	Dagoreti North	118101	39	42	4
	Dagoretti South	116360	38	38	4
	Langata	114812	38	39	4
	Kibera	116095	38	37	4
	Roysambu	131723	43	44	4
	Kasarani	130877	43	44	4
	Ruaraka	125430	41	31	4
	Embakasi South	130915	43	46	4
	Embakasi North	118116	39	41	4
	Embakasi Central	121086	40	40	4
	Embakasi East	106701	35	36	4
	Embakasi West	121784	40	40	4
	Makadara	104471	34	36	3
	Kamukunji	138044	45	46	5
	Starehe	108123	35	37	4
	Mathare	125949	41	53	4
<b>MOMBASA</b>		<b>581,389</b>	<b>190</b>	<b>201</b>	<b>19</b>
	Changamwe	91360	30	30	3
	Jomvu	63480	21	21	2
	Kisauni	120109	39	43	4
	Nyali	115112	38	43	4
	Likoni	102745	34	35	3
	Mvita	88584	29	29	3
<b>KISUMU</b>		<b>478,419</b>	<b>157</b>	<b>165</b>	<b>15</b>
	Kisumu East	74127	24	25	2
	Kisumu West	64805	21	21	2
	Kisumu Central	83394	27	29	3
	Seme	48787	16	17	2
	Nyando	69640	23	23	2

	Muhoroni	71974	24	27	2
	Nyakach	65692	22	23	2
<b>UASIN GISHU</b>		<b>466,504</b>	<b>153</b>	<b>186</b>	<b>15</b>
	Soy	89704	29	38	3
	Turbo	108820	36	59	4
	Moiben	72210	24	24	2
	Ainabkoi	61608	20	20	2
	Kapseret	63220	21	22	2
	Kesses	70942	23	23	2
<b>NYERI</b>		<b>418,091</b>	<b>137</b>	<b>156</b>	<b>15</b>
	Tetu	47213	15	17	2
	Kieni	105983	35	41	4
	Mathira	89728	29	28	3
	Othaya	52671	17	18	2
	Mukurweni	50596	17	18	2
	Nyeri Town	71900	24	34	2
<b>GARISSA</b>		<b>276,008</b>	<b>90</b>	<b>92</b>	<b>12</b>
	Dujis	44587	15	20	2
	Balambala	41211	13	13	2
	Lagdera	41037	13	13	2
	Dadaab	65947	22	21	2
	Fafi	42178	14	14	2
	Ijara	41049	13	11	2
<b>LAMU</b>		<b>52,741</b>	<b>50</b>	<b>59</b>	<b>10</b>
	Lamu East	36273	16	11	3
	Lamu West	159213	34	48	7
<b>NAKURU</b>		<b>834,161</b>	<b>273</b>	<b>281</b>	<b>29</b>
	Molo	64,741	21	21	2
	Njoro	96,176	31	35	3
	Naivasha	116,614	38	37	4
	Gilgil	79,134	26	26	3
	Kuresoi South	60,057	20	21	2
	Kuresoi North	64,539	21	21	2
	Subukia	49,154	16	16	2
	Rongai	67,704	22	22	2
	Bahati	75,057	25	28	3

	Nakuru Town West	79,215	26	26	3
	Nakuru Town East	81,769	27	28	3
<b>KAKAMEGA</b>		<b>769,784</b>	<b>252</b>	<b>248</b>	<b>26</b>
	Lugari	77418	25	23	3
	Likuyani	58006	19	19	2
	Malava	95103	31	31	3
	Lurambi	74273	24	26	2
	Navakholo	63582	21	21	2
	Mumias West	51853	17	20	2
	Mumias East	46797	15	16	2
	Matungu	67938	22	22	2
	Butere	64794	21	20	2
	Khwisero	47576	16	12	2
	Shinyalu	73924	24	22	2
	Ikolomani	48519	16	16	2
<b>KISII</b>		<b>550,845</b>	<b>180</b>	<b>195</b>	<b>20</b>
	Bonchari	54791	18	19	2
	South Mugirango	76033	25	27	3
	Bomachoge Borabu	51246	17	24	2
	Bobasi	90866	30	30	3
	Bomachoge Chache	44712	15	16	2
	Nyaribari Masaba	58363	19	20	2
	Nyaribari Chache	62024	20	20	2
	Kitutu Chache North	49645	16	18	2
	Kitutu Chache South	63165	21	21	2
<b>KITUI</b>		<b>462,891</b>	<b>152</b>	<b>155</b>	<b>17</b>
	Mwingi North	63976	21	24	2
	Mwingi West	56047	18	18	2
	Mwingi East	55929	18	18	2
	Kitui West	46766	15	21	2
	Kitui Rural	47739	16	16	2
	Kitui Central	60205	20	12	2
	Kitui East	56330	18	21	2

