

## **SPECIAL ISSUE**



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### **ANNUAL REPORT ON MEASURES TAKEN AND PROGRESS ACHIEVED IN THE REALISATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE**

MARCH, 2015

#### **The National Values and Principles of Governance**

The national values and principles of governance under **Article 10 (2)** include:

- (a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
- (c) Good governance, integrity, transparency and accountability; and
- (d) Sustainable development.

#### **Preface**

It is a great honour to launch the *Second Annual President's Report on the Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance* in the year 2014. The national values and principles of governance are our fundamental beliefs enshrined in Article 10 of the Constitution. They give us a shared sense of purpose and guide our choice and actions which ultimately define our national identity and character. They inspire our determination to build a cohesive and prosperous nation that is based on justice, freedom, equity and national unity. These values, like our national symbols, national anthem and the colours of our national flag, must help us shape our identity and give us the impetus and resonance to a collective vision as a people.

The Republic of Kenya is a democracy founded on the national values and principles of governance hence the values underscore our collective aspiration to transcend our ethnic, cultural and religious diversity and live in peace and unity as one indivisible sovereign nation. To this end, we have established the devolved Government that continues to foster national unity, give powers of self-governance to the counties, recognise the right of communities to manage their own affairs, ensure equitable sharing of national and local resources and decentralize state organs' functions and services closer to the people. The public must become more conscious of their civic duties and

embrace national values and principles of governance to ensure the dreams and visions our heroes fought for and which we are the guardians are passed to our children.

To protect and promote our national interests, national values and principles of governance bind all state organs, state officers, public officers and all persons whenever any of them (a) applies or interprets the Constitution; (b) enacts, applies or interprets any law; or (c) makes or implements public policy decisions. This requirement is well grounded in Article 10[1] of the Constitution. All Ministries, Departments and Agencies (MDAs) and the public must therefore implement these national values and principles of governance. Further, my office as the symbol of national unity is charged with the responsibility of addressing the nation on measures taken and progress achieved in the realisation of national values in Article 132 (1) (c) (i) and (ii) of the Constitution. The Constitution gives us an opportunity to appreciate our collective identity, retell the national story, acknowledge the fact that everyone of us is a guardian of the national values and principles of governance in our homes, places of work, schools, places of worship and in all public forums. It also illustrates that national values and principles of governance are our heritage and ideals for all citizens regardless of political affiliations, class or creed, we are first Kenyans.

To ensure national values and principles of governance are inculcated, my Government will continue to ensure all MDAs contract and report on measures taken and progress achieved every year. These initiatives have harnessed the capacity of the Government in addressing social-economic inequalities; management of ethnic and other social-cultural diversities; prevention, management and reconciliation of conflicting situations; ensure the rule of law, security and order; address unemployment challenges for our youth; and enhancing the establishment of information communication and information sharing to fully realise national values. This report presents the measures and progress the Government has achieved in the implementation of the national values and principles of governance in order to transform our thinking and actions towards national building and development.

To address the challenges government is facing in governance, transparency, accountability and integrity, I have, through Executive Order No. 6 of March 2015, directed MDAs to prioritise programmes and projects that have direct impact on citizens' welfare. In addition, MDAs are required to base implementation of their programmes and operations on the provisions and tenets of: Article 10 of the Constitution; Public Finance Management Act; Public Officers and Ethics Act; Leadership and Integrity Act; and basic tenets of corporate governance.

As a nation, we are aware that, national values and principles of governance are at the core of the composite relationship between the Government and its citizenry. In this regard, enthusiastic commitment to national values and principles of governance will help us weave a united, cohesive and rapidly developing Kenyan nation. National values and principles of governance are hence fundamental in shaping the choices individuals and communities make for posterity. Creating awareness on the national values will steadily be an effort and a deliberate process in making sure that these values are not only expressed but also manifested and adhered to in shaping any national dialogue and development.

The main objective of this report is to re-examine the extent to which the national values and principles of governance were actualized in public institutions in the year 2014. These public institutions and offices comprise of constitutional and other Commissions, Independent offices, State Corporations and Government Ministries. I appreciate that in the preparation of this report, each institution provided a detailed report on the measures they have taken to promote the national values and principles of governance and the progress they realised. Institutions further identified the challenges encountered towards the realisation of the national values and principles of governance, and made recommendations on appropriate action to be taken for their effective promotion.

I wish to recognize and commend the efforts made by all public institutions towards the operationalisation of Article 10 of the Constitution. In addition, I take this opportunity to thank Parliament for ensuring that the legislation processes have put into consideration the Constitutional provisions on national values and principles of governance. The Judiciary has further ensured justice is delivered in a fair, impartial and expeditious manner with regard to the national values and principles of governance. I am happy to note that this year's reporting has been enhanced and improved due to intensive public awareness and training in the county public forums and in the County Governments.

The specific objectives of this report include to:

- (a) Explain the progress made in relation to the commitments of the 2013 Annual Report.
- (b) Outline the measures taken in the realisation of national values and principles of governance by public institutions in 2014;
- (c) Highlight the progress achieved in the realisation of the national values and principles of governance by the respective public institutions in 2014;
- (d) Identify the challenges encountered in the operationalisation process in 2014;
- (e) Recommended way forward for effective operationalisation and institutionalization of the national values and principles of governance in 2015; and
- (f) Provide executive direction and commitment towards greater achievement in operationalisation of national values and principles of governance.

Once again I wish to reiterate the commitment of my Government to work with all stakeholders to fast-track the promotion of national values and principles of governance for the well being of all Kenyans. In this respect, the Government will upscale capacity building on national values and principles of governance to all stakeholders across the country. Further, the Government will enhance mainstreaming of national values and principles of governance in the Performance Contracting System to inculcate the practice of national values and principles of governance in the entire public service. Finally, I direct all the heads of public institutions to implement the recommendations of this report and urge the public to embrace and play their role in promotion of national values and principles of governance.

In conclusion, I beseech all Kenyans both in the public and the private sector to wholeheartedly and continually endeavour to promote national values in their daily lives. These efforts shall go a long way in enhancing the culture of a united, peaceful, prosperous and proud nation. On my part, I pledge to Kenyans that I will ensure full implementation of articles 10 and 132 (1) (c) (i) and (ii) and the recommendations of this report. Let all arms of Government, County Governments and the citizenry to embrace our national values and principles of governance as espoused in the Constitution and other policy documents.

**H.E. UHURU KENYATTA, C.G.H.**

President and Commander-in-Chief of the Defence Forces of the Republic of Kenya

#### List of Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AMISOM	African Mission in Somalia
APBE&T	Alternative Provision of Basic Education and Training
ARC	Authority Resource Centre
ASAL	Arid and Semi- Arid Land
BCLB	Betting Control and Licensing Board
BKB	Brand Kenya Board
CAJ	Commission on Administrative Justice
CARPS	Capacity Assessment and Rationalisation of the Public Service
CBET	Competence- Based Education and Training
CBK	Central Bank of Kenya
CDACC	Curriculum Development Assessment and Certification Council
CECs	County Executive Committee
CIC	Commission for the Implementation of the Constitution
CIDPs	County Integrated Development Plans
CRA	Commission on Revenue Allocation
DCI	Directorate of Criminal Investigation
DFZs	Disease Free Zones
DPSM	Directorate of Public Service Management
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
EU	European Union
EVID	Electronic Voter Identification Devices
FACT	Functional Assignment and Transfer Policy Paper
FGM	Female Genital Mutilation
FPE	Free Primary Education
G-United	Greatness United
GBV	Gender Based Violence
GHRIS	Government Human Resources Information System
GoK	Government of Kenya
HAKI	Health for All Kenya Initiative
HISP	Health Insurance Subsidy Programme
HIV and AIDS	Human Immunodeficiency Virus and Acquired Immunity Deficiency Syndrome
ICERD	International Convention on the Elimination of Racial Discrimination
ICT	Information and Communication Technology
IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management and Information System
IGAD	Inter-Governmental Authority on Development
IPCRM	Integrated Public Complaints Referral Mechanism
IPPD	Integrated Personnel Pay Data
ISO	International Organisation for Standardisation
JKF	Jomo Kenyatta Foundation
JKIA	Jomo Kenyatta International Airport
KASF	Kenya AIDS Strategic Framework
KBRR	Kenya Bankers Reference Rate
KCPE	Kenya Certificate of Primary Education
KCSE	Kenya Certificate of Secondary Education
KDF	Kenya Defence Forces
KeBS	Kenya Bureau of Standards
KenGen	Kenya Electricity Generating Company
KeNHA	Kenya National Highways Authority
KENTTEC	Kenya Tsetse and Tripanosomiasis Eradication Council
KeRRA	Kenya Rural Roads Authority
KESAL	Kenya School of Adventure and Leadership

KICD	Kenya Institute of Curriculum Development
KIPPRA	Kenya Institute of Public Policy Research and Analysis
KLB	Kenya Literature Bureau
KLRC	Kenya Law Reform Commission
KMTC	Kenya Medical Training College
KNCHR	Kenya National Commission on Human Rights
KNEC	Kenya National Examinations Council
KPA	Kenya Ports Authority
KRA	Kenya Revenue Authority
KRB	Kenya Roads Board
K-SARAM	Kenya Service Availability and Assessment Mapping
KSG	Kenya School of Government
KURA	Kenya Urban Roads Authority
KYEP	Kenya Youth Empowerment Programme
LAPSSET	Lamu Port South-Sudan-Ethiopia Transport Corridor
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MSPR	Minimum Standards and Principles for Recruitment
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NACADA	National Authority for the Campaign against Alcohol and Drug Abuse
NACC	National AIDS Control Council
NCIC	National Cohesion and Integration Commission
NCPB	National Cereals and Produce Board
NGAO	National Government Administration Office
NHIF	National Health Insurance Fund
NLC	National Land Commission
NOCK	National Oil Corporation of Kenya
NPSC	National Police Service Commission
NSSF	National Social Security Fund
ODPP	Office of the Director of Public Prosecutions
OP-CT	Older Persons Cash Transfer
OV-CT	Orphaned and Vulnerable Cash Transfer
PAYE	Pay As You Earn
PIC	Public Investments Committee
PLWDs	Persons Living With Disabilities
PPOA	Public Procurement Oversight Authority
PPP	Public Private Partnership
PSC	Public Service Commission
PVoC	Pre-Export Verification of Conformity
RAPs	Resettlement Action Plans
SACCOs	Savings and Credit Cooperatives
SAGAs	Semi-Autonomous Government Agencies
SGBV	Sexual and Gender Based Violence
SLA	Service Level Agreement
SMEs	Small and Medium Enterprises
SMPs	School Meals Programme
SRC	Salaries and Remuneration Commission
TIVET	Technical and Vocational Education and Training Authority
TIVETA	Technical and Vocational Education and Training Authority
TSC	Teachers Service Commission
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
VAT	Value Added Tax
WRUAs	Water Resources Users Association

#### Executive Summary

The 2014 Annual President's Report on Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance broadly underscores values as deep-seated beliefs that should guide the day to day interactions of all Kenyans and the

Government. The national values and principles of governance under Article 10 of the Constitution should therefore enable the people of Kenya to define who they are and what they stand for, and the process towards attaining Vision 2030.

The 2014 Annual Report is the second report on the measures taken and progress achieved in the realisation of national values and principles of governance in conformity with the Kenya Constitution, 2010. Article 132 (1) (c) (i and ii) requires His Excellency the President to once every year report in an address to the nation, on all the measures taken and the progress achieved in the realisation of national values and principle of governance. The Report comprises six chapters that illustrate how far the Government progressed towards realizing the commitments made in the First Annual President's Report of 2013. Further, the Report analyses the policy, legal, institutional and administrative frameworks that were put in place to enhance the promotion of national values and principles of governance in the public sector. The Report also highlights the landmark progress the Government recorded in the year 2014 on the realisation of national values and principles of governance.

**Chapter one** provides the introduction and background to the report preparation process highlighting the legal and policy foundations to the reporting process. The chapter further details the coordination process of mainstreaming national values and principles of governance undertaken by the Ministry of Interior and Coordination of National Government through the Directorate of National Cohesion and National Values.

**Chapter two** highlights the progress made on the seven commitments of the 2013 Annual Report on Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance.

**Chapter three** documents the measures reporting institutions have put in place towards the realisation of national values and principles of governance. The measures are categorised into legal, policy, regulatory and/or administrative actions. Key Ministries, Departments and Agencies that have high threshold in the operationalisation of the measures are given prominence.

**Chapter four** documents and illustrates the progress made in the realisation of national values and principles of governance across Ministries, Departments and Agencies. The chapter isolates and indicates specific progress achieved by Ministries, Departments and Agencies.

**Chapter five** of the report focuses on the challenges that the reporting public institutions faced as well as the broad handicaps the country continues to encounter in its efforts to promote the national values and principles of governance. Some of the challenges include policy, legal and regulatory constraints, weak institutional capacity, inadequate awareness and entrenchment of the culture of corruption amongst others.

**Chapter six**, which is the final chapter, sets out the way forward and commitments to mitigate against the challenges discussed in Chapter five. These include deepening civic education to sensitize stakeholders on the Constitutional provisions that seek to enhance the promotion of national values and principles of governance.

#### Chapter 1: Introduction and Background

1. After the promulgation of the Kenya Constitution in August 2010, and the prominence that national values and principles of governance were assigned therein, the general interest and focus towards values and principles of governance has risen tremendously. This has seen the initiation of programmes and activities which have led to remarkable social and economic transformation. These values, which are fundamental beliefs, continue to guide the choices, actions and behavior of our citizens and exert influence on the way Kenyan citizens relate with each other and how communities engage one another. Indeed, national values continue to ingrain in us the spirit of nationalism and recognition that our country is bigger than any one person and that we all have the responsibility of making our nation a better place for all. In general, it is anticipated that national values will continue to impact the pace and direction of national development as we implement Kenya Vision 2030 and hinge towards becoming a newly industrialized, middle-income country providing a high quality of life to all by 2030 in a secure environment.

2. National values and principles of governance are expected to continue to facilitate and provide the pillars upon which the Kenya Vision 2030 is anchored in a number of ways. Firstly, national values

and principles of governance provide meaning, significance and direction to all national endeavours and affirm our unique national identity as Kenyans. Secondly, they are a binding guide in the conduct of public affairs, public service, the exercise of leadership and management and promotion of the welfare of all Kenyans. Thirdly, they are a benchmark of good practices to be actively pursued and upheld by all persons. In addition, values provide a yardstick for evaluating and appraising performance of all persons and for determining the suitability of persons appointed to various positions of responsibility.

3. From the foregoing, it is expected that embracing national values as a way of life is fundamental to building trust and shaping a shared, prosperous future that binds Kenyans. Further, national values and principles of governance remain key ingredients not only towards achieving success in all spheres of the economy, but also in ensuring that gains made are not reversed or lost.

4. The Jubilee Manifesto, which clearly delineates how Kenya and all her citizens will benefit in every sphere of life, in its first Pillar, Umoja (Unity), has reiterated the need to enhance the promotion of national values in Government. In this regard, the Government is committed to uniting Kenyans, creating equal opportunities for all, eliminating all forms of discrimination, and promoting policies that will make the country more cohesive and a value-driven society.

5. As earlier mentioned, the Constitution lays out provisions to guide processes of both national values and principles of governance. The Preamble for instance recognizes the aspirations of all Kenyans for a Government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law. Further, **Article 4 (2)** provides that "The Republic of Kenya shall be a multi-party democratic state founded on the national values and principles of governance." **Article 10 (1)** provides that the values and principles of governance bind all State Organs, State Officers, Public Officers and all persons whenever any of them applies or interprets the Constitution, enacts, applies or interprets any law and makes or implements public policy decisions. The values and principles of governance under **Article 10 (2)** include:

- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
- (c) good governance, integrity, transparency and accountability; and
- (d) sustainable development.

6. **Article 132 (1)** requires the President to once every year, report in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values, referred to in **Article 10**. Consequently, and in order to meet the above constitutional provisions, this report which covers the period from March 2014 to March 2015 has recorded the measures taken and the progress achieved in the realisation of the national values during the period. The President is further required to publish in the Kenya Gazette the Report. Closely related to this process is **Article 234 (h)** that requires the Public Service Commission to evaluate and report to the President and Parliament the extent to which the values and principles referred to in **Articles 10** and **232** are complied with in the public service. In addition, **Article 249 (1) (b)** requires all Constitutional Commissions and Independent Offices to secure the observance of democratic values and principles by all State organs.

7. To guide the successful implementation of **Article 10**, the Government formulated Sessional Paper No. 8 of 2013 which continues to provide a broad policy framework and to determine Kenya's socio-economic, as well as political transformation in line with the Kenya Vision 2030 blueprint. The above constitutional and policy guidelines broadly envisage inter alia; a country that enjoys a strong national identity, effective representation and leadership of the people, equitable allocation of resources and opportunities, good governance and sustainable development. The successful implementation of national values is therefore essentially a political issue that requires leadership and direction from the highest level of leadership. The President and the Governor continue to provide the overall leadership at both national and county levels in the promotion of national values and principles of governance, respectively.

8. The Government released the inaugural 2013 Annual Report on national values and principles of governance which provided input into the State of the Nation address by H.E the President to Parliament on 27<sup>th</sup> March 2013. The 2014 Report therefore builds on the commitments made in the previous report in addition to outlining the measures taken, progress made, and challenges encountered during the year under review. The Report concludes with elaborate recommendations and proposed interventions towards deepening the inculcation of national values and principles of governance.

9. Specifically, the Report presents detailed analysis of the legal, policy and institutional frameworks as well as administrative actions undertaken in relation to national values and principles of governance in the public sector. MDAs and other public institutions in their submissions have indicated the extent to which national values and principles of governance have been integrated into their systems, functions and processes with regard to formulation, interpretation, implementation and application of policy guidelines and decisions. These include recruitment of staff, promotion of those that espouse the values and continuous identification, recognition, rewarding and celebration of values-driven staff among others.

10. In conclusion, this Report provides useful insights into the extent of promotion and realisation of national values and principles of governance. Further, the Report provides an assessment of public institutions with diverse responsibilities and thresholds in the promotion of specific national values and principles of governance. It is worth noting that the organisations mentioned in this report are not the only ones whose submissions were received and analyzed. Rather, they have been mentioned for purposes of demonstrating the manner in which specific national values and principles of governance are being implemented. It is, therefore anticipated that implementation of the 2014 Report commitments will concretise Government's effort towards socio-economic and political transformation of the Kenyan society and ultimately the realisation of the Kenya Vision 2030.

#### Chapter 2: Progress on the 2013 Report Commitments

11. The 2013 Annual President's Report on measures taken and progress achieved in the realisation of national values and principles of governance made seven (7) commitments which were to be implemented by Ministries, Departments and Agencies (MDAs). These are:

- (1) Ensure full implementation of the Constitution;
- (2) Fast-track, through the National Assembly, the policies on National Values and Principles of Governance and National Cohesion and Integration;
- (3) Facilitate training, sensitisation and civic education of all institutions and members of the public on the Constitutional provisions on national values and principles of governance;
- (4) Facilitate the entrenchment of national values in the performance contracting systems;
- (5) Conduct a Baseline Survey on the prevailing status of national values;
- (6) Develop and facilitate implementation of an educational curriculum on national values and principles of governance; and
- (7) Undertake a forensic audit of legislation, policies and institutional frameworks to ensure adherence to Article 10 of the Constitution.

12. In 2014, the Government, through the respective Ministries, Departments and Agencies addressed these commitments as follows:

##### a. Commitment to timely implementation of the Constitution

The Government formulated and reviewed policies, developed bills, reviewed and enacted legislations and provided guidelines aimed at facilitating implementation of the Constitution. These include:

- (i) The Legal Aid Policy to provide a framework on provision of access to justice to all persons irrespective of gender, race, nationality and ethnicity. This facilitated the enjoyment of basic human rights and sought to enhance social inclusion by ensuring that equal opportunities prevail for all especially the disadvantaged.
- (ii) The National Prosecution Policy to provide guidelines on prosecution through ensuring that rights of arrested persons are safeguarded and are accorded the right to fair hearing in accordance with Article 49 and 50 of the Constitution.

- (iii) The National Policy on Older Persons and the Aging to ensure reasonable care, protection, assistance by their families and the state and facilitate their full participation in the affairs of the society in order to enhance social justice and dignity as provided for under Article 57 of the Constitution.
- (iv) The National Policy and Action Plan on Human Rights to provide a framework and guidelines for the protection, promotion and fulfillment of rights and fundamental freedoms in the Bill of Rights under Chapter Four of the Constitution and Sessional Paper No. 3 of 2014 prepared and published for debate and subsequent approval by the National Assembly.
- (v) The National Children Policy and the National Child Labour Policy to protect and actualise the human rights, dignity, care and protection of children as provided for under Article 53 of the Constitution.
13. The Government further developed guidelines to mainstream interests and needs of persons with disabilities as required under Article 54 of the Constitution. The purpose is to enable them to access services and facilities to the extent compatible with their interests and to overcome constraints arising from their disability.
14. In fulfillment of its commitment to full implementation of the Constitution, the Government initiated the development of Bills and the enactment of legislations. These Bills and Acts include:-
- (i) The Fair Administrative Action Bill, 2014 under Article 47 of the Constitution to promote expeditious, reasonable and procedurally fair administrative action, promote efficient administration and provide for review of action by courts or where appropriate by an independent and impartial tribunal;
- (ii) The National Library of Kenya Bill, 2014; to establish the National Library of Kenya, determine and enforce library standards and for connected purposes;
- (iii) The Access to Information Bill, 2014 to enable the citizens to access information held by the State or any other person required for protection of any right or fundamental freedoms as provided for under Article 35 of the Constitution;
- (iv) The Data Protection Bill, 2014, to give effect to Article 31 (c) and (d) of the Constitution of Kenya, to regulate the collection, retrieval, processing, storage, use and disclosure of personal data and for connected purposes;
- (v) The Identification and Registration of Persons Bill, 2014, to provide for the notification and registration of births and deaths, identification of Kenya citizens and the issuance of documents of registration and identification;
- (vi) The Refugee Bill, 2014, to prescribe the limitation of the number of refugees or asylum seekers permitted to stay in Kenya, restricts them to designated camps pending determination of status and to allow Parliament to vary the limitation provided under the Act;
- (vii) The Higher Education Loans Board (Amendment) Bill, 2014, to bar the Higher Education Loans Board (HELB) from levying any interest on loan until such a time that the person is able to service it. The Bill seeks to suspend the repayment of university loans until the beneficiary secures a source of income;
- (viii) The Community Land Bill, 2014, to give effect to Article 63 (5) of the Constitution to provide for the protection, management and administration of community land and to establish and define the functions and powers of the Community Land Boards and management committees; to provide for the powers of the County Government in relation to unregistered community land;
- (ix) The Counselors, Psychologists and Psychotherapists Bill, 2014, to provide for training, registration, licensing, practice and standards of counselors, psychologists and psychotherapists;
- (x) The Legal Aid Bill, 2014, to provide for a legal framework for provision of legal aid towards ensuring justice for all persons as stipulated under Article 48 of the Constitution relating to the right of Access to Justice;
- (xi) The Water Bill, 2014 to promote and fulfill every person's right to clean and safe water in adequate quantities as an economic and social right laid down under Article 43 of the Constitution;
- (xii) The Work Injury Compensation Bill, 2014, to provide for compensation of all employees for work related injuries and diseases contracted in the course of their employment;
- (xiii) The Mental Health Bill, 2014 to provide for the prevention of mental illness, care, treatment and rehabilitation of persons with mental illness. The objective of the Bill is to ensure that the rights of persons with mental illness are protected and safeguarded as well as ensuring that mental health services are affordable, equitable and accessible to all;
- (xiv) The Mining Bill 2014 to repeal existing legislation relating to mining and establishing a new legal framework for management of mineral resources in Kenya;
- (xv) The Public Audit Bill, 2014 to ensure that public entities adhere to the principles of public finance management as provided for under Article 201 of the Constitution and the Public Finance Management Act, 2012;
- (xvi) The Public Service (Values and Principles) Bill, 2014 to provide for a general code on the values and principles of public service;
- (xvii) The Public Procurement and Assets Disposal (Amendment) Bill, 2014 to make necessary amendments to the Public Procurement and Disposal Act, 2005 so as to ensure that at least 30% of public procurement by public entities is allocated to the youth, women and persons with disabilities;
- (xviii) The National Sovereign Wealth Bill, 2014 to establish Kenya's National Sovereign Wealth Fund, to undertake diversified portfolio of medium and long term local and foreign investment, to build a savings base for purposes of national development, to stabilize the economy and enhance inter-generational equity;
- (xix) The Review of the Basic Education Act, 2012, through the Basic Education (Amendment) Bill, 2014 to incorporate representatives of persons with disability and child rights organizations in the county and sub-county education boards as well as ensure inclusion and access to educational institutions and facilities by learners with disability;
- (xx) Amendments of the Persons with Disability Act, 2003 to make it compliant with the Constitution;
- (xxi) The Victim Protection Act, 2014 to give effect to Article 50(9) of the Constitution, to recognize and give effect to the rights of victims of crime, to protect the dignity of victims through establishment of programs to assist vulnerable victims, to prevent victimization at all levels of Government and to prevent re-victimization in the justice process;
- (xxii) The Persons Deprived of Liberty Act 2014 to give effect to Article 29(f) and 51 of the Constitution. The Act provides for the humane treatment of persons detained, held in custody or imprisoned and seeks to ensure that every person deprived of liberty is entitled to the protection of all fundamental rights and freedoms subject to such limitations as maybe permitted under the Constitution;
- (xxiii) The Marriage Act, 2014 was amended to consolidate the various laws relating to marriage and divorce as well as aligning them to Article 45 of the Constitution on family rights relating to systems of marriage. The minimum age of marriage was set at eighteen years thus prohibiting child marriage;

- (xxiv) The Wildlife Act, 2014 was enacted to facilitate the protection of wildlife and promotion of tourism;
- (xxv) The Forest Act, 2014 to facilitate the conservation of forests and their sustainable use; and
- (xxvi) The National Government Coordination Act of 2013 to coordinate, facilitate and regulate the relationship between the national and county governments.
15. Additional measures undertaken by the Government to fulfill the commitment to implementation of the Constitution include:
- (i) Development and review of the Country Report on the International Convention on the Elimination of Racial Discrimination;
  - (ii) Preparation and submission of the 5<sup>th</sup>-8<sup>th</sup> Country Periodic Report on the Implementation of the African Charter on Human and People's Rights to the African Union Commission;
  - (iii) Development of the Plea-Bargaining Rules by the Office of the Director of Public Prosecution (ODPP) to enhance fair administration of justice to all, irrespective of gender, religion or any other status in society;
  - (iv) Drafting of the E-Waste policy by the Jomo Kenyatta Foundation which aims at integrating environmental concerns in the national planning and management process;
  - (v) Preparation of a Memorandum on the Amendment to align the Alcoholic Drinks Act, 2010 to the Constitution;
  - (vi) Initiation of review of the Psychotropic Substance Act, 1994 to make it more effective in fighting alcoholic, narcotic, and psychotropic substance abuse;
  - (vii) Initiation of review of the Agricultural Policy to improve food security and agribusiness and developed subsector policies to enhance sustainability of the agricultural sector;
  - (viii) Development of the National Climate Change Action Plan of 2014 to provide strategies to counter negative effects of climate change;
  - (ix) Development of the National Green Economy Strategy and review of the Urban Rivers Rehabilitation Programme;
- b. Commitment on fast tracking through the National Assembly the policies on National Values and Principles of Governance and National Cohesion and Integration**
16. The Ministry of Interior and Coordination of National Government published and forwarded to the Clerk of the National Assembly Sessional Paper No. 8 of 2013 on National Values and Principles of Governance and Sessional Paper No. 9 of 2013 on National Cohesion and Integration. The two documents are before the National Assembly for deliberation.
- c. Commitment on training, sensitisation and civic education of all institutions and members of the public on the constitutional provisions on national values and principles of governance**
17. The Ministry of Interior and Co-ordination of National Government through the Directorate of National Cohesion and National Values trained one hundred and six (106) Focal Point Persons from Ministries, Departments and Agencies (MDAs). The Focal Point Persons are charged with the responsibility of overseeing the mainstreaming of national values and principles of governance in their respective MDAs and the performance contracting processes.
18. In addition, five hundred and 584 members of staff from 18 MDAs have been trained to promote and report on national values and principles of governance. Further, the Ministry conducted training for 32 County Public Service Boards (CPSBs) and held stakeholder sensitisation forums in 32 counties on their role in the promotion of national values and principles of governance. In addition, the Ministry has conducted 6 community exchange programmes with key stakeholders such as the elders, women, youth, Faith Based Organizations (FBOs) and sensitised them on their roles as value carriers and drivers in the promotion of national values and principles of governance in the country.
19. To promote a culture of respect for human rights and dignity and to provide information relating to the Bill of Rights to the citizenry, the Government undertook various training and civic education meetings. In addition, public institutions promoted public awareness on constitutional provisions on national values and principles of governance, alcohol, drugs and substance abuse, Female Genital Mutilation (FGM), HIV and AIDS prevention, integrity and training for field election officers.
20. To facilitate easy access to public services to members of the public, the Government established 15 *Huduma* Centres, 4 in Nairobi County, and one each in Machakos, Nakuru, Uasin Gishu, Kakamega, Kisumu, Nyeri, Embu, Mombasa, Kajiado, Kisii and Meru counties. These facilities are aimed at transforming public service delivery by providing easy access to services and information to citizens at a one-stop-shop.
21. During the reporting period, the Ministry of Interior and Coordination of National Government through the Prisons Services provided formal education to 8,000 long serving inmates, placed 5,200 on vocational training and 4,800 on professional education. Further, 16 new training programmes were introduced and 500 and 48 inmates registered for KCPE and KCSE respectively, all aimed at ensuring their right to education.
22. Through the Teachers Service Commission (TSC), the Government trained a total of 3,185 teachers on HIV and AIDS, gender and disability mainstreaming and integrity assurance at their places of work. The Government through the Ministry of Devolution and Planning trained 1,000 public servants in performance management for performance improvement. In addition, officers were trained on mainstreaming national values and principles of governance. The Ministry also engaged MDAs and County Governments during development and implementation of human resource policies.
- d. Commitment to entrench national values in the performance contracting systems**
23. The Government guided all MDAs to implement national values core to their mandates. This was preceded by training of top management and the respective supporting teams in July 2014. In order to enhance monitoring of the mainstreaming processes, all institutions under the performance contracting system have been submitting quarterly reports to the Ministry of Interior and Coordination of National Government for analysis and feedback.
- e. Commitment to conduct a baseline survey on the prevailing status of national values**
24. The Ministry of Interior and Coordination of National Government, through the Directorate of National Cohesion and National Values contracted during the 2014/15 performance contracting year to undertake a baseline survey on the status of national values and principles of governance in the country. The Ministry is in the process of procuring the services of Kenya Institute for Public Policy Research and Analysis (KIPPRA) to undertake the survey. It is expected that the survey will be completed by June 2015.
- f. Commitment on the implementation of an educational curriculum on national values and principles of governance**
25. The Government through the Ministry of Education, Science and Technology committed to include national values and principles of governance in the school curriculum. The curriculum review process is underway.
- g. Commitment to undertake audit of legislations, policies and institutional frameworks to ensure adherence to Article 10 of the Constitution**
26. The Government through the Office of the Attorney General and Department of Justice, the Commission for the Implementation of the Constitution (CIC) and the Kenya Law Reform Commission (KLRC) continued to audit and review legislations to facilitate and ensure adherence to Article 10 of the Constitution and compliance with the timelines provided under Schedule Four.
- Chapter 3: The Measures Taken**
27. The Constitution aspires to create a society that is proud of its ethnic, cultural and religious diversity, living in peace and unity as one indivisible sovereign nation. This chapter outlines measures taken by various ministries to promote the realisation of national values and principles of governance. The specific measures taken in the

realisation of national values and principles of governance grouped in key thematic areas are outlined in detail below;

### 3.1 Measures taken towards creation of national identity and exercise of sovereign power

Article 10 (2) (a): Patriotism, National Unity, Rule of Law, Democracy and Participation of the People

28. The commitment by the Presidency to promote and enhance unity of the nation in conformity with the provisions of Article 131 (1) (c) was demonstrated by the issuance of Executive Order No.3 of 2014. This Order empowered County Commissioners to take charge of all the initiatives geared towards promotion of national cohesion and reconciliation. The Executive Order supplements the strategies outlined in Sessional Paper No.9 of 2013 on National Cohesion and Integration that provides guidelines and a framework for enhancing national cohesion and integration. Further, to protect national identity and promote exercise of sovereign power, the Government embarked on a process of delineating its boundaries with neighbouring countries.

29. The Government launched the Integrated Population Registration Systems (IPRS) on 11<sup>th</sup> March 2015 to create a single database on all people residing in Kenya to make it easy for verification of identity, improve security and enhance service delivery. Further, the National Registration Bureau continues to identify, register and issue new identity cards to eligible Kenyans.

30. The Ministry of Interior and Coordination of National Government embarked on the establishment of modalities for the operationalisation of Alternative Dispute Resolution (ADR) mechanisms. For instance, in recognition of the important role played by elders in the promotion of national cohesion and peaceful co-existence among the Kenyan communities, the Ministry initiated the process of establishing the institution of community elders in the 47 counties. In addition, the Ministry conducted several community exchange programmes to promote the appreciation and celebration of cultural diversity of the Kenyan communities. The Ministry in conjunction with other stakeholders also launched the "Pamoja Initiative" which was a campaign meant to rally the efforts and contribution of different stakeholders in the promotion of national cohesion and reconciliation. The ultimate goal of the campaign was to strengthen the framework for peace and reconciliation in Kenya.

31. State House hosted national day celebrations and Presidential functions and engaged diverse entertainment groups from different parts of the country to entertain guests. In addition, the Ministry of Sports, Culture and the Arts organized and coordinated national music and cultural festivals that facilitated the showcasing of cultures from different communities thus promoting appreciation of diverse cultures that ultimately enhances social cohesion and integration. The Ministry further mobilised, trained, vetted, auditioned and presented cultural groups from across the country for national celebrations to ensure a fair representation of all Kenyan regions and cultures.

32. To promote the use of sports in the realisation of national unity, the Government through the Ministry of Sports, Culture and the Arts supported teams and individuals to participate in national and international sports competition, an initiative that enhanced the spirit of patriotism in the participating teams and individuals. For instance, the Ministry facilitated the National Amputee Football team to participate in the Amputee Football World Cup in Mexico.

33. To further enhance the realisation of national unity in institutions of learning, the Government through the National Cohesion and Integration Commission in conjunction with the Ministry of Education, Science and Technology developed guidelines for the establishment of *Amami* Clubs in schools and colleges. This initiative was aimed at making the education sector more responsive to national cohesion and integration. The Commission further sponsored co-curricular activities such as drama and music festivals across the country. The climax of the festival was the 55<sup>th</sup> edition of annual Kenya Schools and Colleges National Drama festival whose theme was "Celebrating our Diversity for National Unity".

34. The Government through the Ministry of Education, Science and Technology implemented the Greatness United (G-United) Programme. This is a national volunteer programme targeting university graduates to promote national cohesion. The Ministry further increased national schools from 77 to 103 which were fairly and equitably distributed across the country to enhance national unity.

35. To enhance national unity, the Government through Kenya Urban Roads Authority (KURA) serviced and developed 3,113.1km of roads

in 46 major towns across the country and the city of Nairobi. The fair distribution of the serviced and developed roads across the country was a deliberate step to ensure that majority of urban centers benefit from this national resource.

36. The Independent Electoral and Boundaries Commission (IEBC) promoted national unity within the electoral system through provision of equal opportunity to all candidates for elections. This was achieved through the development and use of local dialects in voter education and relevant communication formats accessible to persons living with disabilities.

37. One of the tenets of a democratic society is adherence to the rule of law. In its efforts to enforce the rule of law, the Judiciary completed the arbitration of 360,629 cases, some of which had stagnated in Courts for many years. Further, it empowered the Kadhis Courts which resulted in the resolution of 2,131 cases. The Human Rights Division of the Judiciary resolved a total of 581 constitutional and human rights cases in 2014. On the non-discrimination and protection of the marginalised, the Judiciary established the Northern Frontier initiative through which a High Court was established at Garissa in 2014.

38. The Commission on Administrative Justice (CAJ) instituted measures to promote rule of law through inquiries and conduct of investigations on over 43,000 complaints of maladministration in the public sector, and issued advisory opinions and recommendations on matters that affect public administration. In addition, CAJ issued advisory opinions on foreign trips by County Governments, and respect for the rule of law by the three arms of Government. The Commission also reviewed the complaints related to indicators in performance contracting system and incorporated aspects of the rule of law. Further, the Commission conducted mediation, conciliation and negotiation on complaints lodged or in situations that threaten peaceful co-existence and service delivery.

39. During the period under review the Ministry of Defence through the Kenya Defence Forces (KDF) complemented the National Police Service to restore peace and security in Kapedo, Lamu and Mandera. In addition, KDF set up camps in volatile areas to restore peace and stability and deployed troops along the common border to protect sovereignty and territorial integrity. Further, KDF continued to fight the Al-Shaabab terror group and together with AMISOM pacified parts of Somalia.

40. To promote the rule of law in the electoral system, the Government through the IEBC conducted capacity building and sensitisation of the public on electoral laws. This was meant to enhance public awareness of these laws and implications of violating them. The Commission further embarked on review of some of the electoral laws that had ambiguous provisions and continued to audit electoral processes to ensure sufficient checks and balances were in place to deter electoral malpractices. The Commission also prosecuted electoral offenders in various by-elections and continued to sensitise and train electoral officers on their roles and responsibilities as provided for in the electoral laws.

41. To promote adherence to the rule of law, the Government operationalised the Sports Act, 2013 which established institutions for example the Sports Dispute Tribunal charged with the responsibility of resolving sports related conflicts. The Ministry of Sports, Culture and the Arts also enforced compliance with Article 38 and 81 of the Sports Act which resulted in elections being held for the Professional Boxing Board and the Kenya Body Building Association. In order to enhance the rule of law in the water sector, the Government through the Ministry of Environment, Water and Natural Resources developed the Water Bill, 2014 which provides for the regulation, management and development of water resources, and water & sewerage services.

42. To promote the rule of law in the housing sector, the Government through the Ministry of Land, Housing and Urban Development finalised the review of the Landlord and Tenant Bill, 2007 and conducted public sensitisation on the same. This Bill seeks to simplify, modernise and consolidate the laws relating to renting of business and residential premises; establish a framework for the regulation of landlords and tenants in order to promote stability in the rental sector; protect tenants from unlawful rent increases and unlawful evictions; to balance the responsibilities of landlords and tenants and to provide for the adjudication of disputes. The draft Bill is currently at the Office of the Attorney General and Department of Justice. The Ministry further reviewed the National Housing Policy to align it to the Constitution. The approved policy was subsequently disseminated to all counties.

43. To strengthen the rule of law in the criminal justice system, the Government through the Prison Services developed the Victims Protection Act, 2014 which gives effect to Article 50 (9) of the Constitution. The Act provides for protection of victims of crime and abuse of power, better information and support services; reparation and compensation to victims and special protection for vulnerable victims. The Prisons Act Caps 90 and 92, the Probation of Offenders Act Cap 64, and the Community Service Orders Act No. 10 of 1998 were also aligned to Article 10(2) and 6th Schedule Part 2(7)(1). Separately, ODPP developed the Cybercrime and Computer related Crimes Bill which seeks to equip law enforcement agencies with the necessary legal and forensic tools to tackle cybercrime.

44. To improve accurate evidence gathering, the Government through the National Police Service is in the process of establishing a modern Forensic Laboratory Complex at the Directorate of Criminal Investigations (DCI) headquarters which is expected to be completed by March, 2016. Other measures instituted by the Government to provide for adherence to the rule of law include the review of the Pension Act Cap 190 and the Widows' and Children's Act Cap 195; the VAT Act Cap 476 to VAT Act, 2013; the Betting Control and Licensing Board, National Lottery Bill and the Gaming Act Cap 131. The Central Bank of Kenya (CBK) Bill, 2014 was developed to provide for the formulation and implementation of a monetary policy, promotion of price stability and issuance of currency as provided for under Article 231 of the Constitution.

45. To promote the rule of law in the communications sector, the Government through the Ministry of Information, Communication and Technology reviewed the Kenya Information and Communications Act, 1998 through the Kenya Information and Communications (amendment) Act, 2013. The Media Council Act, 2013 was also reviewed to give effect to Article 34 (5) of the Constitution and establish the Media Council of Kenya and the Complaints Commission.

46. To facilitate adherence to the rule of law, a number of guidelines were developed to support implementation of the developed policies and legislations. Public institutions developed organizational service delivery manuals and procedures that guide the implementation of their specific mandates. For instance, the Teachers Service Commission (TSC) developed teacher recruitment guidelines to guide recruitment of teachers in line with existing laws. The National Land Commission (NLC) finalised and gazetted the County Land Management Board guidelines and the formulation of a legal framework for the Alternative Dispute Resolution (ADR) to deal with land conflicts. The Commission for University Education developed and operationalised the University Standards and Guidelines, 2014 (in line with the Universities Act No. 42 of 2012 and global best practices in quality assurance) and University Regulations, 2014.

47. The National Treasury ensured that all financing agreements with development partners and subsidiary agreements by Semi-Autonomous Government Agencies (SAGAs) obtained legal opinion from the Office of the Attorney General and Department of Justice were in line with existing legal frameworks. The Kenya Revenue Authority (KRA) submitted quarterly implementation reports to the Commission for the Implementation of the Constitution as required under the Sixth Schedule of the Constitution. The Kenya Literature Bureau (KLB) suspended trade with customers engaged in the trading of pirated books and further collaborated with the Kenya Copyrights Board in sensitising their trade partners and arresting persons involved in book piracy.

48. In implementing the rule of law, the National Land Commission investigated grabbing of public land and revoked title deeds for illegally acquired land. The Ministry of Devolution and Planning constructed police posts in Kibra to facilitate law enforcement. The Government Press facilitated the rule of law by printing and publishing parliamentary Bills, Vellums, Acts and Regulations as well as County Legislative materials. It also published all legal notices in the Kenya Gazette. This was in compliance with Article 35(3) of the Constitution which requires the State to publish and publicise any important information affecting the nation and Article 199(1) of the Constitution which requires County legislation to be published in the Gazette for it to take effect. The ODPP established the Cyber Crime Unit, complaint and compliment desks, recruited and deployed prosecution counsels to the magistrate's courts, and organized training in trial advocacy for prosecution counsel staff.

49. Kenya Vision 2030 envisages a people-centered democratic system that is responsive to the needs and rights of citizens whose

participation in all public policies and resource allocation processes is fully appreciated and enabled. To enhance the realisation of this value, the Government through public institutions undertook several measures. The IEBC promoted the realisation of democracy and participation of the people in electoral system through implementation of a variety of measures. These included enhancing of outreach programmes targeting special interest groups such as persons living with disability, the marginalised and the youth. This programme was aimed at increasing the participation of these special groups in the electoral process. The Commission also facilitated the development of voter education policy to establish a framework for effective coordination of voter education aimed at enhancing participation of potential voters during elections. Related to this was the conduct of consultative forums by the Commission to develop a mechanism for continuous voter education and review of policy on registration and voting for Kenyan citizens residing outside the country.

50. The Government through the CAJ set up Twitter and Facebook accounts that created interactive platforms for the public in relation to matters of maladministration, service delivery and the operations of the Commission. In addition, through the county visits programme, an outreach initiative, the Commission was able to spot-check various Government institutions and established the level of compliance on Government performance contracting guidelines and the Commission's indicator on resolution of public complaints.

51. The National Treasury prepared and implemented the Medium Term Expenditure Framework (MTEF) by involving stakeholders in the entire budgetary cycle as provided for in the Public Financial Management (Amendment) Act, 2014. In the implementation of donor funded projects, the National Treasury ensured stakeholder participation in the entire project cycle was adhered to for purposes of enhancing ownership and fulfillment of Constitutional and donor requirements. The Commission on Revenue Allocation (CRA) facilitated public participation in the review of the first generation formula using Information Communication and Technology (ICT). The Commission visited the 47 County Governments to establish development needs, baselines and engaged various stakeholders on development of the second generation formula on revenue sharing.

52. As a platform for public participation, the Government through the Ministry of Information, Communication and Technology developed the Communication Strategy for the National Debate on the Wage Bill Conference. This was meant to facilitate the participation of Kenyans in the National Wage Bill debate. The Ministry in collaboration with the National Anti-Corruption Campaign Steering Committee developed the interactive television and radio programme titled 'Moving the Masses' aimed at enhancing the promotion of ethics and integrity in the country. Other measures that enhanced public participation include the vetting of state and public officers through submission of memoranda and clearance by various vetting agencies.

53. The Ministry of Agriculture, Livestock and Fisheries engaged farmers in elections for their county executive regulatory bodies. The KURA ensured that public participation and consultation in project implementation through environmental and social impact assessment was done through various community engagement forums. The Government through the Ministry of Energy and Petroleum engaged communities in public *barazas* on benefits of biogas technology, tree planting for firewood and adoption of improved cooking stoves to conserve energy. To facilitate community engagement in power transmission projects, the Ministry further held consultations with all project affected persons on issues of way leave compensation. In addition, the Ministry held community engagement forums targeting consumers in the informal settlements electrification project across the country.

54. To enhance public participation, the Government through the National Police Service developed an interactive website, suggestion boxes and hotlines so as to create an interface between the members of the public and the DCI. Further, the Ministry of Transport and Infrastructure ensured that environmental and social impact assessment processes in project implementation and the budget preparation processes involved public consultations. Examples include the resettlement action plans for Nairobi, Eastern Missing Links, Outer Ring Road, Ngong Road, Lodwar, Chuka, Meru Bypass roads among others.

55. During the review period, the Ministry of Devolution and Planning, in partnership with Ministry of Lands, Housing and Urban Development upgraded informal settlements in Kibera, Korogocho, and Mathare and involved local communities for ownership.

56. The Kenya Vision 2030 Delivery Secretariat sponsored a radio talk show which provided a platform for citizens to engage on implementation of Vision 2030 flagship projects in various counties. The Office of the Attorney General and Department of Justice conducted public sensitisation programs in the counties which targeted members of the public, county administration, judiciary, advocates, religious leaders and the business community to empower them to participate effectively in the social, economic and political lives of their respective counties. The Central Bank of Kenya (CBK) subjected the draft Central Bank of Kenya Bill, national payments systems and money remittance regulation to public interrogation as a way of enhancing the realisation of public participation. In addition, the Government through the Ministry of East African Affairs, Commerce and Tourism promoted public participation through the development of the annual market development plan with full participation of stakeholders.

57. To further enhance the participation of County Governments in regional integration, the Ministry conducted sensitisation of county leadership on regional integration strategy and policy in 47 counties. County Governments involved the public in processes such as budgeting, project identification, development and validation of the strategic plans, development of county Bills and procurement as witnessed in Marsabit, Kericho and Kilifi Counties among others. Other counties such as Nyandarua, strengthened county community policing to promote security in the county. County Governments also developed relevant regulations to operationalise the County Governments Act, 2012 to promote public participation in governance. For example the Kericho County Public Service Board developed the County Public Participation Act No. 7 of 2014.

58. Patriotism is a critical ingredient to the realisation of a national identity and exercise of sovereign power. This was demonstrated by the various deliberate measures undertaken by different public institutions to promote this value. The Government through the Ministry of Sports, Culture and the Arts played a leading role in the preparation and coordination of *Mashujaa* Day celebrations on 20<sup>th</sup>, October, 2014. This facilitated the recognition and appreciation of patriotic individuals and institutions for their exemplary and selfless service to the nation and the people of Kenya. The Ministry further documented and filmed all national celebrations for posterity. The Ministry also continued to oversee Kenya @50 legacy projects such as the rehabilitation of the pediatric wing of Kenyatta National Hospital, Mathari Hospital and the National Theatre.

59. The Kenya Ports Authority (KPA) developed a counter-terrorism awareness campaign through intranet alerts to ensure safety of its workforce and port users. Besides participating in annual Agricultural Society of Kenya countrywide trade shows, KPA also ran corporate social responsibility projects such as the construction of the dining hall at Jibarani School of the Deaf - Kilifi County, four classrooms at Mokowe Arid Zone Special School - Lamu County, four classrooms at Maweni Primary School - Kwale County, and laboratory at Mwangoji Secondary School, Taita-Taveta County. They also donated Intensive Care Unit equipment to Coast General hospital valued at Kshs.2.5 million and maintained the Uhuru Gardens - Mombasa County. The nomination of taxpayers by KRA for recognition helped to foster the spirit of patriotism through associating the payment of taxes, filing of returns as well as embracing iTax with positive response.

60. To demonstrate patriotism, the Ministry of Information, Communication and Technology in conjunction with Brand Kenya Board (BKB) developed a simplified version of national values and principles of governance as provided for in Article 10 of the Constitution which were disseminated to primary schools, National Anti-Corruption Campaign Steering Committee (NACCSC) and the public during two National Agricultural Shows. The Ministry also disseminated the official Map of Kenya, national flag, produced and circulated 200,000 copies of the official portrait of the President of the Republic of Kenya to Government institutions and to the public. The Ministry further developed and disseminated Kenya's Mark of Identity for adoption where six companies were conferred the rights to use the mark on their goods, profiled actions of Kenyan achievers from various sections since independence, and carried out a national brand audit to assess the levels of pride and patriotism among Kenyan citizens.

61. The Kenya Literature Bureau continued to uphold patriotism through advocating for and supporting publications that promote local authorship. On the other hand, the Kenya School of Adventure and Leadership (KESAL), besides training on leadership skills, promoted

patriotism through establishment of indigenous tree nurseries, planting trees to increase forest cover, assisting in fighting forest fires, organizing mountain route clean ups, and carrying out instant trash audits.

### 3.2 Measures Taken to Enhance Sharing and Devolution of Power

62. Devolution empowers citizens to exercise their democratic rights both at national and county levels in order to realise socio-economic development and brings services closer to the people. Devolution as outlined in Chapter 11 of the Constitution provides the basis for Kenyan system of devolved Government. The value of sharing and the principle of devolution of power is provided for under Article 10 (2) (a) and in the Fourth Schedule which distributes the functions between the national and county governments. The Government enacted the County Governments Act 2012, Urban Areas and Cities Act 2011, Public Finance Management Act, 2012; Transitional to Devolved Government Act, 2012 and Inter-Governmental Relations Act, 2012 amongst others to give effect to devolution.

63. The Government through the Ministry of Devolution and Planning developed regulations to operationalise the enacted devolution laws. The Ministry also formed Inter-Governmental sectoral forums on devolved functions as well as the Inter-Governmental Relations Technical Committee anticipated under the Inter-Governmental Relations Act, 2012.

64. The Ministry of Devolution and Planning through the Transition Authority (TA), analyzed the functions distributed to both the National and County Governments by the Constitution. The unbundled functions were transferred to the County Governments through the Kenya Gazette Supplements; Legal Notice No. 16 of 2013 and Legal Notice No. 33 of 2014. The Transition Authority is also undertaking a comprehensive costing of functions in 5 key sectors namely; Agriculture, livestock and fisheries; Health, Transport and Infrastructure; Water and Environment and Foreign Affairs. This exercise will clarify the actual costs required to deliver specific services in these sectors thereby enhancing proper planning, budgeting and efficiency.