	Kitui South	75898	25	25	3
<b>TURKANA</b>		<b>389,343</b>	<b>127</b>	<b>142</b>	<b>14</b>
	Turkana North	75914	25	28	3
	Turkana West	94254	31	37	3
	Turkana Central	61298	20	21	2
	Loima	54838	18	19	2
	Turkana South	61862	20	24	2
	Turkana East	41176	13	13	2
<b>MANDERA</b>		<b>389,202</b>	<b>127</b>	<b>130</b>	<b>13</b>
	Mandera West	61354	20	20	2
	Banissa	59978	20	20	2
	Mandera North	64380	21	21	2
	Mandera South	93954	31	31	3
	Mandera East	67854	22	23	2
	Lafey	41683	14	15	2
<b>NAROK</b>		<b>369,931</b>	<b>121</b>	<b>142</b>	<b>15</b>
	Kilgoris	78,435	26	26	3
	Emurua Dikirr	40,916	13	13	2
	Narok North	76,336	25	27	3
	Narok East	36,064	12	13	2
	Narok South	76,847	25	34	3
	Narok West	61,333	20	29	2
<b>KWALE</b>		<b>300,446</b>	<b>98</b>	<b>118</b>	<b>10</b>
	Msambweni	57462	19	19	2
	Lunga Lunga	75863	25	29	3
	Matuga	70260	23	32	2
	Kinango	96881	32	38	3
<b>WAJIR</b>		<b>266,265</b>	<b>87</b>	<b>88</b>	<b>12</b>
	Wajir North	54507	18	19	2
	Wajir East	45282	15	15	2
	Tarbaj	44990	15	15	2
	Wajir West	36662	12	12	2
	Eldas	32504	11	11	2
	Wajir South	52321	17	16	2
<b>LAIKIPIA</b>		<b>206,088</b>	<b>67</b>	<b>67</b>	<b>7</b>

	Laikipia West	105,029	34	36	3
	Laikipia East	60,171	20	19	2
	Laikipia North	40,888	13	12	2
<b>MARSABIT</b>		<b>133,208</b>	<b>50</b>	<b>56</b>	<b>7</b>
	Moyale	47488	18	20	2
	North Horr	34402	13	15	2
	Saku	21275	8	10	1
	Laisamis	30043	11	11	2
<b>TANA RIVER</b>		<b>103,617</b>	<b>50</b>	<b>57</b>	<b>6</b>
	Garsen	41720	20	24	2
	Galole	26270	13	14	2
	Bura	35627	17	19	2
<b>ISIOLO</b>		<b>70,172</b>	<b>50</b>	<b>47</b>	<b>6</b>
	Isiolo North	49057	35	35	4
	Isiolo South	21115	15	12	2
<b>TOTAL</b>		<b>9,162,748</b>	<b>3,080</b>	<b>3,277</b>	<b>336</b>