65. The Government through the Ministry of Devolution and Planning facilitated and coordinated the Capacity Assessment and Rationalization of the Public Service (CARPS). This programme is a nationwide exercise geared to ensure that the public service is effective and efficient. It involves the auditing of human resource of the Government at both national and county levels; assessment of the capacity needs of Governments and recommendation of measures required to ensure that the national and County Governments have adequate capacity during the transition period to enable them undertake their assigned functions. This exercise will ensure that the payroll consists only of legitimate Government employees. It will also make recommendations that will encourage the application of key principles of public service by ensuring for instance, that persons get equal pay for equal work, that there is gender equity in recruitment and retention of public servants and the implementation of the 30% rule required under Section 65(c) of the County Governments Act, 17 of 2012.

66. The Public Service Commission (PSC) issued guidelines to the Service on the management of the human resource on recruitment, promotion, training and discipline. Further, through the Public Service Commission (PSC), the Government audited various aspects of human resource management in MDAs to establish their compliance with national and public service values and principles, as well as the achievement of the constitutional requirements on inclusivity.

67. To further entrench and strengthen devolution, the Government through the Ministry of Devolution and Planning established 11 additional *Huduma* Centres during the reporting period to take services closer to the people. To operationalise county administration system, the Government deployed human resources and established Human Resource Management (HRM) units in each county to manage the human resource function. The Ministry of Devolution and Planning through the Kenya School of Government (KSG) and the Kenya Institute of Curriculum Development (KICD) developed a curriculum on devolution for capacity building of staff in the counties. In addition, the Ministry undertook data cleaning and verification of employees' records against personal files to ensure accuracy of human resource and payroll data in the counties, developed County Integrated Personnel Payroll Data (CIPPD) system, user and technical manuals and restored internal payroll controls in county payroll systems to

ensure accountability, efficiency and effectiveness in payroll management and conducted training for the county staff.

68. An Inter-Agency Technical Committee on transfer of assets and liabilities was constituted under the Transition Authority to facilitate audit, verification, preparation of inventory and transfer of public assets and liabilities. In addition, a mechanism and criteria for transfer and sharing of assets and liabilities between the two levels of Government has been prepared. This mechanism and criteria will ensure that the transfer of these assets and liabilities to the relevant level of Government is done in a transparent and consultative manner. It is anticipated that transfer of assets to Governments will improve service delivery and encourage transparent accountable and prudent use of resources. Further, the TA developed and installed an Assets Management Information System (AMIS). This system serves as a platform where all data on public assets and liabilities is populated, secured and retrieved on user rights basis. The AMIS will ensure transparent and accountable management and utilization of Government assets and liabilities.

69. A pilot survey on the closure and transfer of public records in five counties (Nairobi, Kiambu, Kajado, Nakuru and Makueni) has also been facilitated by the TA. This is meant to inform a major survey currently ongoing in the counties. This survey will map out all public records and prepare a mechanism for their transfer to either level of Government and or closure. This is to ensure that the records for the defunct Local Authorities are properly managed and secured.

70. The Government through the TA facilitated the development of the civic education curriculum on devolution and citizen participation which was forwarded to the CIC as stipulated in the County Governments Act Section 137, 2 (b) to ensure that the content of the curriculum reflects the letter and spirit of Chapter 11 of the Constitution. The TA also developed a training manual to standardize delivery of the curriculum and facilitated the development of the civic education framework and a National Public Participation Framework.

71. The Authority also initiated capacity development initiatives geared at ensuring that County Governments have the capacity to carry out their functions as required by the Constitution. In this respect, the TA trained the County Treasury staff on the preparation of the County Integrated Development Plans (CIDPs) and Spatial Plans and the preparation of Programme Based Budgets (PBBs). It also trained Chairpersons of county budget and appropriation and finance and planning committees of the County Assemblies on their roles in the budget process and public finance management as well as County Attorneys on legislative drafting.

72. The Government through the TA reviewed, prepared and publicised a number of advisories, regulations and guidelines relevant to the transition process which have assisted County Governments to stay within the ambit of the law. For instance, TA, together with the Commission on Revenue Allocation (CRA) prepared and issued guidelines on preparation of the County Integrated Development Plans (CIDPs) to assist the counties prepare their annual development plans, sectoral plans, and the CIDPs in accordance with the law. The Authority also issued advisories on a wide array of issues including the transfer or sharing of Government infrastructure during the transition period, management of seconded staff performing devolved functions, dismissal of national and defunct local authorities' employees from the service on the grounds of ethnicity and other discriminatory practices.

73. In addition, the Authority, pursuant to the provisions of Section 54 of the Urban Areas and Cities Act, 2011, undertook the initial assessment of all the urban areas and cities in Kenya to pave way for their classification. This will ensure proper management of Urban Areas and Cities and thus enhance service delivery.

74. To promote Alternative Dispute Resolution between the two levels of Government, the TA convened several Inter-Agency forums to deliberate on emerging issues. The main forums included the Inter-Agency Technical Committees on the devolution of the betting, casinos and other forms of gambling functions, roads function and the health function. These forums helped to resolve stalemates experienced by the stakeholders in the sectors and provided a framework for out-of-court settlements.

75. During the period under review, the Government through the National Treasury allocated a total of Kshs.227billion to the counties to fund their recurrent and development expenditures. The Commission on Revenue Allocation (CRA) provided technical assistance to counties on planning and budgeting and in the

preparation of County Integrated Development Plans (CIDPs). The Central Bank of Kenya (CBK) provided banking services for the County Governments besides partnering with them in supporting their financial systems. The Kenya Revenue Authority (KRA) further decentralised their services by opening 6 more Medium and Small Taxpayers Stations in Lodwar, Maralal, Narok, Isiolo, Kitale and Muranga to ensure that revenue collection is within reach of taxpayers countrywide.

76. The Government through the Ministry of Transport and Infrastructure developed the Draft Kenya Roads Bill, 2014 which once enacted, will provide a new formula for sharing road maintenance levy fund to all the 290 constituencies in Kenya. In addition, the Kenya Rural Roads Authority undertook environmental and social impact assessment studies for all roads constructed as per the requirements of Environmental Management and Coordination Act 1999. The Ministry further reviewed the Roads Act, 2007 to align to the Constitution and defined the various categories of roads under the National and County Governments. The Ministry through the Kenya National Highways Authority (KeNHA) and Kenya Urban Roads Authority (KURA) continued to maintain 10 regional offices covering different counties across the country. The KURA also signed Memoranda of Understanding (MoUs) with 9 County Governments namely Baringo, Turkana, Wajir, Bomet, Garissa, Isiolo, Nairobi, Embu, and Uasin Gishu on development of road networks.

77. To devolve the management of land, the National Land Commission (NLC) formulated the Community Land Bill, 2014 whose object is to guide management of community land, and the Draft Historical Land Injustices Bill, which seeks to provide a legal framework for addressing historical land injustices. Further, the Office of the Attorney General and Department of Justice developed the Persons Deprived of Liberty Bill, 2014 whose purpose is to give effect to Articles 29 (f) and 51 of the Constitution.

78. The Government through the Ministry of Agriculture, Livestock and Fisheries, and the Transition Authority devolved Agricultural Mechanization Services and Agricultural Training Centers to all the 47 Counties to facilitate training of farmers on good practices and avail mechanization services at affordable rates. The Ministry also developed guidelines and standards to guide extension service delivery in the Counties as well as formed the Inter-Governmental Consultative Forum on Agriculture, Livestock and Fisheries in liaison with the Ministry of Devolution and Planning. The Ministry through the National Cereals and Produce Board (NCPB) has also undertaken an administrative action to decentralise decision making to the regional offices and developed guidelines on how to collaborate and work with the County Governments.

79. To ensure harmonious working relationship between the National and County Government Administrations, the Government clarified the functions of the National Government Administration Officers through the Executive Order No. 3 of 2014 on Strengthening of the National Government Coordination Function at the County Level. Further, the Ministry of Interior and Coordination of National Government has decentralised probation and aftercare services, liquor licensing and disaster management to the counties as set out in the Fourth Schedule of the Constitution. The Directorate of Criminal Investigations (DCI) decentralised operational, administrative and forensic services such as Crime Scene Support Services, Bomb Disposal Unit and Certificates of Good Conduct. To entrench the promotion of national values and principles of governance at the county level, the Ministry provided technical support towards capacity building for the County Public Service Boards on their role in the promotion of national values and principles of governance as outlined in Section 59 of the County Governments Act, 2012.

80. The National Cohesion and Integration Commission (NCIC) developed the Minimum Standards and Principles for Recruitment to ensure inclusiveness and diversity in the counties and sensitised key stakeholders on its contents. The ODPP has established and mandated the Delegated Prosecutions Division to supervise and regulate agencies with delegated prosecutorial powers and set up offices in all the 47 counties. Other agencies that have decentralised their services to the counties include the Ethics and Anti-Corruption Commission (EACC), Kenya National Commission on Human Rights (KNCHR) National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) and Teachers Service Commission (TSC).

81. The Government through the Ministry of East African Affairs, Commerce and Tourism and the Kenya Tourist Board engaged the various counties with a view to entrenching the principles of devolution. In addition, the Board continued to assist counties to map their tourism products and market them locally and internationally besides conducting meetings with the various tourism stakeholders on issues facing the sector.

82. The Ministry of Health, in collaboration with the Transition Authority developed the Functional Assignment and Transfer Policy Paper which clearly spells out the role of each level of Government in health provision. The Ministry unbundled all the functions, spelling out the exclusive functions for each level of government as outlined in the Constitution. A health policy to guide service delivery for the period 2014–2030 was also developed and is awaiting cabinet discussion and direction. To give legal effect to the health policy, a draft health bill was formulated and forwarded to Cabinet for consideration.

83. The National Aids Control Council (NACC) launched the Kenya AIDS Strategic Framework (KASF) for the period 2014/ 2015 to 2018/2019 to provide guidance on strategies of addressing the HIV and AIDS scourge at both national and county levels. Further, KASF will assist in providing direction to all the stakeholders involved in HIV-AIDS response and programming.

84. The delivery of health services, including human resource and the infrastructure has been devolved to the County Governments. An assessment of service availability and readiness of facilities to provide healthcare services was carried out during the review period and the report was launched and disseminated to all the 47 counties. In addition, an Inter-Governmental Forum for Health was established to facilitate engagement with County Executive Committee (CEC) members on health matters. Specific programmes, activities and budgets for the constituent colleges of Kenya Medical Training College (KMTC) were developed to assist in their functioning as key public training institutions for middle level health workers.

85. The Ministry of Energy and Petroleum through the National Oil Corporation of Kenya (NOCK) entered into partnerships with the County Governments to enable the Corporation to expand its networks aimed at availing cheaper oil products across the country. Separately, the Ministry of Mining entered into a Memorandum of Understanding (MoU) with County Governments on land use and land cover mapping and also engaged their leadership on mining issues.

86. The Ministry of Devolution and Planning in collaboration with Vision 2030 Delivery Secretariat held county forums to disseminate information on projects and programmes to be implemented within the 2<sup>nd</sup> Medium Term Plan (MTP) (2013-2017). Further, Vision 2030 Delivery Secretariat engaged county governments in aligning the County Integrated Development Plans (CIDPs) to Vision 2030 flagship projects. The Secretariat also facilitated the development of the concept of Meetings, Incentives, Conferences and Exhibitions (MICE) for the creation of new high value niche products such as cultural, eco-sports, and water based tourism that is being devolved to the counties.

### 3.3 Measures Taken for the Protection of the Bill of Rights

*(Human Dignity, Equity, Social justice, Inclusiveness, Equality, Human rights, Non-discrimination and Protection of the Marginalised)*

87. In order to enhance the protection of the Bill of Rights, the Government undertook diverse short, medium and long term measures through various MDAs. The Office of the Attorney General and Department of Justice for instance, rolled out Alternative Dispute Resolution (ADR) programmes in the counties in accordance with Article 159 (c) of the Constitution and Section 53 (5) of the Advocates Act, 2012. The program seeks to safeguard the interests of the poor, vulnerable and the illiterate who may not afford legal services. This enhanced social justice, protection of the marginalised and human dignity among other human rights related values. In addition, the Office of the Attorney General and Department of Justice generated a draft Legal Aid Bill, 2014 which provides for a legal framework for provision of legal aid towards ensuring justice for all persons as stipulated under Article 48 of the Constitution relating to the right of access to justice.

88. The ODPP established the Sexual Gender Based Violence Unit (SGBV) whose mandate is to promote the rights of the victims of gender based violence, accord the accused persons a right to fair

hearing as envisaged under Article 50 of the Constitution, vet all investigations files and advice on whether or not to charge. The Unit developed a manual on Training of Trainers for prosecutors who handle SGBV offences. A total of 30 prosecutors were trained and are cascading the training to lower levels contributing towards the promotion of human dignity.

89. The Kenya National Commission on Human Rights (KNCHR) adjusted its complaints management database to reflect reported violations at a disaggregated level with respect to county and gender. This provided a reliable database for public information as well as precise programming based on trends of human rights violations at county levels and enabled closer monitoring of human rights and analysis of trends at both national and devolved levels.

90. To support the progressive implementation of the two thirds gender principle as directed by the Supreme Court, the National Gender and Equality Commission provided leadership and coordination towards the development of the framework to guide the same. The Commission continued to conduct audits on affirmative action at the two levels of government with emphasis on equity in the distribution of opportunities to minorities, marginalised and special interest groups. The Commission further formed a multi-sectoral National Disability Committee to develop a monitoring and evaluation framework for mainstreaming disability issues in national development planning. The Commission also facilitated and coordinated the review of Persons with Disabilities Tax Exemptions Order 2010 with key stakeholders and conducted an electronic media campaign titled "Stop Gender Based Violence, *Ninawa* Campaign", with an online GBV platform [www.forum.ngeckkenya.org](http://www.forum.ngeckkenya.org).

91. To promote inclusiveness, the Government has subjected its policies and strategies to stakeholder participation and consultations countrywide. The Government through the National Police Service Commission has continued to ensure gender inclusiveness and regional equity both at operational and administrative levels. Similarly, the Kenya Defence Forces put in place a mechanism to ensure equity and inclusiveness in its recruitment processes. These measures have ensured that all Kenyans have equal opportunities in recruitment in the disciplined forces thereby promoting inclusivity, equity and national unity.

92. Measures were taken by Government through different MDAs to enhance equality and protection of the marginalised in society. These include development of guidelines for mainstreaming of disability issues in society by CIC, award of contracts to youth, women and persons with disability under the 30% procurement affirmative action initiative, and enhanced access to information through digital solution platforms. In addition, the Ministry of Interior and Coordination of National Government through Civil Registration Services (CRS) is undertaking a campaign designed to register all the previously unregistered persons aged 0-17years in the country to enable them access government services and provide planning data. In addition, the Government also ensured that the Kenya Literature Bureau and the Jomo Kenyatta Foundation embrace good publishing practices that ensure equity and equality in the content development.

93. The Government institutionalised the 30% procurement policy within the performance contracting framework and ensured compliance by all MDAs. To promote inclusiveness in the tendering and procurement processes, the Government, through MDAs continued to encourage open tendering for works, goods and services. Other measures taken to enhance open tendering include prequalification of suppliers and uploading of information to institutional websites for accessibility by stakeholders. These measures enhanced equality, inclusiveness, and non-discrimination and particularly the implementation of Article 35 (1) and (2) regarding the right of access to information.

94. The Government through MDAs continues to provide human and financial resources to facilitate access to quality education which is critical in the protection and enjoyment of human rights. These efforts are complemented by government institutions which include Kenya Electricity Generating Company (KEMGEN), KRA and NOCK among others, which deliberately initiated the youth internship, industrial attachment and apprenticeship programmes for graduate and post graduate trainees.

95. Through the Ministry of Devolution and Planning, the Government ensured equal training opportunities across gender in all sectors and counties as guided by the training policy. To protect the rights of workers, the Government continued to encourage their right to join

unions of choice and honored the Collective Bargaining Agreements in force. In addition, the Government continued to work with the Salaries and Remuneration Commission (SRC) to determine the terms and conditions for workers in the public service within a sustainable fiscal framework.

96. To enhance the promotion of human dignity, the Government facilitated the improvement of work environment for staff by specifically ensuring adequate working space for staff, efficient office cleaning services in all MDAs, improvement in the number and quality of ICT equipment and resources, establishment of customer care desks, among others. The Government has further encouraged civil servants to join staff welfare associations and Savings and Credit Cooperatives (SACCOs) to improve their socio-economic wellbeing. Other initiatives through the human resource units include operationalisation of counseling units in public institutions to ensure the needs and welfare of public servants are well taken care of, as well as the open door policy in public offices to enhance promotion of human rights.

97. An effective health sector plays a key role in the protection of the Bill of Rights. Consequently, in an endeavour to progressively move towards achieving the right to health, equity in delivery of services in the health sector, social justice and protection of the marginalised, the Government through the Ministry of Health instituted and continued to undertake various measures. These include among others implementation of Free Maternity Services Program, removal of user fee in primary care facilities, implementation of the Immunisation Program, implementation of the HIV and AIDS program, provision of reproductive health insurance cover to poor women through the Output Based Approach (OBA) programme (voucher system), Reproductive Health programme (OBA Vouchers), and provision of health insurance to elderly people 65+ years and persons with severe disability.

98. Further, the ongoing 'Beyond Zero Campaign' spearheaded by the Office of the First Lady has promoted the right to health of Kenyan women. Further, the Government continued to expand the National Hospital Insurance Fund (NHIF) medical insurance for both the public service and citizens. Separately, the Ministry of Interior and Coordination of National Government through the National Authority for the Campaign against Drug and Alcohol Abuse undertook public education and awareness programs in collaboration with other public and private institutions. Further, the Authority increased access to treatment and rehabilitation programmes and services, and also undertaken national surveys in various areas of alcohol and drugs to inform future programs and policies.

99. The Government recognizes the contribution of social security in the promotion of the Bill of Rights and continued to ensure that employees are contributors to National Social Security Fund (NSSF) and other defined contributory schemes as approved by the Retirement Benefits Authority. The Teachers Service Commission provided medical cover for 3,000 Secretariat Staff and is negotiating a medical insurance cover for the 298,000 teachers countrywide. Further, the Commission continued to consider persons living with disabilities in recruitment and promotions.

100. Food security remains primary in the overall protection of the Bill of Rights. In this regard, the Government through the Ministry of Agriculture, Livestock and Fisheries facilitated equitable distribution of among other things subsidized fertilizer to all arable areas within the country, enhanced seed distribution, provision of grain handling services at competitive prices aimed at assisting farmers to reduce post harvest losses, increased food transfers to the National Cereals and Produce Board depots in deficit areas. The Ministry distributed relief food to families affected by famine, drought, floods, and human displacements arising from conflicts among others. Other measures include the Government's commitment to increase food security through various programmes addressing irrigation, disease free zones, fisheries and maintenance of strategic food reserves.

101. The Government took bold steps to ensure provision of both physical and structural framework for infrastructure development. The Government through the Ministry of Transport and Infrastructure and other line agencies, continued to facilitate construction of new roads and maintenance of the existing ones to ensure access to services, goods and social amenities. The KURA undertook the construction of roads in the informal settlements and the identification of such roads in all counties for construction under the Annuity Programme. Further, the Authority facilitated the preparation and implementation of the Resettlement Action Plans (RAPs) for key projects in the improvement

of accessibility to information, as well as mobility and participation by the citizenry.

102. Besides the above initiatives, the Kenya Roads Board has facilitated inventory and reclassification of roads network increasing the classified network from 62,000km to 161,451km. Further, the Kenya Roads Board disbursed Kshs 25.5billion to various road agencies including Kenya National Highways Authority (KeNHA), KURA, Kenya Rural Roads Authority (KeRRA) and the Kenya Wildlife Service (KWS) during the year under review. This initiative is expected to increase access to key facilities such as hospitals, hence ensuring the human dignity of people. The Board has further ensured equitable disbursement of funds to the Constituency Road Committees across all constituencies. On its part, KeRRA, under the Roads 2,000 Programme has improved the livelihoods of over 115,000 people and their dependants through creation of jobs and increased access to markets and easier movement of farm produce. In undertaking its activities, KeRRA for instance ensured that the implementation of the Resettlement Action Plans adhere to social and environmental laws that could pose a threat to the Bill of Rights that include but not limited to address human dignity and social justice.

103. The Government through the Ministry of Information, Communication and Technology made strides towards protection of the Bill of Rights by tapping into the existing ICT structures. For instance, the Ministry facilitated the expansion of fibre optic cables to cover unserved areas, besides the development and launch of the National Broadband Strategy. In addition, the Ministry streamlined Mobile SIM registration by all service providers and subscribers to curb cyber crime and other criminal activities.

104. At the county level, the County Governments made great strides towards the protection of the Bill of Rights. A number of counties continue to expand their office accommodation, while others have facilitated the construction of ablution blocks in public places like markets, schools and bus parks in an attempt to promote human dignity.

105. Over the years, land rights were often abused, leading to numerous cases of abuse of human rights and land related conflicts. To address these land issues, the Government through the National Land Commission facilitated the documentation of all land belonging to public institutions and issued title deeds and letters of allotment to them. The Ministry of Lands, Housing and Urban Development continued to construct public housing units in various parts of the country which are at different levels of implementation.

106. To address equity and protection of the marginalised especially in regard to equitable distribution of revenue, the Government through the Commission on Revenue Allocation developed a formula for equitable sharing of revenue as indicated in Table 1.

Table 1: Parameters for Equitable Allocation of Revenue

Parameter	Percentage
1. Population	45%
2. Equal Share	25%
3. Poverty	18%
4. Land Area	8%
5. Fiscal Responsibility	1%
6. Development Factor	1%
7. Personnel Emolument Factor	2%
<b>TOTAL</b>	<b>100%</b>

Source: Commission on Revenue Allocation, 2014

107. Further, the Commission developed criteria for identifying marginalised areas and sharing of the Equalisation Fund which is pegged at 0.5% of total Government revenue. The counties identified to benefit from the Fund are Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita-Taveta, Isiolo and Lamu.

108. To uphold human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised, the Government through the KNCHR continued to enforce adherence to the Bill of Rights as provided for in the Constitution. A total of 1,908 cases of alleged violations of various

rights reported to the Commission during the reporting period were resolved out of which 1,258 were on economic and social rights, 438 on civil rights and 212 on group rights.

109. The National Cohesion and Integration Commission (NCIC) facilitated the development and dissemination of the draft Minimum Standards and Principles for Recruitment (MSP) to ensure inclusiveness and non-discrimination during recruitment at the county level. The Commission further advised counties that reflected skewed ethnic distribution of its employees to redress the situation. As required by Article 38 of the Constitution on political rights, the Government, through the IEBC, put in place more realisable and practical measures towards special voting for persons with special needs. To promote the right to vote and human dignity, IEBC also enhanced mapping of registration and polling centers to provide a user friendly environment particularly to the physically challenged.

110. The Commission also facilitated the review of rules and regulations to govern delimitation of boundaries to achieve equity in access to resources and to enhance equality of the vote. In addition, the Commission developed employment opportunities for polling officials during the election period. The Commission also facilitated development of appropriate legislation, structures and mechanisms for managing free and fair elections by ensuring that every citizen exercises the right to vote or vie for elections. In regard to non-discrimination and protection of the marginalised, the Commission continued to mainstream the principles of equality and human rights in electoral processes that relate to outreach in voter education and registration.

111. Continuous sensitisation, advocacy and capacity building to all stakeholders remain critical in ensuring that the public is exposed to the Bill of Rights at all times. Consequently, different institutions continue to facilitate training to promote realisation of the Bill of Rights. Laikipia University in collaboration with KNCHR introduced a human rights course in its curriculum for the 7500 undergraduate students. The objective of the course is to underscore recognition and entrenchment of the culture of respect for human rights, respect for human dignity and creation of a society based on the principles of equality.

112. The Ethics and Anti-Corruption Commission collaborated with the Ministry of Education, Science and Technology through the Kenya Institute of Curriculum Development (KICD) to review the national curriculum to accord to the provisions of Article 10 of the Constitution on national values and principles of governance. The Commission also continued to work with KICD to disseminate the provisions of Article 10 using KICD's EDU Channel targeting 15 million people. EACC further established a desk at 13 *Huduma* Centres to enable timely reporting of matters relating to the Bill of Rights by the public. The Government through the Directorate of National Cohesion and National Values is in the process of finalising a training manual on national values and principles of governance to provide a standard tool for use by stakeholders.

113. The Government through the Ministry of Labour, Social Security and Services facilitated the review of the National Policy on Older Persons and Aging to align it to the Constitution. The policy is geared towards ensuring that the aged and older persons are protected from social injustices and assisted to live a dignified life. To enhance the protection of human rights as espoused in the Constitution, the Government prepared the Children Act (Amendment) Bill 2014, while the National Children Policy was reviewed and aligned to the Constitution. This policy promotes rights of the children and protects them against social injustices.

114. In addition, the Ministry developed the National Child Labour Policy to protect the rights of the children and promote human dignity for the disadvantaged and marginalised children. The Ministry further continued to manage cash transfers programmes namely; Older Persons Cash Transfer (OP-CT), Orphaned and Vulnerable Cash Transfer (OV-CT), and Cash Transfer to Persons with Severe Disabilities (PWS-CT) to protect vulnerable persons. Similar programmes to protect the vulnerable were implemented through the Ministry of Education, Science and Technology and sought to provide free and compulsory basic education, establishment of special institutions and the implementation of guidelines on child guidance services, among others. Further, the Government launched the *Tusome* Project on 29<sup>th</sup> January 2015 designed to improve the learning outcomes of nearly 5.4million class one and two pupils in 22,600 public primary schools by providing new textbooks and other developmental reading materials.

115. To ensure the security of persons as provided for in Article 29 of the Constitution, the Government continued to put in place measures to protect its citizenry. Subsequently, the Government enhanced the number of security officers to meet the desired police-population ratio. In addition, the National Police Service initiated the process of reviewing the police training curriculum which underscores observation of human rights. The National Police Service also established a complaints' office to receive and address public complaints regarding abuse of their rights among other rights-based issues. The Service also developed the National Police Reserve Policy and the Small Arms and Light Weapons Control and Management Bill, 2013 which was forwarded to Cabinet for discussion and consideration. In addition, a training manual and guidelines were prepared. Further, the process of E-recording of marked arms is in progress.