### 9.3 Indicators and Data Sources

OBJECTIVE	INDICATOR	INDICATOR DEFINITION	DATA COLLECTION METHODS AND DATA SOURCES	MINIMUM MONITORING REQUIREMENTS
Outcome I: Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans	Number of Amkeni supported counties with CIDPs that are HRBA compliant	Absolute number of target counties whose CIDPs address HR issues e.g. gender and youth inclusivity, PWDs etc.	Review of CIDPs of the targeted counties	Annually
	% of Kenyans accessing justice in target counties	% of interviewed citizens who says they sought for justice and were able to access it	Household interviews and FGDs with citizens across the targeted counties	Annually
Output I.1: Enhanced Citizen awareness and engagement on human rights using innovative CSO approaches	% of citizens' aware on basic human rights (Water, health, sanitation education).	% of interviewed citizens who indicate they are aware about basic human rights	Household interviews and FGDs with citizens across the targeted counties	Annually
	Number of innovative CSO approaches adopted	Number count of approaches/models used by supported CSOs that has substantially raised citizen awareness relative to other approaches	Review of CSO Annual Reports Klls with CSOs (data disaggregated by supported and non-supported CSOs)	Annually
Output I.2: Enhanced Access to justice for the marginalized and vulnerable communities using innovative CSO approaches	% of the marginalized and vulnerable communities accessing Justice	% of interviewed marginalized and vulnerable communities who sought for justice and were able to access it	Review of household survey reports on access to justice (determined at 34%); Household survey (data disaggregated by county males and females)	Annually
	Number of laws and policies on ADR adopted at national level	Number count of laws or policies on ADR adopted	Review of National Assembly Hansard (determine at 0); Klls with stakeholders.	Annually
Output I.3: Enhanced CSO engagement with national level duty bearers on policy and legislative development as well as	Number of policy and legal changes on human rights attributable to CSO engagement	Number count of policy or legal changes on Human Rights to which Amkeni supported CSOs contributed	Annual Review of Senate and National Assembly Hansard (determined at 0);	Annually

enforcement and monitoring of rights and freedoms		Klls with CSOs and other stakeholders		
Outcome 2: A rights- responsive devolved system of governance entrenched	Number of target counties that have functional mechanisms for citizen engagement	Number count of supported counties that have a citizen engagement framework in place	Review of Internal M&E Survey of supported Counties; Klls with the County government representatives and other stakeholders	Annually
	% of citizens in target counties satisfied with engagement mechanisms employed by the county government	% of interviewed citizens who indicate they are satisfied or very satisfied with engagement mechanisms used to by their county government on a scale of very satisfied, satisfied, fairly satisfied, not satisfied	Household interviews and FGDs with citizens across the targeted counties	Annually
Output2.1: Capacity of CSOs to engage county governments & duty bearers on planning, budgeting, project management and service delivery using HRBA enhanced and applied	Number of supported CSOs participating in planning and budgeting at the county level	% of interviewed CSOs who indicate they are participating in planning and budgeting at the county level	Review of IPs Reports; Klls with CSOs and other stakeholders	Annually
	Number of target CSO and county government staff trained on HRBA approaches	Number count of CSO staff who have attended Amkeni HRBA training	Review of Amkeni Capacity Building Reports; Klls with CSOs and County governments' staff (disaggregated by gender)	Annually
Output 2.2: Rights- responsive County Public participation laws, frameworks & platforms established and institutionalized	% of citizen participating in county legislation processes in target counties	% of interviewed citizens who indicate they are participating in county legislation processes in target counties	Household interviews and FGDs with citizens across the targeted counties	Annually
	No. of laws on citizen participation adopted with demonstrable citizen participation at the county level	No. of laws adopted where citizens inputs were sought and considered	Review of County Assembly Hansard (determined at 0); Klls with the county government representatives and other stakeholders	Annually

Output 2.3: Citizens' knowledge and skills in devolved governance and policy processes enhanced	% of citizens who are aware of devolved governance processes	% of interviewed citizens who indicate they are aware of devolved governance processes	Household interviews and FGDs with citizens across the targeted counties	Annually
	Number of citizens' reached with civic education on devolution.	Number of Kenyans in target counties who have been reached through civic education program (e.g. radio, meetings, road shows, etc.)	Review of Annual Progress reports; Household interviews and FGDs with citizens across the targeted counties	Annually
Output 2.4: Innovative CSO partnerships with county duty bearers and national processes/institutions (involved in the devolved government reforms) in enhancing rights and freedoms	Number of relevant institutions engaged by target CSOs at the national levels		Review of annual Progress Reports (1 state and 1 non-state institution engaged)	Annually
	Number of CSOs initiatives supported by the county duty-bearers	Number count of CSOs' initiatives aimed at enhancing rights and freedoms that have been supported by county duty-bearers govt	Review of IPs progress reports KIIIs with CSOs and other stakeholders (data disaggregated by supported and non-supported)	Annually
	Number of changes arising from the successful partnerships in the devolution landscape		Review of IPs progress reports; KIIIs with County govts & CSOs	Annually
Outcome 3: Improved organizational performance, sustainability and enabling environment for CSOs in Kenya	Rating of the enabling environment for CSOs in Kenya (CIVICUS Index)	Rating on an ascending scale of 0-1- done	Review of the CIVICUS Index Report (determined at <b>0.43</b> )	Annually
	Number of target CSOs whose Capacity performance index (CPI) score has improved	Number count of CSOs whose initial CPI score has improved	Review of IPs progress reports (determined at 0); KIIIs with Amkeni team	Annually
Output 3.1: Enabling policy and legal frameworks on civil society adopted and implemented with adequate CSOs participation.	Percentage of CSOs reporting suppression on their operations	% of CSOs who have faced/facing unwarranted restrictions such as denial of registration, suspension or cancellation of registration, freezing of finances, etc.	Review of IP Progress Reports (determined at 0) KIIIs with CSOs and other stakeholders (data disaggregated by supported and non-supported)	Annually