116. The Kenya Law Reform Commission (KLRC) continued to guide and facilitate development and review of legislations to protect the Bill of Rights to be implemented by diverse institutions both at the national and county governments levels. Within the national government, KLRC facilitated the review of among other rights-based legislations, the Persons with Disabilities Act, Kadhis Court Act (Cap.11), Prisons Act (Cap.90), Borstal Institutions Act (Cap.92), and the Law of Domicile Act (Cap.37). Within the county governments, KLRC guided the development of the draft County Model Law on Persons Living with Disabilities, draft County Model Law on Affirmative Action, draft County Model Law on Maternal Health Rights Bill, draft County Model Law on Reproductive Health Rights, and draft County Model Law on Control of Drugs.

117. The Government continued to implement and institutionalise policies that seek to protect the Bill of Rights among them the Disability Mainstreaming Policy, Gender Mainstreaming Policy, HIV and AIDS Policy, Alcohol and Drug Abuse Policy, Work Environment Policy, and wellness programs. These policies continue to enhance the promotion of inclusiveness, non-discrimination, equality, protection of the marginalised, human dignity, social justice and all forms of human rights.

118. To ensure sustainable protection of the Bill of Rights, the Government continued to partner and collaborate with private organisations as guided by the Public Private Partnership (PPP) Act, No. 15 of 2013. Through the PPP initiatives, the Government continued to develop infrastructure facilities including power, roads, rail, ports, airports, health, water and sanitation services which are prerequisites for economic growth and development.

#### **3.4 Measures Taken for the Promotion of Good Governance, Transparency and Accountability**

*(Good Governance, Integrity, Accountability and Transparency)*

119. Good governance, integrity, transparency and accountability are principles of governance which provide impetus for rapid social, economic and political transformation. In this regard, the Presidency issued Executive Order No. 6 of 6<sup>th</sup> March 2015 on Ethics and Integrity in the Public Service cautioning MDAs on breaches of ethical standards, instances of pilferage and outright thefts involving civil servants, state and public officers. This Order requires all relevant institutions in the ethics and anti graft war to act swiftly, without fear or favour to detect, investigate and prosecute all perpetrators irrespective of social status.

120. In addition, the Government continued to enforce and implement various policy, legal and administrative measures related to governance to accord with the Constitution. Key among these are the Leadership and Integrity Act, 2012, the Public Officer Ethics Act, 2013, the Ethics and Anti-Corruption Act, 2011 and the Public Finance Management Act, 2012.

121. Other statutes under implementation include the Elections Act, No.24 of 2012 which provides for the procedures and processes for the management of elections and the appointment of commissioners and staff of the IEBC as provided for by Article 88 of the Constitution; Political Parties Act, 2011 that provides for the registration, regulations and funding of political parties, and for connected purposes, and the Public Procurement and Disposal Act, 2005 which establishes procedures for efficient public procurement and for the disposal of unserviceable, obsolete or surplus stores, assets and equipment by public entities.

122. The Office of the Attorney General and Department of Justice undertook reforms of commercial laws which include the Companies

Bill, 2014, the Insolvency Bill, 2014 and the Business Registry Service Bill, 2014. The Office further conducted a countrywide review of its implementation of the United Nations Convention against Corruption in September, 2014. The Office also hosted experts from Peer Reviewing Countries and held meetings with institutions to review legal and institutional mechanism for fighting corruption and promoting ethics and integrity. To promote transparency and accountability, the Office of the Attorney General and Department of Justice is developing the National Ethics and Anti-Corruption policy and the Whistleblower Protection Bill, 2014.

123. The National and County Governments made it mandatory for job applicants to seek clearance from the EACC, Credit Reference Bureau (CRB), KRA, HELB and the Directorate of Criminal Investigations (DCI) as a requirement to enhance integrity, transparency and accountability.

124. To reduce unethical practices and to promote transparency, the Judiciary created court users committees in all stations. These committees draw membership from the criminal justice system among them the prisons, the Kenya Police Service, the ODP, and the Law Society of Kenya (LSK). The Judiciary also institutionalised open days where members of the public interact directly with judicial officers and further established the Judiciary Ombudsman to receive complaints against errant judicial officers. The Judiciary expanded some courts and opened new ones to increase access to justice.

125. To promote good governance, the CRA developed the County Revenue Legislation Handbook to guide counties on revenue collection and mobilisation. CRA also provided technical assistance on planning and budgeting through public participation leading to the preparation of CIDPs. To promote accountability and regulate financial management in counties, the Commission also introduced budget ceilings.

126. Other public institutions involved in the promotion of good governance, integrity, accountability and transparency include the Controller of Budget and the Office of the Auditor General. The Office of the Controller of Budget continued to provide oversight over budgetary management. In addition, the Office of the Auditor General continued to audit public agencies to promote prudent use of public resources.

127. To improve management in the State Corporations sector, the Government constituted a Task Force on Parastatals Reforms in July, 2013 to undertake policy review with the aim of addressing sectoral challenges. The Task Force submitted its report to the Government in 2014. In addition, it also prepared a draft State Corporations Reform Policy which is before the National Assembly for consideration. As part of the measures to promote governance in state corporations, the Task Force recommended the restructuring of Government ownership in Parastatals through development of the Government-Owned Entities Bill, 2014. A code of governance for state corporations (*Mwongozo*) was finalised and launched. In addition, the Task Force recommended the establishment of a Sovereign Wealth Fund in which the Sovereign Wealth Fund Bill, 2014 was prepared and submitted to the National Assembly. A framework for merger of the identified State Corporations was also created. Further, to ensure that public projects impact on the lives of Kenyans, MDAs were directed to prioritise between three to five projects for funding and ensure submission of periodic status reports to the Office of the President. To further promote accountability in government, MDAs were instructed to operate within their budgets and those seeking huge increases to justify them before resources are availed by the National Treasury. The President's Performance Delivery Unit was created to oversee implementation of public projects.

128. To instill a culture of accountability and transparency in service delivery and the utilization of resources in Government, MDAs continued to implement their Codes of Ethics and Conduct. In addition, MDAs and County Governments increasingly publicised their Customer Service Delivery Charters through both print and electronic media. These initiatives have increased the levels of public awareness on the MDAs' mandates, functions and procedures.

129. The Government through the CIC facilitated the development and review of policies, legislation and administrative procedures in the review period. These include the Parliamentary Powers and Privileges Bill, 2014, the County Assemblies Powers and Privileges Bill, 2014, the Public Procurement and Asset Disposal Act, 2014, and the

Political Parties Act, 2011. Further, CIC developed and reviewed regulations relating to Campaign Financing Act, Leadership and Integrity Regulation, 2012, and Public Finance Management Regulations. Guidelines on Secondment of Public Officers to County Governments, Performance Contracting and Staff Rationalization Project were institutionalised to promote good governance.

130. In the promotion of good governance, integrity, transparency and accountability, Government institutions in the year under review, established various committees with direct mandates to mainstream national values and principles of governance in the public service. These committees play a critical role in mainstreaming national values through training and sensitisation of staff on national values. To streamline the NGO Sector and establish an effective and regulatory mechanism, the Government implemented the Public Benefits Act, 2013 to encourage public benefits organisations to maintain high standards of governance and management. This legislation provides a framework for collaboration between Government and NGOs by advocating good leadership and accountability in line with Chapter 6 of the Constitution.

131. The Government undertook training of public officers across MDAs and County Governments to build capacity for good governance, transparency accountability and integrity. Specifically, the EACC intensified integrity mainstreaming in public training institutions by implementing a comprehensive programme targeting senior management. The institutions involved were Chuka University, Kiirua Technical Training College and Meru University of Science and Technology.

132. In January, 2015, the EACC trained 64 integrity officers from 7 Government institutions on strategies of fighting corruption. The training targeted corruption prevention committees from Utalii College, Kenya National Trading Corporation (KNTC), Kenya School of Government (KSG), Micro and Small Enterprises Authority, Kenya Institute for Policy Research and Analysis (KIPRA), Kenya Dairy Board and the Witness Protection Agency. In addition, the Ministry of Health in collaboration with EACC trained 108 members of staff on good governance, integrity, transparency and accountability during the year under review. The Government further continued to embrace ICT for improved service delivery. This measure has improved governance, increased levels of integrity, accountability and compliance and reduced corruption.

133. Government investment in ICT continued to transform procurement services across Government making tremendous progress both in procurement procedures and in the adoption of modern technologies. On 13<sup>th</sup>, Aug 2014, the Government launched the e-Procurement and e-payment system that has increased transparency and reduced cases of corruption. The electronic procurement system through the Integrated Financial Management Information System (IFMIS) "Procure to Pay" module introduces a new era to Government procurement by eliminating manual procurement processes which provided opportunities for perpetuation of corruption. The Government also continued to roll out IFMIS to the counties to ensure accountability, transparency and effective management of public devolved funds. Overall, IFMIS enhanced automation, maintenance of financial records and preparation of year end accounts for MDAs. Further, the Executive Order No. 6 was issued directing all State Corporations to migrate their procurement systems to e-procurement platform by Friday, 20<sup>th</sup> March 2015.

134. The Government further introduced and implemented a Pension Management Information System to improve efficiency and effectiveness by The National Treasury. The new system has improved work flow management and controls in the pension payments. This has reduced the time taken to process pension claims from 60 to 22 days.

135. In the promotion of good governance, the Government continuously introduced technologies to assist in effective and efficient human resource management across Government. The recent adoption and implementation of the Government Human Resource Information System (GHRIS), which addresses all human resources related needs of public servants, has allowed them to benefit from a centralized, readily accessible, efficient and transparent service.

136. The Government embarked on the digitisation of records in the public sector. The Ministry of Lands, Housing and Urban Development is currently digitizing and developing the National Land Information Management Systems. The Nairobi Land Registry is now

fully digitised hence land searches and payment of land rent transactions are being done on the digital platform. Overall, 12 other land registries were reorganised in readiness for digitisation and whose tender for automation has been awarded. These measures will improve land administration and management hence promoting good governance, integrity, transparency and accountability.

137. On the 11<sup>th</sup>, February, 2015 the Government launched the Land Titling Centre which has integrated all information on the country's land resource. The Centre currently has a capacity of producing 14,000 title deeds daily and has enabled land surveyors, adjudicators and registrars to operate under one roof to produce up to date land records. This fully computerized centre will hasten the process of processing and issuance of Title Deeds thereby increasing efficiency and effectiveness in service delivery. The Government through the titling centre has converted existing land records in to a digital format to facilitate easy reach. The generation of Digital Cadastral Mapping (Database) for National Titling and online access to land records has become operational. This has promoted good governance, integrity, Transparency and accountability in the titling process. The TSC also digitised 6,000 teachers' files.

138. The Government adopted the use of social media and websites as mechanisms for easy access to information and feedback collection tools amongst citizens, business community and the Diaspora. This platform is aimed at bridging the gap between Government and the citizenry to improve accountability and transparency. For example in 2014, the Government launched the Diaspora Community Website designed to provide information on investment opportunities and Government policies.

139. The Government through the IEBC continued to invest in the utilisation of ICT in electoral processes. During the reporting period, the IEBC trained polling staff on the Electronic Voter Identification Devices (EVID) and the Result Transmission System (RTS) to enhance the use of technology in managing elections.

140. The Government through the Ministry of Devolution and Planning continued to implement performance contracting and appraisal systems as contained in the 11<sup>th</sup> Cycle Performance Contracting 2014/15 guidelines to promote good governance and accountability. The 11<sup>th</sup> Cycle guidelines provide for the mainstreaming of national cohesion and values in MDAs through the performance contracting process. This enhanced compliance and accountability in national values implementation and reporting.

141. The Government encouraged transparency through the sharing of information both within Government and with the general public. This was undertaken through the use of social media and establishment of Government websites where information can be accessed easily. This enabled Government institutions to receive timely feedback from customers and to effectively deal with reported cases of corruption. The EACC for example established an electronic Anonymous Whistleblower's System for corruption reporting on the Commission's website to encourage people to report suspected corruption and unethical practices.

142. MDAs put in place mechanisms to encourage feedback from their stakeholders and established elaborate infrastructure of receiving and handling complaints. The Government conducted campaigns to encourage the public to utilise existing mechanisms to improve good governance. The Office of the Ombudsman undertook awareness-creation programmes to educate the public on its functions and mandate. In addition, EACC deployed innovative strategies, such as integrity testing and sting operations to deal with corruption. Other MDAs continued to utilise suggestion boxes, customer care desks, helpline numbers, hotline numbers, social media and reviewed media to establish issues touching on their mandates.

143. To promote good governance, integrity, transparency and accountability in the public service the Government rolled out CARPS at national and county level to inform the realignment of structures processes, programmes, institutions and staffing to core mandates of Government at both levels. Concurrently, the Government through the Salary and Remuneration Commission commenced staff rationalisation to reduce wastage and the Government wage bill at all levels of Government. To improve on accountability and transparency, the Government through PSC continued to implement the Public Officers Ethics Act of 2003 Cap.183 which requires public officers to declare their incomes, assets and liabilities at entry, after every two years and at exit from service. According to the Public Service Evaluation Report 2014, 238,429 officers were in the payroll of MDAs

and State corporations and were required to submit wealth declarations as provided for by the Act.

144. The establishment of additional *Huduma* Centers in the period under review is one of the key milestones achieved by the Jubilee Government. The centers have transformed service delivery by increasing service outlets and bringing various government services under one roof. Further, the centers have increased transparency and accountability through institutionalisation of the open office concept.

145. To promote good governance, integrity, transparency and accountability, the Government through the Office of the Attorney General and Department of Justice developed policies and drafted various bills during the period under review. These include: (i) the County Government (Amendment) Bill, 2014 which seeks to amend the County Governments Act, No. 17 of 2012, in order to provide: for the election of a Deputy Speaker of a County Assembly; clarity on the functions of a Deputy Governor; that a majority of all county delegations of the Senate votes is required to uphold any impeachment charge against a Governor; and for the process for the removal of a Deputy Governor from office. (ii) The commencement of the development of National Ethics and Anti-corruption Policy which seeks to mainstream the fight against corruption and promotion of ethics and integrity in the management of public affairs. In addition, the Office established a Call Centre using 0701 155 955 for customers to seek information regarding registration services.

146. The Government through the Kenya Law Reform Commission reviewed various Acts to improve on good governance and management of public business. These include the Contract in Restraint of Trade Act (Cap 24), which makes lawful certain contracts in restraint of trade and the Government Contract Act (Cap 25) which provides for the making of contracts on behalf of the Government and for matters connected therewith.

147. The Government also revised recruitment guidelines and procedures to ensure adoption of best practices that promote transparency, accountability and integrity. These guidelines provide for introduction of vetting practices, advertisement of vacancies in both electronic and print media and affirmative action to address issues of marginalization. Further, the Government put in place deliberate measures to promote good governance, integrity, transparency and accountability through vetting of public and state officers. Further, the Government continued to implement (i) the *Vetting of Judges and Magistrates Act, 2011* that provides for vetting of judges and magistrates pursuant to section 23 of the 6<sup>th</sup> Schedule of the Constitution, (this Act established the Kenya Judges and Magistrates Vetting Board) (ii) the *Public Appointments (Parliamentary Approvals) Act, 2011* that provides for procedures for parliamentary approval of Constitutional and statutory appointments and for connected purposes and; (iii) the *National Police Service Act, 2011* that provides for the functions and powers of the NPSC, the qualifications and procedures for appointment, and for connected purposes.

148. To address transparency, accountability and restore the integrity of members of the service, the National Police Service embarked on vetting process between December 2013 and June 2014 and a total of 204 officers comprising senior officers had been vetted. The Commission further finalised regulations on recruitment, appointments, promotions, transfers and discipline. The Commission also commenced the implementation of the ranking structure as per the First Schedule of the National Police Service Act, 2014 by appointing officers to the ranks of Senior Assistant Inspector General and Assistant Inspector General.

149. To promote accountability and fight corruption, the EACC is in the process of asset tracing and recovery of illegally acquired properties. The NCIC put in place measures to receive, analyse and investigate complaints affecting ethnic and racial relations in the country. The Commission also partnered with other complaints handling Commissions in a platform dubbed "Integrated Public Complaints Referral Mechanism" (IPCRM) and established a desk at the Machakos County *Huduma* Center to receive public complaints.

150. The Government through the National Assembly continued to examine reports of the Auditor General on public accounts. These reports are examined by both the Public Investment and Public Accounts Committees to ensure adherence to sound financial business principles and prudent practices.

151. The Government through the IEBC continuously held candidates and political parties accountable under the Electoral Code of Conduct as a measure to curb impunity and electoral malpractices in the conduct of elections. The Commission also undertook audit of administrative practices in the management of elections and disciplinary actions were taken on professional misconduct and unethical behavior. The Commission further promoted integrity in electoral management by vetting polling officials before deployment and shared the list of officials vetted for appointment with all parties and candidates for accountability and transparency.

### 3.5 Measures Taken to Realisation Sustainable Development

152. Pursuant to Article 10 (2) [d] of the Constitution, the Government put in place measures to fast-track realisation of sustainable development through enactment of laws and formulation of policies. The Government also put in place administrative actions, programs and projects to give effect to the Constitution as well as the Kenya Vision 2030. These endeavours are geared towards sustainable democracy, devolution and improved service delivery to the present and future generations.

153. Regional peace and stability is critical for Kenya's national interests and sustainable development. Kenya continues to play an important role in peace initiatives in the East African Community (EAC), Great Lakes region and Africa. H.E. the President facilitated meetings between the warring parties in Southern Sudan and initiated mediation towards resolution of the conflict. In collaboration with the Inter-Governmental Authority on Development (IGAD), the Government brought the warring parties together leading to the signing of the Arusha Peace Agreement in January 2015. Further, Kenya continues to support the African Mission in Somalia (AMISOM) initiative by deploying the Kenya Defence Forces (KDF) to parts of Somalia. This initiative has helped in the reduction of terrorism and piracy in the region.

154. In the recent past, Kenya experienced security challenges in form of terrorist attacks, cattle rustling and community conflicts. To address these challenges, the Government intensified border surveillance, leased 2,700 vehicles for the National Police Service, recruited additional police officers, pursued police reforms, adopted information technology led policing system and continued implementation of *Nyumba Kumi* initiative as part of community policing.

155. Further, during the period under review, the Government amended 21 clauses under the Security Laws Act, 2014 to address the challenges of increased acts of terrorism and general crimes that threaten sustainable stability of the nation. These amendments included the Public Order Act Cap 56 to enhance the penalties for offences committed. However, some clauses were deemed unconstitutional and were nullified by the Court.

156. The Government also intensified surveillance on drugs and poaching at all entry points. In addition marine patrols were enhanced and drugs recovered were destroyed. The Government further established the wildlife offences unit, piracy unit, narcotics units and cybercrime unit. These units have facilitated Government's efforts to prosecute related offences, reduce crimes and improve security necessary for sustainable development.

157. The continued management of conflict, peace building and national cohesion initiatives is key to realisation of sustainable development. In this regard, the Government initiated the process of reviewing the National Cohesion and Integration Act, 2008 to inform formulation of the draft National Cohesion and Peace Building Bill 2014. Once enacted, the Act will provide a holistic and coordinated framework for promotion of national cohesion and peace building as stipulated in Sessional Paper No. 9 of 2013 on National Cohesion and Integration.

158. Sustainable development hinges on legitimate political, judicial and executive institutions. This is attained through promotion of the rule of law and administrative justice. Kenya continues to maintain an independent Parliament and Judiciary which collaborate with the Executive to ensure adherence to the rule of law. The National and County Governments have continued to maintain mutual relations through regular consultations and cooperation to ensure a predictable socio-economic and political environment conducive for investment. To further enhance the rule of law and delivery of justice, the Government continued to undertake judicial reforms. Notable reforms include the continued vetting of judges and magistrates,

establishment of more courts, enhancement of judicial human resource capacity and integration of ICT to improve judicial service delivery.

159. The Government launched the Kenya Foreign Policy in January, 2015 which seeks to protect Kenya's sovereignty and territorial integrity; promote sub-regional and regional integration and co-operation; enhance regional and global peace and security; advance the economic prosperity of Kenya and her people; project Kenya's image and prestige; promote international cooperation and multilateralism; promote and protect the interests of Kenyans abroad; and enhance partnership with the Kenya Diaspora and descendants.

160. To guide Kenya's interests in the international arena, the Government through the Ministry of Foreign Affairs and International Trade also launched the Kenya Diaspora Policy in January, 2015. The Policy seeks to guide the formulation and implementation of strategies to empower and engage Kenyans living abroad in national development processes; mobilise Kenyans abroad to form town, city or country specific umbrella associations as well as regional and global umbrella associations for effective representation and engagement; develop measures to enhance protection of Kenyans abroad; develop mechanisms for dialogue and partnership with Kenyans abroad; and to establish the necessary institutional mechanisms for co-ordination and administration of issues of Kenyans abroad.

161. To support ease of doing business, the Government continued to implement the EAC Common Market Protocol and signed the Mutual Peace and Security Pact of the Corridor Integrated Projects of Partner States - Kenya, Uganda and Rwanda. In partnership with EAC member countries, Kenya successfully negotiated the EU-Economic Partnership Agreement to secure sustainable access to the EU market. During the 3<sup>rd</sup> East African Community (EAC) Heads of State retreat on infrastructure, development and financing held on 29<sup>th</sup>, November, 2014, a 10 -year Investment Strategy for Priority Regional Projects was developed and the Council was directed to mobilise resources for its implementation and report progress at the 4<sup>th</sup> Summit of the Heads of State. The World Bank pledged \$ 1.2billion (Kshs.108billion) to boost the development of infrastructure and improve competitiveness of the five EAC partner states namely Kenya, Uganda, Tanzania, Rwanda and Burundi. The Heads of State also launched the EAC Tele Presence Video Conferencing system covering all the five partner states, signed the protocol to operationalise the extended jurisdiction of the EA Court of Justice and directed the Secretariat to avail all the partner states a list of protocols that have not yet been ratified for necessary action.

162. The Government initiated the Lamu Port South-Sudan-Ethiopia Transport (LAPSSET) Corridor project on 2<sup>nd</sup> March 2012. So far, Compensation of Project Affected Persons is almost complete and the construction of the first 3 Berths at Lamu Port is scheduled to commence in April 2015 at an estimated cost of 24.5billion dollars. This project is aimed at enhancing regional competitiveness in global maritime trade, fostering transport linkages between Kenya and the neighbouring countries, promote regional socio-economic development along the corridor and enhance cross border trade between Kenya, South Sudan, Ethiopia and Uganda.

163. Further, Kenya remains a strategic partner in transportation of oil to Uganda and Rwanda. To maximize on its strategic position, the Government has embarked on expanding the capacity and efficiency of transporting oil and related products to neighbouring countries. In this regard, the Kenya pipeline embarked on upgrading and replacing the Mombasa-Nairobi pipeline, construction of additional loading facilities and storage tanks, new parallel pipelines, bulk liquefied petroleum and gas storage. These initiatives will improve the economy and ensure sustainable use of resources across the country.

164. Sharing and devolution of power is critical is the promotion of sustainable development. The Government has put in place various measures to empower citizens to exercise their democratic rights both at national and county levels for sustainable political, economic and social development. Since 2014, several institutions to support devolution have been established such as the Inter-Governmental Relations Technical Committee which provides a framework for consultation and cooperation between National and County Governments and amongst County Governments.

165. To strengthen legal, policy and institutional framework for sustainable development, the Government developed regulations to operationalise the Cities and Urban Areas Act of 2011, County Government Act 2012, Public Finance Management Act of 2012, Transition Authority Act of 2012, and Inter-Governmental Relations

Act of 2012. In addition, the President released the Executive Order No. 3/2014, to strengthen the National Government coordination function at the county level. The Executive Order delegates executive power and authority of the President to County Commissioners to coordinate and direct national Government business at the county level. The Government also institutionalised performance contracting in the public service to enhance service delivery and support sustainable development. During the period under review, 19 Ministries, 175 State Corporations and 66 Tertiary Institutions negotiated and signed performance contracts.

166. Human resource capacity building for National and County Governments is critical for service delivery by the devolved Government. In this regard, the Government rolled out Capacity Assessment and Rationalization of the Public Service (CARPS) at both national and county levels. The programme is aimed at realigning structures, processes, programmes, institutions and staffing to core mandates of MDAs and to improve public service efficiency and effectiveness for sustainable service delivery and management of sustainable wage bill.

167. To further strengthen devolution, the Government through the CRA reviewed the formula for allocating revenue between National and County Governments and among County Governments. This review will ensure injection of an additional Kshs 32 billion to the County Governments in 2015/2016 financial year. The Government also undertook review of various Acts relating to exploitation of national wealth to ensure that residents benefit from them. For instance, the Mining and Petroleum Bill, 2014 incorporated provisions to ensure that communities and counties where minerals are found receive a specified proportion of the mineral proceeds for local development. Examples of minerals discovered include iron ore in Taita Taveta; coal in Kitui; oil in Turkana, Wajir, Marsabit, Mandera and Kisumu counties; natural gas in Lamu basin; and geothermal steam in Nakuru County. To enhance sustainable exploration and exploitation of minerals and manage resource conflicts, the Government continues to sensitize local communities on the expected benefits from mining.

168. The high cost of energy and the resultant high cost of doing business have undermined Kenya's business competitiveness. To address this challenge, the Government has entered into a structured engagement with the private sector to identify and address factors ailing Kenya's business environment. Further, the Government continued implementation of the 5000+MW energy plan in collaboration with the private sector, focussing on renewable sources for sustainable development.