	Number of laws and policies on CSOs adopted		Review of the County Assembly Hansard; Klls with CSOs and other stakeholders (data disaggregated by supported and non-supported)	Annually
Output 3.2: Capacity of CSO Regulator to discharge its mandate to CSO sector enhanced	% of supported CSO annual returns submitted and reviewed by the CSO Regulator	% of supported CSOs who indicate that they submitted their annual returns to the CSO Regulator and they are reviewed	Review of Amkeni Annual Reports Klls with CSOs (data disaggregated by supported and non-supported)	Annually
	Rating of the CSO Regulator as an enabler for CSOs	Number of interviewed CSOs who rate CSO Regulator Good or very good on a scale of Very good, good, fair and poor	Key informant interviews with representatives of targeted CSOs	Annually
Output 3.3: CSO self-regulation mechanisms established and supported	Number of CSO self-regulation mechanisms established and maintained on an annual basis		Review of Amkeni Annual Reports Klls with CSOs (data disaggregated by supported and non-supported)	Annually
	Level of CSO satisfaction with the role of CSO self-regulation	Number of supported CSOs who say they are satisfied or very satisfied with the role of CSO self-regulation on a scale of very satisfied, satisfied, fairly satisfied, not satisfied	Key informant interviews with the representatives of the targeted CSOs; and review Internal M&E Survey of supported CSOs	Annually
Output 3.4: Critical capacities for organizational development, impact and sustainability among CSOs enhanced	% of CSO's fulfilling their contractual obligations to donors	Percentage of supported CSOs who submit their deliverables within the stipulated timeframe	Review of progress reports Klls with CSOs (data disaggregated by supported and non-supported)	Annually
	% of supported CSOs having operational systems in place (e.g. financial)		Review of Progress reports; Klls with CSOs (data disaggregated by supported and non-supported)	Annually
	% of supported CSOs generating at least 10% of their annual budget internally	CSOs who generate at least 10% of their annual budget internally (non-donor income)	Review of Amkeni Annual Reports; Klls with CSOs	Annually

Outcome 4: Capacity of civil society to respond to contemporary governance issues enhanced	Number of emerging governance issues responded to (integrity & corruption, ECOSOC rights)		Review of Annual Report; KIIIs with CSOs and other stakeholders	Annually
	% of key stakeholders perceiving civil society response to contemporary governance issues as effective	% of key stakeholders interviewed who respond to agree or strongly agree that CSOs are responsive to contemporary governance issues on a scale of strongly agree, agree, moderately agree and disagree	Key informant interviews with the stakeholders including citizens, development partners, stakeholder reference group, cooperating partners, private sector, national and county government representatives	Annually
Output 4.1: Adequate integration of human rights principles in laws, frameworks and operations governing extractive industries with meaningful CSO participation	Number of laws and frameworks governing extractive industries with CSO participation		Review of Annual Survey Reports KIIIs with CSOs and other stakeholders; (ministry of mining)	Annually
	% of citizen participating in extractive industries in target counties	% of interviewed citizens who indicate they are participating in extractive industries in target counties	Household interviews and FGDs with citizens across the targeted counties	Annually
Output 4.2: Effective citizen participation in electoral processes and political accountability mechanisms using innovative CSO approaches	Number of CSOs supported to provide civic education		Quarterly review of CSO Reports (determined at 0) KIIIs with Amkeni team	
	Number of citizens reached by CSOs during voter education		Review of Amkeni Annual Reports KIIIs with CSOs; Household survey and FGDs with the citizens	Annually
Output 4.3: Integrity and political accountability addressed effectively	No of integrity and accountability laws and policies reviewed		Review of EACC annual report; KIIIs with all stakeholders	
	Level of public awareness on corruption and integrity in key governance institutions in target	Percentage of interviewed citizens who are aware about corruption and have taken measures on integrity issues in	Household interviews and FGDs with citizens across the targeted counties; and review of past relevant reports	Annually