169. Other measures taken to improve Kenya's business climate include reduction of time taken to secure power connections, reduction of non-tariff barriers and improved registration of businesses and properties. To improve the business environment for companies, SMEs and individuals, the Government developed and submitted the Companies and Insolvency Bills which are currently in the National Assembly. Once enacted, these two laws will improve the predictability of the Kenyan business environment and attract investors for wealth and employment creation.

170. To ensure sustainable availability of power, the Government mounted the "Plan for power campaign". The campaign aims at assessing the current and prospective national power demand, thus informing the planning of the energy subsector from generation, transmission to distribution for national sustainable development. To sustain the 24 hour economy, the Government launched street lighting in major towns starting with Nairobi and this will be replicated in other towns across the country. The Government put in place plans and measures to ensure that 22,000 primary schools are connected to the national grid and solar energy.

171. The Government continues to uphold environmental laws and policies that promote sustainable development. This ensured that Government implements projects that preserve and conserve the environment for present and future generations. The Government through KenGen plans to increase production of geothermal energy within the Greater Olkaria Geothermal Area which will eventually replace diesel generated power. The implementation of this plan will take into consideration the resettlement of the indigenous population occupying the project land to mitigate the anticipated adverse effects arising from the involuntary resettlement. The Resettlement Action Plans (RAPs) aim to ensure that affected persons are not worse-off than they were at the commencement of the project. A similar

approach is being used to compensate and resettle families displaced by the Standard Gauge Railway and LAPSET among other projects.

172. Good infrastructure is a pre-requisite for realisation of sustainable development. In this regard the Government continues to improve infrastructure for enhanced national competitiveness and accessibility to markets. During the reporting period, the Government embarked on the tarmacking of 10,000km road network to be implemented through the Annuity Financing program. The program is designed to make Kenya a low-cost investment and trading destination, promote national integration, and improve security due to connectivity of regions and communities. So far, contracts for the construction of the initial 3000km have been awarded to the private sector.

173. The construction of Phase I (Mombasa-Nairobi) of the Standard Gauge Railway was commissioned in April, 2014. The project implementation is on course and when completed will reduce freight costs by 60%, reduce road haulage and increase efficiency.

174. The Government embarked on the expansion and modernization of aviation facilities with the aim of turning Kenya into an aviation hub in Africa. To achieve this objective, the Government commissioned various initiatives at Jomo Kenyatta International Airport (JKIA) to make it conform to international standards and enhance the value of Kenya's geographical location as a key regional and continental hub. Further, Terminal 1A for international arrivals was completed thereby increasing the capacity of the airport by 2.5 million passengers per annum. Works on Terminal 2 are in progress and are expected to be completed this year. Procurement for the second runway at JKIA is also underway. Civil works for the security screening yard is due for completion this year while works on the Green Field Terminal have begun. Rehabilitation and improvement of other airports and airstrips commenced in Kisumu, Embu, Homa Bay, Lodwar, Nanyuki, Sunekaand Voi among others.

175. The Government is committed to mobilizing sufficient resources for self-reliance. In this regard, Government continued the implementation of financial sector reforms. Some of these reforms focus on taxation where major strides were made in simplifying and easing tax collection. An electronic cargo clearance system was introduced at the Port of Mombasa which has eased clearance of goods. Capital Gains Tax was introduced to enhance equity and increase national revenues. These measures enabled the Government to collect Kshs.801.85 billion between April and December, 2014. The Government also bolstered KRA capacity to collect more revenue by recruiting and deploying 546 revenue collection staff (500 customs inspectors, 46 customs Border Security Officers).

176. Despite the national efforts to increase revenue, resources available are inadequate to fund the budget and flagship projects hence the need for external resource mobilisation. In this respect, Kenya successfully launched the \$2 billion Euro Bond in 2014 which was oversubscribed. The proceeds of the bond will be applied on Vision 2030 flagship projects. Besides, the bond proceeds are expected to stabilize the foreign exchange, reduce interest rates in the local economy and spur growth and investments. To facilitate local resource mobilisation through credit creation, the Government introduced a transparent credit pricing framework, namely the Kenya Bankers Reference Rate (KBRR). This measure will provide a base rate for all loans interest rates to encourage borrowing and safeguard borrowers from excessive interest rates. The Government also streamlined the financial sector framework to increase market access, efficiency and financial stability.

177. In addition, the Government stepped up risk based, consolidated supervision of commercial banks and expanded credit information sharing framework to cover micro finance institutions, banks and has enhanced financial discipline among Kenyans. This has enabled Kenyans with good credit ratings to negotiate better credit terms and conditions and improved credit risk management for lenders. Other measures included implementation of the East African Electronic Payment system and other regional payment settlement systems which have promoted trade.

178. Other measures taken to strengthen the financial sector include development and enforcement of a comprehensive and effective framework for consumer protection. Efforts were made to make Kenya an international financial hub while actions focussed on the EAC Monetary Union are in progress. The Government also formulated and implemented prudent monetary policies to anchor inflationary expectations and supported market driven exchange rates with minimal volatility.

179. Kenya depends on subsistence and rain-fed agriculture which has been adversely affected by fluctuating climatic conditions. This has affected food security and agriculture-based employment. To address this challenge, the one million acre Galana-Kulalu irrigation scheme is being implemented in phases between 2013 and 2017. During the reporting period, the model pilot farm was started in partnership with the private sector, covering the initial 500 of the targeted 1.2million acres. The project will optimise productivity through an array of targeted investments in crop, livestock and fish production thereby contributing to the country's food security.

180. Other small holder irrigation schemes in operation include Ngurumani in Kajiado, Mosiro in Narok, Kabaa in Machakos and Namelok in Turkana. These schemes have been providing sustainable food supplies to the communities thus enhancing food security in the Arid and Semi Arid Lands (ASALs) areas. To further improve national food security, the Government subsidised the price of fertilizer and improved its availability to farmers. The Government also entered into a Memorandum of Understanding with the private sector to construct a fertilizer factory locally. This measure will considerably reduce the cost fertilizer and boost the agricultural production for local and foreign markets. The Government further continues to maintain the national strategic grain reserve by buying from farmers in major crop productive areas and ensuring a robust distribution system through the National Cereals and Produce Boards.

181. In the fisheries subsector, the Government coordinated joint trans-county fisheries monitoring, control and surveillance and restocked inland natural water bodies such as Masinga, Kamburu, Kiambere dams and rivers Mara and Koitobos. A National Lobster Management plan was also developed. These measures will ensure continued availability of fish for local consumption and export.

182. The Ministry of Agriculture, Livestock and Fisheries undertook an initiative to create Disease Free Zone (DFZ) to protect livestock from diseases and improve access to international meat market. In this regard, the Ministry conducted a cadastral/topo survey in the livestock sector. The pilot program was designed for the proposed Bachuma Livestock Export Zone (LEZ) in Taita Taveta County. This is aimed at achieving the envisaged DFZ Vision 2030 project. Further, Kenya Tsetse and Trypanosomiasis Eradication Council (KENTTEC), is implementing the Tsetse and trypanosomiasis suppression in Faza Island and Emsos in Bogoria. The programme focuses on marginalised areas in order to improve their livelihood and living standards. This programme has enabled the introduction of exotic dairy animals in the marginalised areas resulting in improved incomes and food security and the appreciation of Government's support.

183. Tourism is a major foreign exchange earner and contributes significantly to the country's Gross Domestic Product. This sector has however been adversely affected by effects of terrorist attacks, travel advisories among other factors. To mitigate these effects, the Government mounted a campaign to promote local tourism and explored new markets for purposes of sustaining the sector. Some of the initiatives undertaken to promote local tourism include the collaboration of the national and county governments in mapping their tourism products, product inventory and marketing of their tourist attractions.

184. In addition, the Government sensitised and built capacity for 30 home stay operators at the Coast and 10 in South Rift region and carried out three cultural tourism festivals in Elgeyo-Marakwet, Baringo and in Taita Taveta Counties. The Ministry of East African Affairs, Commerce and Tourism launched campaigns in United Kingdom and Germany to attract more tourists and market the country as a tourist destination. To support the local hospitality industry, the Government reversed the policy that restricted Government agencies from holding public sector functions in private hotels.

185. To mitigate the poaching threat, the Government strengthened the wildlife surveillance by use of modern technology, recruited additional rangers and strictly enforced the Wildlife Conservation and Management Act of 2013. The Act provides for the protection, conservation, sustainable use and management of wildlife in Kenya. The Government continues to partner with the international community to enforce treaties on conservation of wildlife. In wildlife management, the Government adopted modern strategies to better manage wildlife and their habitats through promotion of good governance in the wildlife sector and anchored in the new Wildlife Act, 2014. The new legislation provides for a secure, viable and sustainable wildlife habitat and ecosystem.

186. To make Kenya an ICT hub, the Government invested in the ICT sector to tap on the emerging business opportunities for job creation and efficient service delivery. During the review period, the Government commenced the implementation of the national digital migration of television broadcasting starting with Nairobi and its environs. The Government also commenced infrastructure development for Konza City, developed the Konza Technopolis Development Authority Bill, 2014 and established the Konza Technopolis Development Authority. Further, the Government commenced implementation of the cashless fare system for public transport. In addition, the Government commenced ICT led security surveillance system in Nairobi and continued the automation of public services.

187. The social sector plays a critical role in realisation of sustainable development. The Government continues to implement projects and programmes in education, health, environment, water and sanitation, urban housing and population management. In addition, the Government continues to accord priority to gender, youth, vulnerable groups as critical segments in the promotion of sustainable development.

188. Education, training and human social capital development are key to sustainable development. In this regard, the Government continued to implement strategies contained in Sessional Paper No. 4 of 2012 on Reforming Education and Training in Kenya to address access, equity, quality, relevance, service delivery, curriculum, teacher equity, teacher development and entrepreneurial skills. Further, the Government is operationalising the Technical and Vocational Education and Training Act (TVET) of 2013 that provides for the establishment, governance and management of institutions offering technical and vocational education and training. In addition, the National Commission for Science, Technology and Innovation (NACOSTI) has initiated the process of developing policies, strategies and regulations to provide guidance in science, technology and innovation.

189. To achieve sustainable human resource development across the country, the Government continued to implement free primary education, subsidized secondary and youth polytechnic tuition. Further, in order to enhance access to basic education by children in public primary schools in Arid and Semi-Arid Lands (ASALs), the Government continued to implement the School Meals Programme (SMP) to improve retention and completion rates. Other measures include disbursement of school improvement grants to selected schools, mainstreaming of special needs education and revitalizing youth polytechnics countrywide.

190. To address existing regional disparities in accessing education and training, the Government increased the number of national schools to 103, increased the transition rate from primary school to 78%, provided free registration for examination in public primary and secondary schools. Further, the Kenya Literature Bureau (KLB) and Jomo Kenyatta Foundation (JKF) donated books to public primary, secondary schools and universities valued at Kshs.2,720,000 and Kshs.2,566,021 respectively.

191. To strengthen governance in the education sector, the Government commenced review of the Basic Education Act, 2013 and development of regulations to remove overlaps and enhance efficiency and effectiveness in the management of basic education. In addition, the Government continued to implement the Technical Vocational Education and Training Act, 2013 that led to the establishment of the Technical Vocational Education and Training Authority (TVETA) to regulate provision of quality and relevant vocational and technical skills training in the country, as well as established the Curriculum Development Assessment and Certification Council (CDACC) to oversee implementation of Competence-Based Education and Training (CBET).

192. Further, the Government through the Kenya National Examinations Council (KNEC) examined and certified over 1.4million candidates and awarded certificates and diplomas in different fields. The certification enabled the recipients to further their education and acquire skills necessary for gainful employment. KNEC further printed and distributed career information booklets to all secondary schools to make them appreciate the existing training opportunities for career progression.

193. The right to health care services as provided for under Article 43 (1) (a) of the Constitution, is critical for the realisation of sustainable development. In this regard, the National Government while focusing on policy, setting standards and capacity building, devolved health

Comment [h1]:

service delivery to the counties. In addition, the Government through the Ministry of Health continued to implement the National Health Policy Framework 2014–2030 and developed a five year Kenya Health Sector Strategic and Investment plan 2014-2018. This policy puts in place a number of measures to provide an efficient health and high quality care systems which are critical in promotion of sustainable development. Further, the National Aids Control Council launched the Kenya AIDS Strategic Framework (KASF) 2014/15 – 2018/19 which seeks to provide a coordinated approach for addressing the HIV and AIDS pandemic.

194. To facilitate access to sustainable healthcare, the National and County Governments have continued to enhance the human resource capacity of doctors, nurses and other medical staff. They have procured medical equipment, ambulances, introduced mobile clinics, and improved the Kenya Medical Training Colleges (KMTTC) and other facilities. In addition, the First Lady initiated the Beyond Zero Campaign which delivered mobile clinics to various counties aimed at ensuring safe and sustainable maternal health care in Kenya.

195. Other measures in the health sector include health financing, human resource management, improvement of infrastructure, monitoring and evaluation of health services in the devolved system. The Government is in the process of expanding the NHIF insurance coverage to ensure access and equity. In addition, community health centres were revitalized by providing County Governments with sufficient health financing. The Government also rolled out e-health as a strategy to reach the remote and marginalised areas; removed user fee in primary care facilities; implemented immunization and HIV programmes; supported low income women to access reproductive health services through the Output Based Approach Reproductive Health Programme (OBA vouchers) and provided health insurance to elderly people over 65years and persons with severe disability.

196. The Government through the Ministry of Lands, Housing and Urban Development formulated a policy and legal framework for national planning, using the requisite technology to promote sustainable land use, housing and urbanization. The ministry also embarked on housing development for civil servants, informal settlements upgrading and investment in social infrastructure. Some of the constructions include; 252 housing units in Shauri Moyo-Kisumu, 10,000 housing units in Shauri Moyo, Park Road Starehe-Nairobi under Public Private Partnerships initiative and 462 housing units in Mavoko-Mlolongo.

197. Social welfare is critical in the realisation of sustainable development. In this regard, the Government put in place measures to promote the pro-welfare programmes targeting youth, women, persons with disabilities and the marginalised groups. Specific measures include continued implementation of empowerment programmes such as the *Uwezo* Fund, Women Enterprise Fund, National Fund for Persons with Disability and Youth Enterprise Development Fund to provide the beneficiaries with resources for creation of employment. Further, public institutions are implementing the President's directive on 30% procurement to the disadvantaged groups in society.

198. The Government through Ministry of Devolution and Planning resettled Internally Displaced Persons and provided relief supplies to drought stricken areas in various parts of the country including Samburu and Turkana counties.

199. The goal of the Government with respect to environment, water and sanitation is to attain a clean, secure and sustainable environment by 2030. To achieve this, the Government took measures to safeguard the environment and natural resources. These measures include execution of the National Green Economy Strategy, National Climate Change Action Plan, Urban Rivers Rehabilitation Programme, waste management and pollution control measures and introduction of modernized meteorological services.

200. The Government remains committed to ensuring availability of sustainable water supplies and sanitation services in the country. To achieve this, the Government put in place legal and institutional reforms including the National Water Bill, 2014 which seeks to regulate, manage and develop water resource and sewage service, the National Water Policy, National Land Reclamation Policy and Trans-boundary Water Policy which will lead to expansion and upgrading of water supply and sewerage systems countrywide. Further, multipurpose dams and community water pans are being constructed countrywide to increase access to water for sustainable development. The Government also devolved management of water resources to County Governments. In addition, formation of 1,600 Water

Resources Users Association (WRUA's) for sustainable management of water resources is underway.

201. In the forestry sector, the Forest Policy, 2014 was formulated which highlights the programs, activities and other measures that will be taken to enhance sustainable use of forest resources. The policy will lead to sustainable management of the natural forest resources, and protection of the five national water towers including Mt. Elgon, Mau ecosystem, Cherangani Hills, Mt. Kenya, and the Aberdare Ranges. To provide a legal framework for the management of forests, the Government enacted the Forest Act of 2014 aimed at reducing deforestation, among other things.

#### Chapter 4: Progress Achieved

202. The Government made significant progress in the promotion of national values and principles of governance as outlined in Article 10 of the Constitution during the period under review. This has been realised through formulation and review of policies, review and enactment of laws as well as development of regulations and guidelines. Further, the Government through MDAs registered significant milestones through implementation of programmes, projects and activities. Progress achieved is reported under the following five thematic areas.

#### 4.1 Creation of National Identity and Exercise of Sovereign Power

*(Patriotism, National Unity, the Rule of Law, Democracy and Participation of the People)*

203. The Presidency continued to provide overall policy and leadership direction to promote and enhance national unity and respect for national diversity. During the review period, the President led the nation in celebrating national days during which selected Kenyans were awarded for outstanding contribution to national development. To promote patriotism and national unity, a total of 120 *Mashujaa*s from the 47 counties were identified and facilitated to participate in *Mashujaa* Day celebrations. During national day celebrations, the need for patriotism and national unity continued to be underscored.

204. The Government made remarkable progress in implementation of the 2013 Kenya @ 50 legacy projects that enhance patriotism and national unity. These include completion of rehabilitation of Mathare Hospital and the paediatric wing at the Kenyatta National Hospital. The Kenya Cultural Centre, which incorporates the Kenya National Theatre, is in the last stages of completion. These projects are expected to contribute towards reduction of child mortality rate, better health care for mentally challenged patients and improved nurturing of artistic talents for the youth respectively.

205. To promote national unity, the Government through the Ministry of Interior and Coordination of National Government commenced the development of the National Cohesion and Peace Building Bill 2014 to provide a legal framework to address emerging national cohesion challenges and promote ethnic harmony. Further, the Ministry conducted stakeholder consultative forums in 32 counties. The forums provided various stakeholders with an opportunity to examine the status of cohesion and reconciliation in their respective counties with a view to designing a localized framework to address emerging challenges. The forums further enabled the Government to harness the potential of various stakeholders in contributing towards the promotion of sustainable county cohesion and reconciliation.

206. To determine the status of cohesion in Kenya, the Government, through NCIC launched the Report on the Status of Social Cohesion in Kenya. The Report provides a platform for engagement with all stakeholders to initiate interventions to strengthen cohesion and integration in the counties and country at large. It will also be used to gauge achievement made in cohesion building.

207. To promote national unity and cohesion, the Government appointed the chairman and 7 Commissioners to the NCIC. The Commission investigated 119 cases and charged culpable individuals who included politicians for hate speech. County Public Service Boards were engaged in the county audits on recruitment of staff. To further enhance the realisation of national unity in County Governments' staff, the Government, through the Commission developed minimum standards and principles to ensure inclusiveness and diversity. Besides sensitizing 11 County Governments on the developed minimum standards, the Commission also collected and validated data on ethnic distribution of employees in 24 counties and advised them accordingly. The Commission also received data on ethnic distribution from 97 Parastatals.

208. The Government, through the NCIC conducted dialogue forums in 15 counties that culminated in the signing of peace agreements such as the agreement between the Garre and Degodia clans of Mandera County and the Agreement between Luo and Kipsigis communities in Kisumu and Kericho counties. The Commission also sponsored the Tecla Loroupe Dialogue and Peace Race that brought together conflicting communities from West Pokot, Turkana and Elgeyo Marakwet Counties. The race is intended to promote intra and inter-ethnic peace building, dialogue and mediation for the realisation of national unity.

209. The Ministry of Interior and Coordination of National Government is in the process of facilitating the formalization of the institution of community elders in the 47 counties as an Alternative Dispute Resolution mechanism. This will empower elders to resolve local disputes and promote national unity within and among communities to supplement Government's efforts in the promotion of peaceful co-existence.

210. To enable Kenyan communities understand, appreciate and celebrate the richness of Kenya's cultural diversity, the Ministry of Interior and Coordination of National Government conducted 6 intercommunity exchange forums that brought together over 20 Kenyan communities. These forums enabled the participants to get firsthand information on the cultures, traditions, values, norms and belief systems of different communities which ultimately reinforced their motivation towards overcoming negative ethnicity, mistrust and cultural prejudices.

211. National unity has also been promoted through educational institutions. For instance, the Ministry of Education, Science and Technology is collaborating with the Ministry of Interior and Coordination of National Government on the Greatness United programme. Through the Programme, 148 (50 female 98 males) volunteer graduates were recruited, trained and posted to eight pilot counties; Kilifi, Machakos, Garissa, Nyeri, Samburu, West Pokot, Kisumu and Busia to promote national cohesion and integration. On average, each county received 19 volunteers in 7 to 8 primary schools; with each school receiving two volunteers. The volunteer graduates are expected to promote appreciation of cultural diversity and peaceful co-existence among pupils in their respective schools. In addition, The Government through TSC recorded a major milestone in the promotion of national unity through equitable deployment of 10,339 recruited teachers to all the counties.

212. To promote patriotism, the Government, through the Ministry of Information Communication and Technology implemented a number of measures which include adherence to diversity requirements in boards appointments, conducting the National Brand Audit and identifying brand drivers and destroyers. The Ministry also through the Brand Kenya Board developed a standardized mark of identity for Kenya's products and services in line with "Buy Kenya Build Kenya Policy" and disseminated official Coat of Arms symbols to all Government institutions to reduce the use of counterfeit products.

213. The Government through the National Commission for Science, Technology and Innovation (NACOSTI) also made great strides in the promotion of patriotism. The Commission, in the period under review, gazetted the following regulations to govern science, technology and innovation in the country; Legal Notice No. 106 on Regulation and Accreditation of Research Institutions regulations, 2014; Legal Notice No. 107 on Science Technology and Innovation (Relevance and Quality Assurance) Regulations, 2014; and Legal Notice No. 108 on Science Technology and Innovation (Research Licensing) Regulations 2014. The regulations are meant to direct research and development in the country and acquire cutting edge technologies for the country's development.

214. Kenya Prison women volleyball team represented Kenya in international matches which enhanced the country's image internationally. The determination by the players placed Kenya among the top countries in Africa and demonstrated patriotism. Additionally, the Kenya Prisons Service, in its quest to promote community reconciliation, provided psychological counseling services to 10,503 inmates to facilitate their re-integration into society. To underscore the importance of environmental conservation, KESAL established two tree nurseries with over 6,000 seedlings. The Ministry of Devolution and Planning recruited and trained over 18,000 youths in life skills at the National Youth Service Training College after which they were deployed in various counties for community service.

215. On regional security, the governments of Kenya, Uganda and Rwanda signed the Mutual Peace and Security Pact of the Northern

Corridor Integration Projects in Kampala on 20<sup>th</sup> February, 2014. This pact aims at promoting the rule of law and spur social economic development within the region.

216. The Government commenced the construction of a modern forensic laboratory complex which is currently 40% complete. The laboratory will enable specialized units of DCI and other law enforcement agencies to analyze samples scientifically and gather water-tight evidence for prosecution purposes. The Government also procured 300 vehicles for National Government administrators in the field through the Public Private Partnership framework and further procured 1,100 motor bikes out of a projected target of 2,000 for Chiefs to facilitate service delivery. In addition, the Government improved housing for police officers by leasing 1,545 units, construction of 1,241 units and purchase of 168 units.

217. The Ministry of Interior and Coordination of National Government through the Department of Probation and Aftercare Services made progress in the provision of requisite information and dispensation of criminal justice. In this regard, 3,400 probation and 6,507 community service orders inquiries were made while 3,006 offenders were put on probation, and 6,076 others were placed on Community Service Order.

218. The Ministry of Devolution and Planning constructed 4 police posts in Kibra to enhance enforcement of the rule of law in the area. A total of 4,000 complaints brought before the Complaints and Compliments desk of the Office of the Director of Public Prosecution were resolved. Additionally, the ODP operationalised a cybercrime unit to deal with cybercrimes and trained over 180 prosecution counsels on trial advocacy. The Department of Small Arms and Light Weapons developed the National Police Reserve Policy, Training Manual and Guidelines to enhance the rule of law. Further, the Department has undertaken the e-record keeping of marked arms whereby 80% of KDF arms and 70% of National Police Service arms were marked during the period under review.

219. The Government, through the KWS established an anti-poaching crack unit comprising of inter-security agencies to safeguard our wildlife against internal and external poaching. To enhance security at airports, Kenya Airports Authority constructed 16 lanes at Jomo Kenyatta International Airport for screening motor vehicles entering the airport and purchased full body scanners.

220. TSC actualized the provisions of the Disability Act, 2003 through provision of readers allowance for its visually impaired employees and the Teachers Service Commission Act, 2012 by reviewing the Code of Regulations for teachers. To promote the rule of law, TSC determined 1,188 disciplinary cases out of 1,956 cases registered translating to 60.73%

221. To ensure adherence to the rule of law in the electoral processes, the IEBC enhanced enforcement of Electoral Code of Conduct applicable to candidates, political parties and the public in conduct of elections. The Commission also, during the review period, conducted a total of 10 by-elections within the stipulated legal framework. Out of these, 5 were County Assembly Ward by-elections in Shella, Kibiri, Matumbei, Misikhu and Kirago; 3 National Assembly by-elections in Bonchari, Mathare and Kajiado Central; and 1 Senatorial in Homa Bay.

222. To promote adherence to the Environmental Management and Coordination Act, 1999, the Government through the Kenya Rural Roads Authority undertook 5 environmental and social impact assessment studies for Moi North Lake (D323) road, Eldoret-Zirwa-Kachibora (D328), Kachibora Moi's Bridge (E334) Road, Kasoiyo-Saos-Society (D350) road, Mogotio-Mugarin-Lake Bogoria (D365& E461) Road, Mathatani-Kaseve-Kaloleni (D527) Road and Sigiri Bridge and Approach roads on Road R 43. Further, the Government through the roads sector promoted rule of law by allocating 22% and 10% of funds totaling to Kshs 6,699,000 to all constituencies as per the requirements of the Kenya Road Act, 2007 and the Finance Act, 2009. In addition, the roads furniture, that includes guard rails and road signs were installed on completed road projects as per the requirement of the traffic Act.

223. To promote the rule of law, the Government, through the National Land Commission and the Ministry of Lands, Housing and Urban Development revoked over 1,000 title deeds and restored grabbed public land. In addition, between April and December, 2014, the National Registration Bureau issued 544,505 new identity cards to eligible Kenyans.

**Comment [M2]:** I think this should fall under sustainable development

224. The Government commenced implementation of the Sports Act, 2013 through establishment of key institutions under the Act which include the Sports Disputes Tribunal, Office of the Sports Registrar, Sports Fund, International Sports Academy, and Sports Kenya. Further, the boards and management of these institutions were appointed and gazetted.

225. To promote democracy and participation of the people, the Commission on Administrative Justice facilitated administrative justice through resolution of over 70% of the complaints lodged by the public. In addition, the advisory opinions and recommendations formed the basis of action by relevant public agencies thereby improving public administration that led to effective handling of complaints and compliance with recommendations of the Commission by public institutions. The Commission also enhanced its accessibility to the public by setting up desks in *Huduma* Centres where the public will lodge complaints on service delivery.

226. In addition, the public and other institutions were involved in the nomination process of the *Huduma* Ombudsman Awards. Institutions involved in the process include Ministry of Devolution and Planning, Kenya School of Government, and Transparency International (Kenya). The Commission also provided citizens with a platform to lodge complaints in their localities. A total of 59 complaints were lodged during visits to eight counties namely Homa Bay, Baringo, Kajiado, Trans Nzoia, Bungoma, Makeni, Kitui and Samburu in 2014. Overall about 420 public officers were trained on handling complaints and good governance.

227. The Government through the IEBC conducted 6 regional workshops to capacity build all Commission staff on the rights of special interests during elections. This was geared towards enhancing smooth participation of these special interest groups in electoral processes. The Commission also revised policy and drafted laws on registration and voting by citizens residing outside the country to enhance their participation in the local electoral processes.

228. The Kenya Revenue Authority organized the Transfer Pricing guidelines stakeholders' forum in June 2014, the Capital Gains tax and Withholding VAT sensitisation forums for stakeholders in December 2014. During the forums, stakeholders gave input and identified challenges that needed redress. The Commission on Revenue Allocation (CRA) promoted public participation by administering an online review questionnaire on the Commission's website to capture public opinion on the first formula for sharing revenue. The views obtained from various stakeholders were factored in the 2015/2016, 2016/2017 and 2017/2018 recommendations for sharing revenue among County Governments.

229. The Government through the National Treasury conducted workshops and consultative forums between development partners and beneficiary communities during preparation of work plans, and projects monitoring and evaluation. The National Treasury also facilitated capacity building and training of county personnel on accounting and reporting regarding financial matters. Separately, the Kenya Urban Roads Authority held 30 forums with members of the public affected by construction of roads to ensure they were included in resettlement action plans. Examples include Outering Road, Ngong Road, Lodwar, Chuka and Meru bypass.

#### 4.2 Sharing and Devolution of Power

230. The Government, through the Ministry of Devolution and Planning continued to oversee the development and implementation of regulations of the five key devolution laws namely; Cities and Urban Areas Act, No. 13 of 2011; County Governments Act, No. 17 of 2012; Public Finance Management Act, No. 18 of 2012; Transition to Devolved Government Act, No. 1 of 2012; Inter-Governmental Relations Act, No. 2 of 2012.

231. The Transition Authority prepared a comprehensive inventory and verification of assets and liabilities for the National Government and one hundred and seventy five (175) defunct Local Authorities; facilitation and coordination of the handing over and taking over process of the assets and liabilities between the two levels of government and issuing approval for the disposal of boarded Government assets. The TA also collected 61% of the data on assets and liabilities from Government Ministries and Departments and 46% of the data from State Corporations and Agencies. Further, the TA has developed and installed an Assets Management Information System (AMIS) to ensure transparent and accountable management and utilization of Government assets and liabilities. The TA also developed

a training manual to standardize delivery of the curriculum and facilitated the development of the civic education framework and a National Public Participation Framework.

232. The Authority, in addition trained the County Treasury staff on the preparation of the County Integrated Development Plans (CIDPs) and Spatial Plans and the preparation of Programme Based Budgets (PBBs). It has also trained chairpersons of county budget and appropriation and finance and planning committees of the County Assemblies on their roles in the budget process and public finance management as well as county legal officers on legislative drafting.

233. Transferred functions to the counties were taken up and relevant Departments and Ministries established at that level to perform them. Counties proceeded to enact relevant laws for instance, the County Finance Acts to enable counties raise and spend revenue. All the 47 counties have further devolved power to the 1450 wards, established Ward offices and recruited Ward Administrators.

234. Further, the Government through CIC reviewed several policy, legislation and administrative procedures to help in the implementation of sharing and devolution of power. Among the reviewed policies include; the Sessional Paper on Devolved Government, Arid and Semi-Arid Lands Policy, Policy on Coordination of National Government Functions, 2013 at the County Level, Kenya Health Policy for the period 2014- 2030, the National Culture Policy, Environment Management and Coordination (Amendment) Bill, 2014, County Pension Scheme, receipt and analysis of County Government implementation plans and progress reports and Poster for implementation of the Constitution in County Governments.

235. The Ministry of Devolution and Planning, through the TA formed 15 Inter-Governmental sectoral forums on devolved functions of which 7 are operational. The Ministry also recruited members and inaugurated the Inter-Governmental Technical Committee.

236. The Ministry of Devolution and Planning through the Public Service Commission (PSC) deployed 60,695 officers across the 47 counties and established 47 Human Resource Management (HRM) units. Further, the ministry facilitated the development of County Integrated Personnel Payroll Database (CIPPD) and sensitized HRM staff on controls in the 47 counties. It also carried out CARPS in the national and county public service to inform staff rationalization and management of wage bill and the process is on-going. In conjunction with Kenya School of Government (KSG) and Kenya Institute of Curriculum Development (KICD), the Ministry developed and implemented a curriculum on devolution in 18 counties.

237. During the reporting period, the Ministry of Devolution and Planning established 12 additional *Huduma* Centres bringing the total number to 15. The 12 additional Centres are: Nairobi at Makadara and Eastleigh; Nakuru GPO, Eldoret GPO, Kakamega GPO, Kisumu-Former Provincial Headquarters; Nyeri-former Provincial Headquarters; Embu GPO, Mombasa GPO, Kajiado-County Commissioner's Office; GPO Kisii, and Meru. The establishment of the *Huduma* Centres enable wananchi to access Government services easily. Figure 15 shows official opening of one of the *Huduma* Centres.

238. The Government through the National Treasury has progressively increased allocation to counties from Kshs.210billion in 2013/2014 to Kshs.227billion in 2014/2015 which is equivalent to 32% of the audited accounts of 2012/2013 financial year. The proposed allocation for the financial year 2015/2016 is Kshs.274billion equivalent to 35% of the last audited accounts.

239. The Ministry of Interior and Coordination of National Government deployed 170 staff members to the counties to operationalise the activities of the Betting Control and Licensing Board (BCLB), appointed 47 County Directors for probation and after-care services. The Ministry through NACADA recruited data officers for the 47 counties and established the County Liquor Licensing Boards. The Government, through the National Police Service created County Criminal Investigations Offices (CCIOs) in the 47 counties, devolved forensic Crime Scene Support Services in 39 stations and bomb disposal units in 7 stations.

240. The Ministry through the Directorate of National Cohesion and National Values built capacity for 32 County Public Service Boards on their role in the promotion of national values and principles of governance as provided in Section 59 of the County Governments Act, 2012. Figure 14 shows the Directorate of National Cohesion and National Values staff in one of the capacity building forums. The

National Cohesion and Integration Commission (NCIC) undertook 11 half day sensitisation forums targeting Governors of the respective counties, County Commissioners, County Executive Committee (CEC) members, Members of the County Assemblies (MCAs), Faith Based Organizations (FBOs) political leaders, and Civil Society Organizations (CSOs) leaders.

241. The IEBC enhanced decentralisation of electoral services to its 17 regional offices and 290 constituency offices, and initiated continuous voter registration process in 2014 at constituency level. The Government, through the Ministry of Agriculture, Livestock and Fisheries devolved 24 more Agricultural Mechanization Services and 13 more Agricultural Training Centers (ATCs) to the County Governments. This initiative facilitated training of farmers on good practices and availed mechanization services at affordable rates hence boosting productivity during the 2014 period. Further, the Ministry, through NCPD established depots in all the 47 counties to provide market outlets as well as food supply access points to residents in the respective counties.

242. The Ministry of Transport and Infrastructure through KURA developed 47 county work plans in consultation with the County Governments. KURA entered into Memoranda of Understanding with the County Governments of Baringo, Turkana, Wajir, Bomet, Garissa, Isiolo, Nairobi, Embu and Uasin Gishu on development of roads.

243. The ODPP operationalised delegated prosecutions divisions in the 47 counties. Further, the Ethics and Anti-Corruption Commission (EACC) established five new offices at Malaba, Isiolo, Malindi, Machakos and Nakuru. Separately, the TSC deployed 1,800 staff to perform teacher management functions at the county and sub-county levels.

244. The Ministry of Health developed the Kenya Health Policy, 2014-2030 to provide a framework towards attaining the highest standards of health and verified 34,000 files which are ready for transfer to the counties. The Ministry also undertook the Kenya Service Availability and Readiness Assessment Mapping (K-SARAM) whose findings formed the basis for the development of County Health Sector Strategic and Investment Plan for the 2013-2017 period to promote universal health coverage.

245. Student population at the KMTC grew from 18,000 in 2010 to 22,000 in 2014 while the constituent campuses increased from 30 to 41 in the same period. Programmes offered also increased from 52 in 2010 to 60 in 2014. The NHIF established offices in all the 47 Counties where all functions of the Fund have been devolved thereby promoting sharing and devolution of power. The Ministry of Energy and Petroleum through the NOCK established 97 retail fuel outlets in various counties in the period under review.

#### 4.3 Protection of the Bill of Rights

*(Human Dignity, Equity, Social justice, Inclusiveness, Equality, Human rights, Non-discrimination and Protection of the Marginalised)*

246. The Government continued to review and enforce laws, policies and guidelines that protect the Bill of Rights while taking cognizance of the needs of vulnerable members of the society as stipulated in Article 21 (3) of the Constitution. Some of the policies include: the Kenya Health Policy 2014-2030, Sessional Paper No. 14 of 2012, Framework on Reforming Education and Training Sectors in Kenya, the Kenya AIDs Strategic Framework, Culture and Heritage Policy, National Policy and Action Plan on Human Rights (Sessional Paper No. 3 of 2014) and environmental related policies. The Bills developed include: the Mental Health Bill 2014, The Basic Education (Amendment) Bill 2014, The Water Bill, 2013, Community Land Bill 2013, Legal Aid Bill 2014, Children Amendment Bill 2014, Work Injury Compensation Bill 2013, Health Bill 2013, Fair Administrative Action Bill 2014, Counselors and Psychologists and Psychotherapists Bill 2013. In addition, the Government enacted the Persons Deprived of Liberty Act, 2014 and the Marriage Act, 2014.

247. The Government through the Office of the Attorney General and Department of Justice prepared the draft Universal Periodic Report (UPR) between 30<sup>th</sup> July and October 10<sup>th</sup> 2014, validated the report on Human Rights on 13<sup>th</sup> October 2014, submitted the Country Review Report to the Human Rights Council in October 2014 and compiled a list of issues to be discussed at the UPR review. In addition, periodic reports on the implementation of the African Charter on Human and Peoples Rights have been prepared and submitted to the African Commission.

248. To enhance promotion and protection of the Bill of Rights, the Government through the ODPP established the SGBV units and facilitated the development of a manual for Training of Trainers (TOT) to facilitate training of prosecutors handling SGBV offences. Currently, 30 trainers have been trained and the effort will be rolled out to other prosecutors. Other achievements include the establishment of the Human Trafficking Unit, the review of Human Trafficking Act, and establishment of the Female Genital Mutilation prosecution unit. The Government also established the Anti-Female Genital Mutilation Board to spearhead and coordinate the anti-FGM campaigns in the country.

249. The CIC developed a Constitutional implementation guide to provide a framework for the implementation of human rights and facilitates mainstreaming of rights-based policies and issues. The National Gender and Equality Commission published and distributed a handbook for County Governments on the integration of gender, equality and inclusion. To promote human dignity, the Commission drafted sector specific indicators for the Gender-Based Violence (GBV) Programme Monitoring and Evaluation framework, and completed development of Gender Responsive Budget (GRB) guidelines for use at the national level.

250. In addressing the value of inclusiveness, the Kenya Literature Bureau developed new publications and printed over 3,600,000 books on national values to sensitize the citizenry on national values and principles of governance. The Bureau also launched the Kikamba Bible in 2014, the first ever indigenous language bible to be translated from original Greek.

251. The Office of the Attorney General and Department of Justice also submitted the Draft Legal Aid Bill to the Cabinet on 20<sup>th</sup> November 2014 for consideration and direction. The Office of the Attorney General and Department of Justice handled a total of 121 files through the Alternative Dispute Resolution (ADR) process in 12 Counties.

Table 2: Breakdown of Human Rights Complaints Received

No.	County	Total No. of Complaints	No.	County	Total No. of Complaints
1.	Trans Nzoia	566	25	Nandi	11
2.	Nairobi	415	26	Kericho	10
3.	Mombasa	242	27	Baringo	9
4.	Wajir	103	28	Kitui	9
5.	Tharaka Nithi	63	29	Makueni	9
6.	Kiambu	58	30	Siaya	9
7.	UasinGishu	39	31	Busia	8
8.	Kakamega	37	32	Nyandarua	7
9.	Kilifi	37	33	TaitaTaveta	7
10.	Machakos	31	34	Bomet	6
11.	Bungoma	27	35	Embu	6
12.	Kisumu	27	36	Narok	6
13.	Meru	25	37	Turkana	6
14.	Nakuru	24	38	Homa Bay	5
15.	Migori	22	39	Marsabit	4
16.	Nyeri	20	40	Vihiga	4
17.	Murang'a	19	41	Mandera	3
18.	West Pokot	18	42	Samburu	3
19.	Kajiado	16	43	Isiolo	2
20.	Garissa	14	44	Tana River	2
21.	Kirinyaga	14	45	Kwale	1
22.	Nyamira	13	46	Laikipia	1
23.	Elgeyo/Marak wet	11	47	Lamu	1
24.	Kisii	11	48	Other Countries	5
		<b>Total</b>			<b>1,986</b>

Source: Kenya National Commission on Human Rights, 2015

252. To promote realisation of human rights, the Kenya National Commission on Human Rights (KNCHR) received a total of 1,986 complaints, 337 more cases compared to the previous year. Table 2 shows distribution of complaints from the 47 counties and other sources. During the period under review, the Commission resolved 1,258 cases of alleged violations on economic and social rights, 438 on civil and political rights and 212 on group rights, totaling to 1,908 cases as illustrated in Figure 15. Resolution of these cases enhanced respect for human rights as they deterred repeat violations from the same perpetrators. Further, the courts made positive

pronouncements in 2 out of the 11 cases litigated during the period under review. These included compensation to victims and ordering of relevant policy review.

**Source: Kenya National Commission on Human Rights, 2015**

253. The Government through the Commission on Administrative Justice has so far trained 2,877 public officers from 116 departments and agencies and set up desks at the existing *Huduma* Centres to ensure timely resolution of citizens' complaints. The Commission also established the Ombudsman Committees, a community initiative started in informal settlements to enhance accessibility of information. The initiative is now running in Kiambu, Mukuru kwa Njenga and Mathare in Nairobi County. Through the initiative, the Commission reached 12,580 people in informal settlements and filed 101 complaints.

254. To enhance the social welfare of security officers, the Government through the NPSC facilitated transfer of 153 security officers on humanitarian grounds, rolled out the police insurance scheme and exempted 77 police officers living with disabilities from PAYE tax. To restore the integrity of the police service and win public confidence, 204 senior police officers were vetted by June 2014. The Commission also finalised the regulations to guide recruitment, appointment, promotions, transfers and discipline of officers. Further, the Government set up a 24-hour Call Center at Jogoo House, Nairobi to provide a platform for the public to report security related matters for action.

255. The Government through Public Private Partnership (PPP) established a Command and Control Center (CCC) and installed 47 CCTV cameras in Nairobi's Central Business District to enhance surveillance at all times. To ensure social justice and enhance human dignity for security officers, the Government commenced construction of 2,000 police housing units at a planned cost of Ksh.1.2billion and 44 pilot units are ready for occupation in Ruai. In addition, the Government commenced the construction of a Forensic Laboratory for the Directorate of Criminal Investigations at a cost of Kshs.1.6billion.

256. To facilitate access to citizen rights, the Government through the Civil Registration Services issued 1,221,186 birth certificates out of the target of 1,500,000 during the period under review. The Department further registered 962,134 current births and processed 593,178 late registrations out of a target of 975,000. The National Registration Bureau facilitated the identification and registration of eligible Kenyans by issuing a total of 544,507 national identity cards (initial registration) to Kenyan youth (285,698 females and 258,809 males) and also processed other 593,612 diverse identification applications (219,414 female and 374,198 male) from all the 47 counties. Figure 16 illustrates the registration of births by gender.

**Source: National Registration Bureau, 2015**

257. On equitable access to land and securing land rights, the Government, through the National Land Commission verified and regularized allocations in 7 settlement schemes, thereby promoting social justice for the affected. It also facilitated the appointment of 12 Land Adjudication Committees and conducted 16 hearings on land related matters. Other progress achieved includes documentation of land and issuance of allotment to public institutions, extension and renewal of grants and leases. The Commission also restored certain road reserves, riparian areas, and public land including Lang'ata Primary School land in Nairobi County.

258. The Ministry of Lands, Housing and Urban Development commenced the construction of housing units including 252 housing units in Shauri Moyo, Kisumu County, 10,000 units in Shauri Moyo, Nairobi County, 700 units in Muguga Green Westlands in Nairobi County, and 462 in Mlolongo, Machakos County. To enhance the promotion of human dignity and diverse human rights, the Government through the Ministry of Lands, Housing and Urban Development facilitated the completion of the following formerly stalled Government buildings: Kenya Institute of Business Training, Migori District Headquarters, Nyamira Police Division Headquarters, and Mathare Nyayo Hospital.

259. In regard to informal settlements upgrading and prevention initiatives, the Ministry completed the construction of 812 housing units at Kibera Soweto East-Zone "A", construction of classrooms, offices, and sanitary facilities at Mukhaweli Primary School in Bungoma County, construction of high mast flood lighting structures in various informal settlements, construction of 3.5km access road in Kibera Phase II, construction of classrooms in Huruma Primary

School, Uasin Gishu County, and construction of Ziwa la Ngombe Health center in Bombolulu, Mombasa County among others. These initiatives will promote human dignity, equity, social justice, inclusiveness, human rights, non-discrimination and protection of the marginalised.

260. To promote food security and enhance socio-economic development, the Ministry of Agriculture facilitated stabilization of fertilizer prices for accessibility and affordability. To date, the fertilizer market prices have dropped from an average of Kshs.4500 per 50kg bag to the current Kshs.3200 while the Government sells a 50kg bag of subsidized planting fertilizer at Kshs.1800. The initiative has contributed significantly to increased productivity especially in the medium and high rainfall areas. The Ministry has further enhanced the 'Eat more fish' campaigns in the last quarter of 2014 targeting all ethnic communities, all ages and gender. So far, the campaign has taken place in Vihiga, Butula, Mbita, Narok North and Kibwezi.

261. Further, the Ministry, through the Kenya Tsetse and Trypanosomiasis Eradication Council (KENTTEC) undertook tsetse fly and trypanosomiasis suppression on Faza Island and Emsos in Bogoria to reduce livestock related diseases by distributing 8,100 litres of animal insecticides in Emsos, and 850 litres to communities on Faza Island. Through this approach tsetse fly populations have significantly declined and subsequently over 2,000 improved dairy animals were introduced in Emsos. The market prices for the local meat breeds have improved from a low of Kshs.10,000 to over Kshs.50,000.

262. Good infrastructure is necessary for accessibility and mobility of goods, services and people. To facilitate this, the Government through the Ministry of Transport and Infrastructure prepared a Roads Sector Policy and a draft Kenya Roads Bill, 2014. Once the Bill is approved by Parliament, it will provide a new formula of sharing Road Maintenance Levy Fund to all the 290 constituencies in Kenya. During the period under review, the Ministry oversaw rehabilitation and reconstruction of 200km of roads and construction/upgrading of 220km of roads across the country. Further, the Ministry oversaw the development and implementation of Resettlement Action Plans (RAPs) for certain projects including for Nairobi Eastern Missing Links, Outering Road, Ngong Road, Lodwar, Chuka, and Meru Bypass. These initiatives will significantly contribute to the protection of the Bill of Rights.

263. The Government increased funding to the Kenya Roads Board thereby facilitating increase in the road network classification, improvement of access to social amenities, service and goods for the people. Through KURA, the Government constructed over 25 km of roads to bitumen standard in various parts of the country. A further 28,280.2 km of rural roads were maintained within the first quarter of the period under review. This exercise led to the creation of 115,671 jobs in the quarter alone and a payment of wages amounting to Kshs.156,155,850. Additionally, 30% of funds for all road works amounting to Kshs.2,071,715,522 was allocated to special groups such as women, youth and persons with disability.

264. The KURA further ensured that the contracts for the construction of Muratina and Kibera Roads in Nairobi County were awarded during the Financial Year 2014/2015 through open tendering. Tender information was uploaded to the Authority's website well in advance hence promoting equity and equal opportunities. KURA facilitated the maintenance of 3,101km of roads in the country and provided non-motorized transport facilities on Nairobi Eastern Missing Links Roads, Langata Road, Eastleigh Avenue, Upper Hill roads, Machakos Teachers Training College Road, Kapsoya Road and Lodwar Road. Further, ramps have been provided on foot bridges such as Chelimo Bridge (Kericho), Kahawa Wendani, City Cabanas and Pangani footbridges. These initiatives have contributed to the protection and enjoyment of human rights.

265. The KeRRA contributed towards the protection of the Bill of Rights by facilitating maintenance of 28,280.2km of rural roads in the 47 counties and creation of a total of 115,671 jobs under the Roads 2000 program and routine maintenance contracts. These jobs have improved livelihoods for a total of 115,671 people and their dependants through income creation. The roads have continued to provide access to social and economic amenities like health centers, schools and markets, leading to better quality of life and protection of human dignity.

266. The Government, through the Ministry of Devolution and Planning facilitated the improvement of social and physical infrastructure at Kibra, Korogocho and Mathare informal settlements

Comment [M6] : ?????

Comment [M3] : 44 houses out of 2,000? These were not constructed in 2014 by the way. I think we only talk of the forensic laboratory

Comment [M4] : This is a repetition

Comment [M7] : Do we really need to report this?

Comment [M5] : Is it 252 or 10,000?

in Nairobi County. The Ministry also embarked on a programme of upgrading the informal settlements by constructing 50 ablution blocks, opening up of sewers, provision of clean water, model brick houses as well as construction of 9 *Huduma* clinics. The programme employed over 3,000 community youths on casual basis and established 15 village committees to spearhead the programme. Other achievements by the Ministry include the resettlement of 7,060 IDPs in the year 2014, provision of food and medical supplies to affected families in Turkana and Samburu Counties during the drought period, and establishment of 12 *Huduma* Centres to enhance service delivery to the public.

267. The Ministry also facilitated disbursement of Kshs.3.2billion from Women Enterprise Fund to all the 290 Constituencies and Kshs.5.3 billion from *Uwezo* Fund to 228,350 male and 98,893 female groups. The *Uwezo* funds benefited 6,384 female and 8,386 male PWD groups. The Government continued to support the Kenya Youth Empowerment Programme (KYEP) in collaboration with the National Youth Service which has resulted to 33,850 youths being trained in apprenticeship.

268. The Ministry of Interior and Coordination of National Government through the Betting Control and Licensing Board facilitated over 1,300 draws in which over Ksh.150 million cash prizes and over Ksh.100 million asset based prizes were won earning Ksh.134 million in permit fees. Further, the Board issued 104 permits for prize competition and 228 funfair permits during the period under review. The Board further continued to conduct impromptu and regular inspections in casinos and other authorized betting premises to deter under age gambling.

269. In an effort to ensure quality standards of goods and services to the citizens, the Government through the KEBS rolled out an SMS platform on 20023 and a toll free line 0800221350 enabling consumers to verify authenticity of KEBS permits and quality marks to minimise counterfeiting of KEBS marks and impersonation of KEBS staff. The Bureau further facilitated 18 workshops for SMEs in diverse counties on standardization and product certification and issued 1,954 valid permits to SMEs at subsidized rates.

270. The Government through the National Treasury continued to work with donors and development partners to ensure funding of priority sectors is guided by national poverty indices. In this regard, Kshs.22billion was sourced from Overseas Development Agency for National Social Safety Net programmes in all counties. This programme ensures that all financing agreements adhere to Constitutional requirements in respect to equality and human rights.

271. The Ministry of Interior and Coordination of National Government through NACADA facilitated the formation of an Inter-Agency Committee to oversee alcohol production, distribution and sale as well as respond to the challenge of alcohol related deaths. The Authority developed a mechanism for validation of all manufacturers' licenses and over 160 alcohol manufacturing and importing companies and 1,850 brands of alcohol were vetted and issued with compliance letters. Further, the Inter-agency committee lobbied KEBS and KRA to include methanol to the Pre-Export Verification of Conformity (PVoC) list making to improve accountability in the importation and handling of methanol in the country.

272. In addition, the Government seized over 2 million litres of illicit alcohol nationally thereby protecting citizens from alcohol related deaths and illnesses or complications and arrested over 20,000 persons on alcohol related offences. Further, about 20,000 rolls of cannabis were seized nationally and the offenders charged for handling of narcotic drugs. NACADA also sponsored the 2014 Kenya Music and Drama Festivals at a cost of Kshs.8million to promote the campaign against drug, alcohol and substance abuse. Further, the Authority stocked over 50 Kenya National Libraries with anti-alcohol and drug abuse prevention and advocacy materials and comic strips for young readers.