	counties (county governments, courts and police)	governance institutions in their counties		
Outcome 5: Strengthened capacity of Amkeni to support CSOs and stakeholders efficiently, effectively and sustainably	Amkeni's rating by CSOs on service delivery to them	Rating of Amkeni as very good or good on a scale of very good, good, fair and poor	KIIs with representatives of the targeted CSOs	Annually
Output 5.1: Adequate and professional human resources recruited and managed	Performance management rating for staff		Annual staff performance appraisal (determined as satisfactory); KIIs with Amkeni team	Annually
Output 5.2: Internal capacity of staff and governance structures of Amkeni enhanced	Quality of governance structures in place		Interviews with Amkeni staff	Annually
Output 5.3: internal governance processes of Amkeni supported	Number of SRG and DP meetings held in accordance to the programme policies	Number count of meetings	Key informant interviews with Amkeni staff	Annually
Output 5.4: Internal M&E reporting process of Amkeni enhanced	Number of M&E recommendations from ETE implemented		Review the ETE report for recommendations; KIIs with Amkeni staff and other stakeholders	Annually
Output 5.5: Visibility and profile of Amkeni as critical actor in democratic governance enhanced	An interactive Amkeni website in place		Review of Amkeni reports and check the Amkeni website and the usage	Annually
	Number of knowledge products developed and disseminated	Number count of different products e.g. brochures, publications, radio programmes, road shows, etc. developed and distributed/shared	KIIs with Amkeni staff and other stakeholders; review of relevant documents	Annually
Output 5.6: Adequate resources for Amkeni's work generated in a sustainable manner	Ratio of received funds against the AWP budget	Percentage of resources mobilized for Amkeni II against the AWP budget	KIIs with the Amkeni staff and review of budget documents	Annually

## 9.4 References

- Amkeni Wakenya Profile 2014
- Country Programme Document for Kenya (2014-2018)
- Cyka Consultants (2011) An overview of Kenya's New Constitution, Nairobi
- Kibwana Kivutha (1990) Fundamental Rights and Freedoms in Kenya , Oxford University Press, Nairobi
- Kivuva J and Odhiambo M (2010) Integrity in Kenya's Public Service: Illustrations from Goldenberg and Anglo-Leasing Scandal, Clarion, Nairobi
- KNCHR (2015) Human Rights; The Elusive Mirage -The 4<sup>th</sup> State of Human Rights Report: post Promulgation 2010-2014
- Lumumba, PLO, Mbondenyei M.K. and Odero S.O (2013) The Constitution of Kenya: Contemporary Readings, Law Africa, Nairobi
- Mbondenyei, Morris (2011) International Human Rights and their Enforcement in Africa, Law Africa, Kampala
- Mid-Term review of the Kenya United Nations Development Assistance Framework (2014-2018)
- Mitulla, W, Odhiambo, M and Osogo A (2005) Kenya's Democratization: Gains or Loses – Appraising the Post KANU State of Affairs, Claripress, Nairobi
- Oduor Chrispine (2014) Handbook on County Planning, County Budgeting and Social Accountability, Institute of Economic Affairs, Nairobi
- Oloka Onyango, ed. (2003) Constitutional Developments in East Africa for Year 2001, Kituo cha Katiba, Kampala, Uganda
- Pathways to Devolution: The Scope for Decentralizing State Agencies 9Africog, 2015)
- Perception Survey Report on Levels of Understanding Economic and Social Rights among Kenyans by EACHRights, Amkeni/UNDP)
- Scenarios on 2013 Elections and the reform Agenda (Nov, 2012)
- Sectoral Policy and Legislative Analysis (April, 2015) by Council of Governors and UNDP
- Towards Human Rights-Centered and Transformational Governance in Kenya: Empowering Civil Society for Chance Project Document (Amkeni/UNDP)
- United Nations Development Assistance Framework for Kenya 2014-2018
- United Nations Office for the Commissioner of Human Rights (2012) Human Rights Indicators: A Guide to Measurement and Implementation, New York
- 2012 Annual Report (Working for a free, fair and peaceful general elections in 2013, Amkeni Wakenya)