273. The Authority further conducted cluster road-shows in partnership with County Governments, Civil Societies and Faith Based Organizations; participated in international and national ASK shows, held 18 public *barazas* in partnership with the Ministry of Interior and Coordination of National Government. In addition, the Authority conducted elaborate media campaigns in 2014. Separately, the Government through the National Transport and Safety Authority (NTSA) continued to utilise *alco-blow* as guided by the relevant legislation and regulations. This initiative has minimised drunk driving

and reduced alcohol-related road carnage thus enhancing the right to life.

274. To promote social justice and inclusivity, the Government through the Ministry of Labour, Social Security and Services continued to improve livelihoods and socio-economic empowerment of the people of Kenya. The Ministry registered 35,000 self-help groups that continue to benefit from funding opportunities. To promote social security and ensure the marginalised, aged persons and other vulnerable citizens live a dignified life, the Ministry continues to run cash transfer programmes in all constituencies on an equitable basis. The Government started the Older Persons Cash Transfer (OP-CT) programme covering 164,000 households to cushion them against life threatening risks such as sickness, poor health and injuries. In addition, the Government continues to fund the Orphaned and Vulnerable Children Cash Transfer (OVC-CT) programme which currently covers 253,000 households and 27,000 households of persons with severe disabilities. These programmes are managed by Constituency Social Assistance Committees. The Government also established the President's Secondary Schools Bursary Scheme which benefited 13,050 orphans and vulnerable children.

275. To further promote human rights and protect the marginalised, the Government through the Ministry of Labour and Social Security and Services operationalised an Advisory Committee and Secretariat on Counter-Trafficking of persons. The Ministry continued to implement labour laws through inspections, attestations of foreign contracts, prosecutions and payment of work injury compensation claims in a move to protect workers' rights. The Ministry implemented and continued to monitor policies on health and safety at the workplace.

276. The Ministry processed 2,190 work injury benefits, examined 45,984 workers exposed to occupational hazards and inspected 13,124 industrial plants to ensure the dignity and health of the workers is protected. To enhance equal opportunities, 25 female engineers were sponsored for training through the National Industrial Training Authority. In the fulfillment of its corporate social responsibility, the NSSF funded education in Nairobi, Meru, Lamu and Tana River Counties to the tune of Kshs.2million. Additionally, the Fund financed promotion of health in Nairobi, Meru and Siaya Counties at the cost of Kshs.9.6million. It also allocated Kshs.8.8million for promotion of entrepreneurship among women and the informal sector.

277. The Government through the Ministry of Health continued to provide free maternity services in all public health facilities. These services cover Ante Natal Care during pregnancy, deliveries and Post Natal Care. To enhance the programme, the Government allocated Kshs.3.8billion for reimbursement to health facilities for deliveries in the financial year 2013/2014 and Kshs.4.04billion in 2014/2015. To date, the programme covers a total of 2,388 health facilities comprising 301 Hospitals and 2,087 health centres and dispensaries. Total funds reimbursed by February 2014 was Kshs.2,089,661,245 (Kshs.1,716,691,245 to Hospitals and Kshs.372,970,000 to Health Centres and Dispensaries) and Kshs.2,537,363,402.50 (Kshs.2,055,435,902.50 to hospitals and Kshs.457,682,000 to health centres and dispensaries) from January 2014 to January 2015.

278. The First Lady's Beyond Zero Campaign distributed fully kitted mobile clinics to 21 Counties. Figure 17 shows one of the mobile clinics. This initiative, besides promoting safe motherhood, also aims at reducing mother to child HIV infections to zero. The Office of the First Lady continued to sensitise the citizenry on safe motherhood and mobilised resources to support the programme through participation in national and international marathon events.

279. The Ministry of Health is piloting the Health for All Kenya Initiative (HAKI) in Kwale County with the aim of increasing healthcare access to the very poor and marginalised. The Ministry further, through the Output Based Approach (OBA) increased access to comprehensive quality reproductive health services in Kiambu, Kilifi, Kitui, Nairobi and Kisumu Counties. By the end of December 2014, safe motherhood and family planning vouchers had been provided to a total of 281,534 and 115,240 poor women of child bearing age in the 5 counties respectively.

280. The Ministry launched the Health Insurance Subsidy Programme (HISP) in April 2014 to cover about 12,000 households. The HISP for the poor is ongoing and 30,000 principal beneficiaries have been registered by NHIF. To provide health insurance to persons aged above 65 years and those with severe disability, a total of 189,717 have been identified and secured in a database to benefit from the insurance through NHIF. The Government through the Ministry

Comment [M9]: Which funding?

Comment [M8]: Which ones?

ensured that the NHIF accredited facilities are accessible to all Kenyans. The Fund accredited 197 facilities across all counties and increased its total membership by 17.3% to 4.8million members by December 2014.

281. The Government through the State Department of Water and Regional Development Authorities continued to improve access to water and sanitation. During the review period, the Government provided water and sanitation services to an additional population of 1,554,590 people raising national coverage from 66.7% to 68.2%. Further, the Ministry through Water Services Trust Fund (WSTF) and Water Service Boards (WSBs) improved water and sanitation access in underserved areas through construction of water infrastructures benefiting over 500,000 people. Further, an additional 795,294 people in urban areas have been reached with improved sanitation increasing the coverage from 70.6% in the previous period to 72.2% in the reporting period. In rural sanitation, the Ministry reached an additional 951,246 people during the period under review. This increased the access coverage in rural areas by 2.2% from 63.8% in the previous review to 66.0%.

282. To ensure access to formal skills and knowledge by all, the Government through the Ministry of Education, Science and Technology operationalised the TVET Act, 2013 to provide a legal framework for technical and vocational education. Further, the Ministry operationalised TVETA which is mandated to coordinate and provide policy guidelines for technical and vocational education.

283. The Ministry implemented the policy on free primary education by disbursing Free Primary Education grants to 21,208 schools where all 8,903,885 pupils benefitted from the programme. In addition, the Ministry guided admissions into the existing primary teachers training colleges (PTTC) where 10,684 students (5,499 male and 5,655 female) were selected to join the 24 PTTCs in 24 counties in 2014. The Ministry has also facilitated the training of Alternative Provision of Basic Education and Training (APBE&T) teachers and members of the Boards of Management on management of FPE funds and General School Management. Consequently, 900 teachers and members of Boards of Management from 300 APBE&T Primary Schools in Urban Informal Settlements in designated areas (Nairobi, Mombasa, Kisumu, Kitale, and Eldoret) have been trained.

284. Further, the Government disbursed FPE funds to APBE&T primary schools in the marginalised areas/informal settlements which have greatly improved the Pupil-Text Book ratio to the level of 1:4, up from 1:7. The Ministry also disbursed subsidized Youth Polytechnic Tuition funds for trainees in youth polytechnics at a rate of Kshs.15,000 per trainee per year, totaling to Kshs.489,720,000 benefitting 32,648 second year trainees. The programme aims at enhancing access, equity and transition rates from primary school to vocational skills training. A total of Kshs.391 million was disbursed to 178 special schools and 2,500 regular basic schools with Special Units; all with enrolment of approximately 80,000 learners with special needs who have been supported through the programme. The above initiatives are key towards the protection of the Bill of Rights in the education sector.

285. The Kenya Literature Bureau, through Members of Parliament and Senators, donated books worth Kshs.2,720,000 to schools and libraries countrywide to ensure access to information, especially to the marginalised communities and counties. On its part, Jomo Kenyatta Foundation donated books to various schools at a cost of Kshs.2,566,021 and Kshs.570,000 cash through Corporate Social Responsibility.

286. The implementation of the school feeding programme in ASAL areas has been instrumental in ensuring a high retention of pupils in school in these regions. Under the programme, the Government spent Kshs.900 Million to purchase food for targeted public pre-primary and primary schools. Mid-day meals were provided to over 770,000 pupils in the regular School Meals Program (SMP) while 760,000 pupils benefitted under the Home Grown School Meals Programme. The Government further spent over Kshs.200 Million for the provision of sanitary towels to schools, a program that benefited about 653,356 girls in 8,953 public primary schools. An additional 11,995 girls in 167 special schools also benefitted. In total, 665,251 girls in 9,060 schools in 156 Sub-Counties benefited from the program, ensuring that their right to education and their human dignity were not compromised.

287. The Government also offered formal education to 8,000 long serving inmates in various prisons. Further, the Government improved

and enhanced the quality of lives of inmates by putting 5,200 inmates on vocational training, and 4,800 on professional education. Sixteen (16) new training programmes were initiated and 500 inmates registered for KCPE and 48 for KCSE. In addition, the State Department of Coordination continued to support the Probation and Aftercare Services, resulting in empowerment of youth serving non-custodial sentences with 24 of them empowered with tools of trade, 7 with vocational training and 133 with school fees.

288. To promote human dignity, the Kenya Prisons Services constructed 17 new prisons to decongest the existing facilities. These facilities were constructed in Makuani, Kwale, Mwingi, Yatta, Rachuonyo, Kaloleni, Bomet, Vihiga, Marimani, Kehancha, Chuka, Kilgoris, Maara, Nyamira, Mutomo, Lotoktok and Sotik.

289. To promote equity in the public service, the Government through the Directorate of Public Service Management trained 1,000 public servants on performance improvement drawn from all regions. Further, 339 male and 161 female officers were sponsored for foreign courses totaling to 500. In addition, the Directorate ensured online announcement of training opportunities to enhance access to information on available training opportunities.

290. The Ministry of Devolution and Planning increased recruitment to the NYS from 5,000 in 2013 to 18,000 by December, 2014 and plans to expand to 22,000 by June 2015. The Government conducted an audit on compliance with public service values and principles which established that the Commission had employed 140 (57%) male and 106 (43%) female. During the period under review, 8,560 persons were promoted in various ministries comprising of 3,947 (46%) male and 4,613 (54%) female. During the same period, 2,211 appointments were made out of which 31 were persons with disabilities.

291. Through the Teachers Service Commission, the Government continued to provide employment opportunities in the education sector and in the year 2014, a total of 10,339 teachers from across the country were recruited to cater for those who had exited the service. The distribution was done on a prorata-basis for all counties to ensure equality and non-discrimination. The recruitment further aimed at addressing the national teacher shortage and to ensure adequate tutors all over the country. Further, the Commission during the reporting period transferred a total of 1,279 teachers (969 Primary school teachers and 310 Post Primary teachers) and this has enhanced various rights based values in the education sector. In 2014, 4,336 Primary school teachers were promoted under the Teacher Proficiency Course (TPC) compared to 4,868 teachers in 2013.

292. In addition, 4,855 teachers in Job Group M –R were promoted in 2014 compared with 3,637 in 2013 and 74 psychosocial support groups were set up for employees affected by HIV and AIDS and Alcohol and Drug Abuse (ADA). To further entrench inclusivity, 1% of the total number of applicants who were People with Disabilities (PWDs) were promoted through Teacher Proficiency Course (TPC) from each county. These initiatives have been instrumental in the protection of the Bill of Rights especially for teachers in various levels of learning.

293. County Governments have recorded progress in the protection of the Bill of Rights. For instance in Tharaka Nithi County, staff establishment stands at 52.5% male and 47.5% female and 48.16% of the employees are aged below 40 years. This is a reflection of inclusivity and that the youth have been accorded due consideration. In Kitui County, 177 women were recruited out of the total 455 appointments. In addition, 19 PWD were appointed during the same period. This demonstrated commitment to gender and disability inclusion. To address regional representation, Baringo County, recruited from all its constituencies as follows: 15.5% for Mogotio, 13.6% for Baringo South, 21.4% for Baringo North, 11.4% for Tiaty, 17.7% for Eldama Ravine and 20.5% for Baringo Central. Makuani County recruited 1,089 female employees, 381 youth, 4 persons with disability and 45 persons from other counties.

294. In Kilifi County, out of the 213 new staff employed comprised of 35% Giriama, 22% Chonyi, 11% Rabai, 3% Kambe, 1% Ribe, 2% Kauna, 5% Jibana, 2% Duruma, 1% Waatha and 17% others. Out of all recruits, 62% were male and 38% female and the youth proportion was 79%. The minority communities accounted for 12%, the marginalised and Persons with Disability were 1% persons and 17% were from other counties. In TaitaTaveta County, 49.22% females and 50.78% males were recruited. The County also partnered with UNDP to undertake Training of Trainers on human rights-based planning.

295. With regard to 30% affirmative action on Government procurements for youth, women and PWDs significant gains were made. Table 3 shows institutions which reported implementation of the 30% affirmative action by December, 2014.

Table 3: Implementation of 30% Public Procurements of Selected Institutions by Value

NO.	Institution	Amount Kshs. M
1	Kenya Literature Bureau	5.5
2	Kenya Airports Authority	204
3	(Kenya Bureau of Standards (KEBS)	43
4	Ministry of Health	363
5	The National Treasury	16
6	KENGEN	430
7	The Privatization Commission	4
8	Ministry of Interior and Coordination of National Government	3,700
9	Ministry of Information Communication Technology	98
10	Kenya Rural Roads Authority	2,000

Source: Ministries, Departments and Agencies' Reports, 2014

#### 4.4 Realisation of Good Governance, Transparency and Accountability

(Good Governance, Integrity, Accountability and Transparency)

296. Executive Order No. 6 of March 2015 on Ethics and Integrity in the Public Service reiterated the commitment of H.E. the President to the promotion and realisation of good governance, transparency and accountability. The Order directed MDAs to base implementation of their projects and programmes on the provisions of Article 10 of the Constitution; Public Finance Management Act; Public Officers and Ethics Act; Leadership and Integrity Act; and the basic tenets of corporate governance.

297. The EACC investigated 22 assets tracing cases worth Kshs.7.2billion which included 14 public lands, Government houses and cash and recovered assets worth Kshs.1.7billion in 2014. During the reporting period, EACC handled a total of 214 cases, out of which 68 were completed, 144 are on-going while 2 are pending. By 30<sup>th</sup> June 2014, 67 reports were finalised and forwarded to the ODPD for further necessary action. In addition, 42 cases were recommended for prosecution while 8 were recommended for administrative action and 118 cases are pending before courts. The EACC continued to wage sting operations in which 29 cases were prosecuted while 68 others are under investigations.

298. To enhance integrity, transparency and accountability, EACC facilitated alignment of 53 codes of conduct and ethics by MDAs to the Leadership and Integrity Act, 2012, while 9 public entities developed specific leadership and integrity codes for their state officers in line with Section 37 of the Act. To sustain the momentum against corruption, 90 Integrity Assurance Officers were trained and deployed within Government. The EACC intercepted 16 corruption attempts worth Kshs.5.6billion and conducted 367 integrity tests of which 72% of those tested failed. The high rate of failure demonstrates the enormity of corruption in the country. Besides, EACC pursued 214 active forensic investigations worth Kshs.3billion in the review period. Reports submitted on corruption and unethical cases increased from 3,355 to 4,006 cases in the reporting period. The war against corruption received further boost by the opening of additional regional offices in Isiolo, Nakuru, Machakos, Malindi, Malaba and Jomo Kenyatta International Airport in the period under review. The Government also expanded avenues for receiving and resolving public complaints. So far 226 public institutions have been certified compliant in resolution of public complaints by the Commission on Administrative Justice.

299. At the institutional level, KRA adopted a lifestyle audit policy which was used to vet its staff. It also installed a corruption reporting hotline (0726 - 984 668) and further created and circulated an e-mail address ([corruptionreporting@kra.go.ke](mailto:corruptionreporting@kra.go.ke)) for reporting corruption. Additional progress has been realised in ensuring integrity in public recruitments of state and public officers to include seeking of

clearance by the Credit Reference Bureau, Kenya Revenue Authority, Higher Education Loans Board, as well as Criminal Investigation Department.

300. The Government through the National Anti-Corruption Campaign Steering Committee (NACCSC) waged anti-corruption advocacy campaigns through electronic media to educate the public against corruption. The campaigns were aired through 52 anti-corruption awareness programmes in the Kiswahili service of Kenya Broadcasting Corporation (KBC) and other vernacular FM stations reaching an estimated audience of 14 million. This initiative aimed at changing the attitudes, behaviours, practices and culture of Kenyans towards corruption.

301. During the period, the Public Audit Bill, 2014 was published to provide for the expanded mandate of the Office of the Auditor General and to strengthen the independence of the office in line with Articles 201, 229 and 252 of the Constitution. The Auditor General audited public accounts for 2012/2013 financial year as categorized in Table 4. The issues raised during the audits of the accounts of the National Government and State Corporations included unsupported expenditures, unauthorized expenditures, pending bills, uncleared long outstanding balances, excess expenditure, misallocation of expenditure, unaccounted for imprest and stalled projects. In addition the audit covered special audits at the Counties.

Table 4: Institutions and Projects Audited by Office of the Auditor General, 2014

Institutions/Projects	No. of Reports Signed and Issued
1. National Government and Financial Statements (2012/13)	343
2. County Governments Special Audit Reports	47
3. State Corporations	263
4. Donor Funded Projects and Special Projects	162

Source: Office of the Auditor General, 2014

302. The Government through the Office of the Attorney General and Department of Justice in the endeavour to improve the national business competitiveness reduced the time taken to register companies from 21 days to 1-3 days. The National Treasury implemented a system which has improved workflow management and control in the pension payment. As a result, time taken to process pension claims was reduced from 60 to 22 days, thus promoting good governance, integrity, transparency and accountability. In addition, the National Treasury introduced e-procurement and e-payments for services rendered thereby improving efficiency and reducing the cost of advertising in the media by 50%.

303. During the period under review, the Retirement Benefits Authority (RBA) oversaw the growth of pension schemes, supervision and regulation of the sector. The Authority is currently in charge of 1,240 pension schemes with an asset portfolio worth over Kshs.700billion and a membership of 1.6million representing 15% of the Kenyan workers. In addition, the Authority has increased the replacement rate from 20% to 30%.

304. The Commission on Revenue Allocation (CRA) developed model County Revenue Legislation Handbook to provide a framework for counties prudent financial management. It also conducted a baseline survey on ICT in financial management needs and preparedness in Kwale, Machakos, Wajir and Busia to enhance financial accountability. The survey revealed that 11 counties adhered to the budget Ceilings, 16 Counties were reworking their ceilings while other 20 Counties were yet to work on their ceilings in the period under review. To further improve service delivery and good governance, the Teachers Service Commission (TSC), digitised 6,000 teachers' files. It also partnered with Transparency International (TI) to monitor teachers' recruitment process in 16 counties.

305. To entrench integrity and transparency, PSC continued to implement the Public Officers Ethics Act on declaration of public officers' income, assets and liabilities at entry, every two years and at exit period. During the period under review, the PSC established that 94.0% of the public officers complied.

#### 4.5 Realisation of Sustainable Development

306. The Government continued to make progress in sustainable development by mainstreaming the principle in its social, economic and political development and enforcing laws and policies on sustainable development. For instance, the Public Financial Management Act, 2012 continued to provide a framework for budgeting as well as accountability mechanisms within the County Governments. The Government also continued to support the process of devolution by devolving power, resources and services to the Counties. Further, the Government operationalised the Inter-Governmental Relations Technical Committee and its Secretariat. Besides institutions, the Government continued to build human capacity for managing devolution.

307. To ensure sustainable national security, the Security Laws (Amendments) Acts of 2014, were finalised during the period under review. The laws will empower the Government to detect, prevent, and counter terrorist attacks and cross border crimes. Since the amendments were made, the Government managed to deter terrorist attacks, facilitated arrest of key terrorist suspects, among other security gains.

308. In addition to putting in place a formidable legal framework, the Government procured hi-tech security equipment for the security agencies, intensified border surveillance and so far leased 2,700 vehicles for the National Police Service as part of the ongoing police reforms. The Government has also continued to implement the *Nyumba Kumi* Initiative that aims at improving relationships among neighbors for enhanced security.

309. To curb the spread of drug and substance abuse, the Government progressively strengthened the policy and legislative framework relating to their suppression. Through NACADA, the National Drug Observatory was established in partnership with the United Nations Office on Drugs and Crime (UNODC). This partnership saw capacity building of data officers from law enforcement agencies comprising of the county commissioners, administration and regular police, regional administration and County Governments. This initiative will ensure inclusion of alcohol and drug control data in the monthly county security and intelligence committee reports.

310. During the reporting period, the Government seized and destroyed over 2million litres of illicit alcohol and over 300kg heroin nationally. For monitoring purposes, the Government, developed a mechanism for validation and issued 160 licenses to vetted alcohol manufacturers and importing companies. Over 1,850 brands of alcohol were also vetted and issued with compliance certificates.

311. The Government intensified marine and local patrols resulting to over 20,000 persons arrested on alcohol and 50 persons on heroin related offences. Special units were created to deal and enhance the management of narcotics related offences. The Government partnered with the private sector to conduct public education and awareness through media, IEC materials, public *barazas* and theatre to sensitize Kenyans. Programmes and services were introduced over the period under review to rehabilitate victims of alcohol and drug abuse. In addition, the Government established institutions and structures for tracking drugs and preventing poaching which include, wildlife offences unit, piracy unit, narcotics units and cybercrime unit. These units have enabled the Government to prosecute crimes under wildlife offences, piracy, narcotics and cybercrimes hence, reducing crimes and insecurity.

312. To promote national cohesion, peace building and conflict management, the Government guided by the National Cohesion and Integration Act 2008, appointed Commissioners to the National Cohesion and Integration Commission. Further, through vide Executive Order No. 3 of 2014 the Government delegated some executive functions to County Commissioners to enhance peace, security and the rule of law. This initiative seeks to strengthen coordination of the National Government functions at the county level.

313. To address security at the regional level, the Government continued to mediate peace among the warring South Sudan factions in partnership with IGAD that has seen reduced hostilities, signing of peace agreements, and flow of humanitarian assistance. Kenya also continued to play a major role in seeking peaceful resolutions in the conflict in Somalia, Democratic Republic of Congo and other conflicts in the continent. The government also contributed a KDF contingent to Somalia which together with other AMISOM soldiers suppressed Al Shabaab activities.

314. The National Treasury mobilised resources for national development and further continued to reform the financial sector. In addition, the National Treasury through KRA simplified taxation and eased revenue collection, operationalised the electronic cargo clearance and re-introduced Capital Gains Tax, among others. These initiatives enabled the Government to collect Kshs.801.85billion, which is 96% of the expected target of collected taxes between April and December, 2014. Further, it successfully launched the \$2billion dollar Euro Bond, whose proceeds will fund flagship projects, stabilize the foreign exchange, reduce interest rates in the local economy, and spur growth and investments. The Government through the Privatization Commission completed sale of 26% stake of Kenya Wines Agency to Distell Group of South Africa at a sum of Kshs.860million. This enhanced the stability and growth of the company and secured employment of over 250 persons.

315. On the fiscal front, the Government has closed legal gaps relating to public expenditures to improve utilization of public resources. It further developed a resource allocation formula which will increase county resource allocations by Kshs.32billion in 2015/16 financial year to meet their service delivery needs. It also developed a mechanism that will ensure that County Governments benefit more from revenues generated from mineral wealth in their areas.

316. During the review period, the country rebased its GDP culminating in GDP rise from \$43 to \$55 billion in 2013 and a growth of 5.7%. This rebasing boosted the country making it the ninth largest economy in the continent and made it a lower middle-income country. Gross National Income (GNI) per capita also increased to \$1,160 surpassed the current World Bank threshold of \$1,036 to qualify for middle income country status. In management of the public wage bill, the Salaries and Remuneration Commission conducted national and county consultation forums to seek consensus on wage bill management. The Government will progressively implement the findings of the national public wage bill recommendations to ensure sustainable national development.

317. Regarding international trade, the Government put in place initiatives to expand external markets. In partnership with other EAC member countries, it successfully negotiated the EU-Economic partnership agreement to maintain free access to the EU market for regional markets. The Government also launched the Foreign and Diaspora Policies which will provide a framework for promoting Kenya's trade and interests globally.

318. To promote sustainable development and investments in infrastructure, the Government hosted the 3<sup>rd</sup> East African Community (EAC) Heads of State Summit on Infrastructure Development and Financing on 29<sup>th</sup> November, 2014. During the summit, a 10 year investment strategy for Prioritization of Regional Projects was endorsed with The World Bank pledging Kshs.104billion to support it. This initiative will improve infrastructure in the EAC partner states thus improving regional competitiveness. On 20<sup>th</sup> February 2015, the Government hosted the 16<sup>th</sup> Ordinary Summit of EAC Heads of States Summit where the EAC video and telephone conferencing system was launched. These initiatives, among others, will improve service delivery and reduce the cost of doing business in the region.

319. The Government through the Ministry of Education, Science and Technology continued to support education for national development through implementation of Free Primary Education (FPE), Free Day Secondary Education (FDSE) and Subsidized Youth polytechnic Tuition (SYPT). Under the FPE, there were 8,903,885 pupils in 21,208 public primary schools who benefited from a Government allocation of Kshs.9.6billion; 2,194,863 students in public secondary schools benefited from an allocation of Kshs.19.4billion and 799,000 under the FDSE; whilst 32,648 trainees in Youth Polytechnics benefited from annual grants of Kshs.15,000 per trainee per year.

320. To ease the burden of Kenyan parents and provide a structured framework guiding public secondary school fees payment, the Government vide Gazette Notice No. 1555 of 10<sup>th</sup> March 2015 issued new fees structure. To promote alternative education, the Government allocated Kshs.92.3million for improvement of facilities in 530 Alternative Provision of Basic Education and Training Schools (APBE&T) and benefitted 142,100 pupils. In addition, 900 teachers and Members of Boards of Management in 300 APBE&T primary schools in selected urban informal settlements in Nairobi, Mombasa, Kisumu, Kitale and Eldoret were trained.