**Table 42: INDICATOR MATRIX DASHBOARD**

OBJECTIVE	INDICATOR	INDICATOR BASELINE VALUE
<b>Outcome 1:</b> Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans	Number of Amkeni supported counties with CIDPs that are HRBA compliant	11
	% of Kenyans accessing justice in target counties	14.3%
Enhanced Citizen awareness and engagement on human rights using innovative CSO approaches	% of citizens aware on basic human rights (Water, health, sanitation education).	39.2%
	Number of innovative CSO approaches adopted	5
Enhanced Access to justice for the marginalized and vulnerable communities using innovative CSO approaches	% of the marginalized and vulnerable communities accessing Justice	15%
	Number of laws and policies on ADR adopted at national level	5
<b>Outcome 2:</b> A rights- responsive devolved system of governance entrenched	Number of target counties that have functional mechanisms for citizen engagement	11
	% of citizens in target counties satisfied with engagement mechanisms employed by the county government	42.1%
Rights- responsive County Public participation laws, frameworks & platforms established and institutionalized	% of citizen participating in county legislation processes in target counties	18.3%
Citizens' knowledge and skills in devolved governance and policy processes enhanced	% of citizens who are aware of devolved governance processes	75.3%
	% of citizens' reached with civic education on devolution.	16.8%

	Number of CSOs initiatives supported by the county duty-bearers	7
<b>Outcome 3:</b> Improved organizational performance, sustainability and enabling environment for CSOs in Kenya	Number of target CSOs whose Capacity performance index (CPI) score has improved	<b>To be determined later</b>
Enabling policy and legal frameworks on civil society adopted and implemented with adequate CSOs participation.	Number of laws and policies on CSOs adopted	2
Capacity of CSO Regulator to discharge its mandate to CSO sector enhanced	% of supported CSO annual returns submitted and reviewed by the CSO Regulator	100%
	Rating of the CSO Regulator as an enabler for CSOs	<b>POOR</b>
CSO self- regulation mechanisms established and supported	Level of CSO satisfaction with the role of CSO self- regulation	<b>SATISFIED</b>
Critical capacities for organizational development, impact and sustainability among CSOs enhanced	% of CSO's fulfilling their contractual obligations to donors	100%
	% of supported CSOs generating at least 10% of their annual budget internally	10%
<b>Outcome 4:</b> Capacity of civil society to respond to contemporary governance issues enhanced	Number of emerging governance issues responded to (integrity & corruption, ECOSOC rights)	15
	% of key stakeholders perceiving civil society response to contemporary governance issues as effective	34.2%
Adequate integration of human rights principles in laws, frameworks and operations governing extractive industries with meaningful CSO participation	Number of laws and frameworks governing extractive industries with CSO participation	16
	% of citizen participating in extractive industries in target counties	11.7%
Effective citizen participation in electoral processes and political accountability mechanisms using innovative CSO approaches	Number of CSOs supported to provide civic education	15
	% of citizens reached by CSOs during voter education	6.9%

Integrity and political accountability addressed effectively	No of integrity and accountability laws and policies reviewed	3
	Level of public awareness on corruption and integrity in key governance institutions in target counties (county governments, courts and police)	49.7%
<b>Outcome 5:</b> Strengthened capacity of Amkeni to support CSOs and stakeholders efficiently, effectively and sustainably	Amkeni's rating by CSOs on service delivery to them	<b>GOOD</b>
Adequate and professional human resources recruited and managed	Performance management rating for staff	<b>SATISFACTORY</b>
Internal capacity of staff and governance structures of Amkeni enhanced	Quality of governance structures in place	<b>GOOD</b>
Internal governance processes of Amkeni supported	Number of SRG and DP meetings held in accordance to the programme policies	4
Internal M&E reporting process of Amkeni enhanced	Number of M&E recommendations from ETE implemented	14
Visibility and profile of Amkeni as critical actor in democratic governance enhanced	An interactive Amkeni website in place	<b>Active</b>
	Number of knowledge products developed and disseminated	6
Adequate resources for Amkeni's work generated in a sustainable manner	Ratio of received funds against the AWP budget	<b>\$12M (60%)</b>