321. To operationalise the Health Policy, the Government through the Ministry of Health developed a five-year Kenya Health Sector

Strategic and Investment Plan (KHSSP) 2014-18. In addition, National Aids Control Council launched the Kenya Aids Strategic Framework (KASF) 2014/15 to 2018/19 which seeks to provide guidance for addressing HIV and AIDS pandemic in Kenya and provides strategic direction to all stakeholders in response and programming. Public institutions continued to offer HIV related services such as counseling, sensitisation, behavioral change communication, distribution of condoms among others. Further, the Government procured modern medical equipment for referral and selected county hospitals such as the dialysis machines, cancer management and other terminal conditions. To improve access to health services, the NHIF accredited 197 facilities across all counties and registered 711,880 new members. The scheme also covers 189,717 elderly and persons with severe disability.

322. The Government allocated Kshs.4.40billion in 2014/15 for the free maternity programme to be operated on reimbursable basis. This initiative contributed to increased deliveries in public health facilities from 865, 381 in 2013 to 1,045,381 in 2014. This initiative was complimented by the Beyond Zero Campaign which provides mobile clinics countrywide. Already, 21 Counties namely TaitaTaveta, Laikipia, Nyeri, Isiolo, Homabay, Migori, Samburu, Turkana, Kwale, Mombasa, Kilifi, Kiambu, Kitui, Machakos, Kilifi, Mandera, Wajir, Tharaka Nithi, Kakamega and Kajado have operating mobile clinics.

323. The Government through the Ministry of Devolution and Planning embarked on capacity building of counties. During the review period, 420 County Executive Committee members, 407 County Chief Officers, 35 County Secretaries, 282 County Public Service Board members and county wards administrators in 18 counties were trained on devolution. It further extended technical assistance to counties in the development of organizational and functional structures for sustainable service delivery. Further, the Ministry integrated national values and principles of governance into national performance contracting. It also trained Nairobi, Kisumu, Taita-Taveta, Tharaka-Nithi, Meru, Kirinyaga, Kilifi and Trans-Nzoia Counties on performance contracting. Nairobi, Kisumu, Kilifi Counties adopted performance contracting in 2014/15 to improve service delivery and to promote good governance.

324. The Government through the Ministry of Lands, Housing and Urban Development embarked on modernization and reforms in the land sector. In this regard, land registries were modernized at a cost of Kshs.263million; 570,487 titles were issued at a cost of Kshs.943 million while the survey of the international boundaries with Uganda, Tanzania and Ethiopia commenced at a cost of Kshs.550million.

325. On employment creation, the *Uwezo* Fund disbursed, Kshs.5.16billion to 228,350 female and 98,893 male groups and also to 6,384 females PWDs and 8,386 male PWDs benefited from the fund. As regards the Women Enterprise Fund, Kshs.3, 206, 55,530 were disbursed to all 290 constituencies.

326. To improve life in informal settlements, 3,000 youths from Kibra, Korogocho and Mathare were employed on casual basis; and over 15 village committees were established, 50 ablution blocks constructed, model brick house and nine *Huduma* clinics were constructed. Sewer drains were opened, access roads opened and clean water provided while, six posho mills were installed. The Government also resettled 7,060 IDPs, provided supplies to drought stricken areas with Samburu and Turkana receiving both food and medical supplies.

327. To conserve the environment, the Government facilitated the planting of 3.1million trees through the green schools project among other afforestation initiatives. On water, 600 Water Users Associations were established to manage the resources as the Government stepped efforts to conserve the resource through trapping run-off water and distribute it equitably.

328. To promote tourism, the Government collaborated with the County Governments of Lamu and Samburu to organize the Lamu

Cultural Festival and Maralal Camel Derby respectively which attracted both local and foreign tourists. In addition, exhibitions were held in United Kingdom and Germany to attract foreign tourists. Further, the Government established a multi-sectoral Tourism Task Force to review the sector and recommend measures for its revival with the objective of attracting 3 million tourists by 2017.

329. To improve communication and trade within the country and in the region, the Government continued to improve diverse infrastructure. It rehabilitated 200km of roads, constructed and upgraded 220km and further contracted the construction of other 3000 km under the annuity programme. It further completed road projects in Eastleigh and Meru-Marimba-Nkubu-Mitunguu and Inemi-Kionyo-Chogoria-Ndagene loop roads. The construction of the Meru Eastern Bypass was commissioned in February 2015. Further, the upgrading of 13 km Outering Road at a cost of Kshs.14billion was launched in January 2015 and will include a retail market estimated to cost Kshs.1 billion. Progress was also realised in the construction of Merrile-Marsabit-Moyale Road, Voi-Mwatate Road while the Eldoret-Malaba Road is undergoing rehabilitation. The Government has further rehabilitated 28,280km of rural roads in the 47 counties creating 9,328 jobs during the construction and 106,343 jobs during maintenance.

330. The construction of the Standard Gauge Railway from Mombasa to Nairobi is on-going. Once completed, it will reduce freight costs considerably, reduce road haulage and associated pollution, and increase speed and efficiency which will translate in reduction of rail freight costs by as much as 60% and lower the cost of goods and services. Progress has also been realised in the construction of factories to produce reinforced concrete sleepers, T-beams, concrete at Katheka Kai and Emali. The project has already employed about 5,377 Kenyans out of the projected 30,000 jobs. Compensation to project affected persons has commenced and about Ksh4.9billion has been paid out.

331. On air travel, the Government is progressively expanding and modernizing the JKIA and other airports facilities. It commissioned Terminal 1A (international arrivals) enhancing JKIA's capacity to handle 2.5 million passengers per annum. Works on Terminal 2 are in progress. Procurement for the second runway at JKIA is also underway. Civil works for the security screening yard is due for completion this year while works for the Green Field Terminal commenced during the period under review. Rehabilitation and improvement of Kisumu, Embu, Homa-Bay, Lodwar, Nanyuki, Suneka, Voi, airports and airstrips are in progress.

332. To promote equity and sustainable development, the Government through Kenya Roads Board (KRB) facilitated inventory and classification of the roads network in the country, increasing the classified network from 62,000km to 161,451km. After the reclassification, it was determined that 40,000km be placed under the National Government while County Governments will manage the remaining network of about 120,000km. The initiative ensures equity across the regions in the distribution and planning of roads promoting sustainable development and social integration by increasing mobility and reducing cost of transport. Further, the Board increased funding to the roads Authorities (KENHA, KURA, KeRRA) and Kenya Wildlife Service by disbursing an additional 3% from Kshs.24.7billion in 2013 to Kshs.25.5billion in 2014.

333. The Government continued to implement its 5,000MW+ energy plan to reduce cost of power and promote national competitiveness. The plan will be implemented in phases and comprises of 24MW Hydro, 250 MW of Thermal, 1,646MW of Geothermal, 630MW of Wind, 1,920MW of Coal, 1,050MW of Liquefied natural gas and 18MW of co-generation. When fully installed, the plan will achieve a total capacity of 6,762MW and an overall tariff reduction of 40%. By December 2014, KENGEN's installed capacity had risen to 1,575MW as shown in Table 5.

Table 5: Energy Generation MW – December 2014

Hydro	Thermal	Geothermal	Wind	Independent power plants	
Tana	20	Kipevu Steam 0	Olkaria I 45	Ngong 5.1	IberaAfrica (T) 108
Kamburu	94.2	Kipevu I Diesel 73.5	Olkaria II 105	Ngong 20.4	Tsavo (T) 74
Gitari	225	Kipevu III 120	Olkaria IV 140	-	Rabai (T) 89

Hydro		Thermal		Geothermal		Wind		Independent power plants	
		Diesel							
Kindaruma	72	Fiat-Nairobi South	0	Olkaria I AU	140	-	-	Aggreko (T)	30
Masinga	40	Kipevu Gas Turbine	54	Eburru	2.5	-	-	Orpower 4 (G)	110
Kiambere	168	Garissa and Lamu	8.7	Wellhead	40.6	-	-	Mumias (B)	26
Turkwel	106	-	-	-	-	-	-	Triumph (T)	0
Sondu Miriu	60	-	-	-	-	-	-	-	-
Sang'oro	21	-	-	-	-	-	-	-	-
<b>Total</b>	<b>819.9</b>	-	<b>256.2</b>	-	<b>473.1</b>	-	<b>25.5</b>	-	<b>437</b>

Source: Kenya Electricity Generating Company

334. Over the same period, 328km of the 220KV Rabai-Malindi-Garsen-Lamu transmission line was completed while 11 transmission projects are under construction. The Government also expanded power transmission to other areas of the country facilitating more connections including 7,000 primary schools.

335. The injection of renewable energy into the national grid over the period has led to progressive reduction in fuel charge of the power tariff from KShs 7.22/kwh in July 2014 to KShs 2.53/kwh in January, 2015. The continued injection of geothermal power gradually displaced diesel generation and associated pollution effects and retired 90MW of emergency power.

336. In the ICT sector, an additional 2,300KMs of fibre optic cables were laid countrywide. The Government enhanced ICT capacity of MDAs through training to improve service delivery. Investment in the sector led to creation of new business opportunities for Kenyans. The Government commenced the implementation of the ICT led security surveillance system in Nairobi and also rolled out the national digital TV migration starting with Nairobi and its environs.

337. In agriculture, progress was made in the implementation of Galana-Kulalu Food Security Project (GKFSP). Pre-feasibility studies were conducted on the project which showed 1,207, 726.26acres or 67.7% of the total land in the project area is suitable for irrigated agriculture. The study indicates that the Galana River can sustain irrigation of 450,000 acres. The GKFSP will be implemented in phases starting with a 10,000 acres Model Farm whereby three centre pivots have been installed covering 500 acres and are ready for cropping out of the initial target of 1,200 acres. The Government is also implementing other small holder irrigation schemes covering 20,772.4 hectares in various parts of the country including Mosiro (Narok), Ngurumani(Kajiado), Kabaa (Machakos), Namelok (Turkana) as shown in Table 6. These projects will enhance national food security and transform Kenya from a food insecure to a food secure nation.

Table 6: Total Area under Irrigation in the Small Holder Schemes during the 2014 period

No.	Name of Project/ Programme	Name of Counties with the Project	Name of Schemes and Counties	Area Achieved (In Hectare)
1.	Small Holder Irrigation Programme, Mt. Kenya Region (SIPMK)	Kirinyaga, Meru	Mitooni and Kandi in Kirinyaga and Kiga in Meru	474.4
2.	Small Scale Horticulture Development Project (SHDP)	Narok and Kajiado	Ngurumani in Kajiado and Mosiro in Narok	1,325
3.	Expanded National Irrigation Programme (ENIP)	47 Counties	Various Schemes	18,973
<b>Total Area</b>				<b>20,772.4</b>

Source: Ministry of Agriculture, Livestock and Fisheries, 2014

338. The Government facilitated food production by providing subsidised fertilizer and improved its distribution to farmers through the National Cereals and Produce Board. This improved food production in the medium and high rainfall areas. Further, the government maintained the national strategic grain reserve and its distribution system through the National Cereals and Produce Board aimed at stabilizing prices and improving access to food supplies.

339. To ensure sustainable exploitation of fisheries, the Government established the Monitoring, Control and Surveillance (MCS) to regulate fishing. The MCS conducted one marine fisheries artisanal frame survey to establish the current fishing effort to aid in updating stock status indices and policy decision making. Further, the MCS developed a National Lobster Management Plan to guide exploitation of lobster fish and coordinated joint trans-county fishing, which deterred illegal fishing activities in inshore waters. The Ministry of Agriculture restocked inland natural water bodies namely Masinga, Kamburu, Kiambere dams and rivers Mara and Koitobos. In the livestock subsector, a disease free zone survey was conducted whose findings were used to invest KShs 277million in disease free programmes. The zone has improved livestock production and eased management of rangelands for sustainable use besides reducing spread of livestock diseases to humans.

#### Chapter 5: Challenges Encountered

340. The Government has made remarkable progress in the realisation of national values and principles of governance since the last reporting period. In the process however, MDAs' encountered a number of challenges which are discussed under thematic areas as follows:

#### 5.1 Challenges in the creation of national identity and exercise of sovereign power

##### i. Policy, Legal and regulatory Constraints

341. The Constitution of Kenya, 2010 provides for creation of national identity and exercise of sovereign power to be actualized by development of relevant legal and policy framework. To date however, some policies and legislations to consolidate national unity have not been developed and enacted respectively due to tight parliamentary schedules and other emerging issues. For instance, the National Cohesion and Integration Act, 2008 is pending review to accord with the Constitution and provide a holistic and coordinated framework for peace building and promotion of national cohesion. This has in effect undermined the consolidation of national identity and full exercise of sovereign power.

342. In addition, public institutions have applied varying understanding of their Constitutional and legal mandates on creation of national unity and exercise of sovereign power. For instance, the incessant conflicts between the Ministry of Lands, Housing and Urban Development and the National Land Commission over management of land have negatively impacted on national unity.

##### ii. Inadequate capacity in institutions mandated to promote national identity and exercise of sovereign power

343. The realisation of national identity and exercise of sovereign power requires strong institutional capacity. During the year under review, public institutions had inadequate physical and human resource capacities necessary for the promotion of national identity

and exercise of sovereign power. For instance, the National Police Service was unable to complete the recruitment of 10,000 police officers to enhance the police-citizen ratio due to the pending court case.

#### Policy, legal and regulatory Constraints

- Inadequate capacity in institutions mandated to promote national identity and exercise of sovereign power
- Emerging security challenges
- Inadequate budgetary allocations
- Challenges of cooperation, collaboration and harmonious working relations
- Weak institutional capacity
- Inability to meet various constitutional requirements relating to inclusivity, equity, equality, non-discrimination and protection of the marginalized
- Entrenched culture of corruption in the country
- Emerging global socio-economic and environmental challenges
- General resistance to change and insensitivity to sustainable use of natural resources and environment

#### iii. Emerging security challenges

344. Emerging security challenges have undermined Kenya's efforts towards realising national identity and exercise of sovereign power. These include acts of terrorism, drug and human trafficking, drug and substance abuse, piracy and cyber crimes. For instance, 133 terrorist attacks were witnessed since 2011 resulting into 923 injuries and 264 deaths. Further, terrorism threats led to decline in tourist arrivals in the national parks from 2,031,042 in 2013 to 1,993,253 in 2014 while park entry fees declined from Kshs.2,287,498,663 in 2012/2013 to Kshs.1,689,264,655 in 2013/2014. Overall the tourist industry lost more than Kshs 40.4 billion. In addition, protracted conflicts in some neighbouring countries have led to proliferation of small arms and light weapons and have aggravated national insecurity which has translated into displacement of persons, deterred investors, impeded access to human rights and undermined promotion of national identity and exercise of sovereign power.

345. The country experienced internal ethnic conflicts in Mandera, Wajir, Lamu, Baringo, Turkana-West Pokot, Kakamega-Nandi, Kisii-Trans Mara and Kisumu-Kericho. These conflicts resulted in loss of lives, displacements, destruction of property and heightened animosity among communities, thereby undermining national unity and exercise of sovereign power.

#### iv. Inadequate budgetary allocations

346. Adequate financial resources are required for effective implementation of programmes and projects for efficient service delivery. During the period under review, public institutions such as the National Police Service and National Government Administration were severely constrained by budgetary allocations for field security operations hence hindering implementation of programmes and activities to promote the creation of national unity and exercise of sovereign power.

### 5.2 Challenges in Sharing and Devolution of Power

#### i. Challenge of cooperation, collaboration and harmonious working relations

347. Unresolved conflicts amongst the Executive and the Legislature at the counties have undermined the realisation of devolution and sharing of power. The lack of common understanding of roles between the County Assemblies and the County Executives, the Senate and the Governors, Senate and the National assembly has hindered implementation of programmes and projects geared towards promotion of devolution. For instance, frequent wrangles in Makueni, Embu, Narok and Kisumu counties undermined service delivery and the devolution process. Further, some County Governments have not fully embraced the role played by certain institutions including national Government officers seconded to counties.

#### ii. Weak institutional capacity

348. MDAs and devolved governments encountered the challenge of insufficient financial and skilled human resources as well as inadequate physical facilities undermined devolution. Counties lacked adequate technical expertise in several areas including financial

management and drafting of bills. For instance, County Governments lack the services of a statutory legal advisor. The inadequate technical expertise further led to delayed alignment of both legislative and policy frameworks to the Constitution which eventually slowed down the whole process of unbundling and transferring of functions to the County Governments.

#### iii. Inadequate public awareness on devolution and sharing of power

349. Considerable progress has been achieved in creating public awareness on devolution and sharing of power. However, the lack of sustained and coordinated civic education on devolution has led to low levels of awareness on the devolved system of Government among the general public. This was caused by lack of prioritization of civic education on devolution by the County Government which undermined effective public participation in the devolution process.

### 5.3 Challenges in the Protection of the Bill of Rights

#### i. Inability to meet various Constitutional requirements relating to inclusivity, equity, equality, non-discrimination and protection of the marginalised

350. Public institutions faced challenges in achieving acceptable balance in terms of gender, ethnic and regional inclusivity in their recruitment both in the National and County Governments. This was attributed to among others, corruption, illiteracy, limited access to information, mismatch of skills to job requirements and political interference. The challenge was further compounded by the slow pace of aligning the existing workplace policies to the Constitutional requirements on inclusivity.

351. There are low levels of awareness of existing workplace policies on the Bill of Rights and service delivery systems. This led to slow implementation of measures to mainstream the Bill of Rights. In addition, lack of adherence to regulations guiding inclusivity and non-discrimination undermined the protection of the Bill of Rights.

#### ii. Lack of coordinated sectoral approach in addressing human rights issues

352. Although there exists numerous institutions involved in the protection of the Bill of Rights, both state and non-state actors, little effort has been made at creating synergies in their respective diverse initiatives. This undermined the achievement of the desired goals in regard to the protection of the Bill of Rights.

#### iii. Inadequate institutional capacity and emerging security challenges

353. Low capacity of the enforcement institutions in regard to financial, human and physical capacities undermined the effectiveness of the numerous policies and legislations in the promotion of the Bill of Rights. For instance the ODPP has inadequate prosecution counsels for handling human rights cases. Other institutions like the National Police Service lack adequate investigators to handle human rights abuse cases. Further, there are few trained community workers on human rights issues thus hindering effective advocacy on human rights.

#### iv. Lack of evidence to prosecute and reluctance to report cases of abuse

354. During the period under review, institutions reported cases of victims of human rights abuse failing to report due to fear, intimidation and the associated stigmatisation. This frustrated the Government's efforts to prosecute and deliver justice. In addition, prosecution on human rights offences has been adversely affected by unwillingness of witnesses to give evidence due to compromise, cultural, religious and other considerations, especially relating to sexual and gender based violence.

### Challenges in the realisation of good governance, transparency and accountability

#### i. Entrenched culture of corruption in the country

355. Corrupt practices have permeated all sectors of our society. Corruption networks have constrained the effective delivery of public services critical for the realisation of Kenya Vision 2030, undermined the hard work and sacrifice by Kenyans and marred the image of the country. This has been manifested in among others, procurement, recruitment and execution of government projects and programmes leading to loss of public trust in government.

ii. *Inadequate institutional capacity*

356. Institutions entrusted with the promotion of good governance including EACC, ODPP, NPS experienced low financial, human and physical capacity which undermines their efficiency and effectiveness. Low uptake of technology further undermined efforts in the realisation of good governance, transparency and accountability. Ineffective enforcement mechanisms have impeded compliance with existing laws, policies and regulations on promotion of good governance, transparency and accountability.

iii. *Ineffective enforcement of legal and policy frameworks*

357. Institutions also reported low levels of compliance with the Leadership and Integrity Act, 2012 as a hindrance to the realisation of good governance, transparency and accountability. This undermined Government's effort in fighting the entrenched culture of impunity which is a stumbling block to achieving good governance and integrity. Lack of compliance with Public Procurement and Disposal Act, 2005 led to rise in corruption, greatly undermining efforts towards promotion of accountability and transparency. Majority of corruption related cases take long to be processed, frustrating efforts aimed at fighting the vice. This portrays a perceived lack of commitment by the mandated institutions.

**5.5 Challenges in the realisation of sustainable development**

i. *Institutionalisation of devolution and intolerance at the county level*

358. Devolution is the single most enormous undertaking in Kenya's governance structure since independence. It created multiple institutions which have far reaching implications in the management of public affairs. Although progress has been made, devolution faces numerous challenges such as resource inadequacy, low absorption capacity, intolerance and competing interests which have undermined passage of crucial legislations necessary for good governance and development. For instance, some County Governments were unable to pass their County revenue raising legislations and appropriation bills which undermined service delivery. In some cases, the legislations passed contradicted national laws and policies especially in revenue raising measures. Devolution as an undertaking is overly expensive and has created excessive demand for recurrent expenditure thus undermining sustainable development.

359. In addition, several attempts to impeach Governors and tensions between the Executive and legislative arms have adversely affected prioritization, planning and implementation of programmes and projects key to the realisation of sustainable development. For instance, tensions have been experienced in Makueni, Nakuru, Kisumu and Embu Counties.

ii. *Youth unemployment*

360. High unemployment rate among the youth remains one of the greatest challenges facing the country. Currently, 70% of unemployed people in Kenya are youth, aged between 18 and 35 and constitute about 40% of Kenya's population. This scenario has increased the number of idle youths who have hence become vulnerable to radicalization, drug and substance abuse, religious fundamentalism, rising national insecurity and other anti-social behavior. These have negatively impacted on the overall objectives of sustainable development.

iii. *Insufficient financial resources*

361. Inadequate budgetary allocation due to competing development priorities slowed down the implementation of Vision 2030 flagship projects and programmes for realisation of sustainable development. In this regard, Government has the responsibility to mobilise resources from internal and external sources including engagement of the private sector through PPPs to fund development. During the period under review, the country floated the \$2billion Euro Bond which was oversubscribed. This borrowing expanded the government's foreign debt substantially and exposed the country to the risk of global economic shocks that may affect sustainable development.

iii. *Emerging security challenges*

362. Cases of terrorism, banditry, cattle rustling and ethnic animosities witnessed in some regions in the country undermined realisation of sustainable development. These challenges impeded production, damaged infrastructure, disrupted communities and their livelihoods and hindered effective service delivery. Further, lack of a coordinated system, sharing of information and documentation among

security agencies has undermined efforts to enhance security. The Government is faced with the dilemma of balancing between provision of security as an obligation to citizens and protection of human rights. This was evident in the recent legal challenge in enacting the security laws to fortify the fight against terrorism. Whilst the Government enforced a curfew in Lamu County to enforce law and order, this move negatively impacted on certain basic freedoms of citizens.

iv. *Emerging global socio-economic and environmental challenges*

363. The effects of emerging global socio-economic and environmental challenges have impacted negatively on the country's efforts to realise sustainable development. This is manifested in fluctuating global energy prices, reducing tourist numbers and commodity prices hence creating an unpredictable and unfavourable business environment. It has also impacted negatively on the operations of major business establishments, reduced job creation, leading to high levels of unemployment and high cost of living.

364. Kenya has experienced the adverse effects of climate change manifested in disruption of normal weather patterns. This impacted negatively on agriculture, livestock, water and hydro power generation and triggered resource related conflicts. These conditions disrupted productive economic activities, slowed down the country's economic growth hence undermining realisation of sustainable development.

365. HIV and AIDS has continued to impact negatively on Kenya's socio-economic development. It has affected the most productive segment of the labour force, increased the number of orphaned and vulnerable children and increased the cost of healthcare.

v. *General resistance to change and insensitivity to sustainable use of natural resources and environment*

366. Various public institutions reported general resistance to change in their efforts to promote sustainable development. For instance, despite several initiatives by the Government to fight corruption, it continues to pose a serious challenge to socio-economic development. This has increased cost of doing business thus scaring away potential investors and depriving citizens of essential services. Resistance to change has further undermined expected transformation of public institutions into service-oriented and people-centred organizations which is essential to the realisation of sustainable development. In addition, resistance to change has also been experienced in the uptake of ICT which is critical in public service delivery.

367. Further, Kenya has continued experiencing resistance in fighting retrogressive practices such as female genital mutilation, early marriages and child labour occasioned by deep rooted cultural beliefs. This continues to hinder socio-economic development.

368. Sustainable exploitation of natural resources and environmental conservation has been undermined by high levels of poverty leading to depletion of non-renewable resources and destruction of the ecosystem through poor cultivation methods, charcoal burning and poor sewage disposal. Other incidences which have impacted negatively on sustainable use of resources include poaching, gaming, and logging among others.

vi. *Inadequate research and innovation to anchor development initiatives*

369. Research is necessary in any economy in identifying unique socio-economic development needs and the establishment of relevant and sustainable intervention programmes and strategies. Public institutions are yet to prioritise research as a basis for informing decision making and policy formulation to improve service delivery to Kenyans and spur sustainable socio-economic and political development.

**Chapter 6: Way Forward and Commitments**

370. After highlighting measures taken, progress realised and challenges encountered, this chapter presents the way forward and commitments on the promotion of national values and principles of governance. The way forward is presented under thematic areas as follows:

**6.1 Way Forward**

**a) Creation of national identity and exercise of sovereign power**

i. *Commitment to hasten policy formulation and enactment of legislation*

371. MDAs should fast-track policy formulation and initiate relevant Bills and regulations to facilitate implementation of the Constitution in relation to patriotism, national unity, rule of law, democracy and participation of the people. In addition, Parliament needs to hasten processing of policies and enactment and review of outstanding legislations within Constitutional timelines.

ii. *Enhance capacity in public institutions to address emerging security challenges*

372. The Government should build the capacity of key public institutions to facilitate execution of their mandates to promote national identity and exercise of sovereign power. In addition, there is need to prioritise investment in human resource and security infrastructure to promptly detect, deter and effectively respond to internal and external security threats. Further, the Government requires to design a short, medium and long-term security strategy to address current and emerging security threats in the country to provide an enabling environment for sustainable development.

**(b) Sharing and devolution of power**

i. *Strengthen collaboration and synergy among public institutions*

373. There is need to enhance collaboration between the different levels and arms of Governments to promote inter-dependence and reduce disharmony for quality service delivery and realisation of sharing and devolution of power.

ii. *Enhance institutional capacity and public awareness on devolution processes*

374. Financial, human resource and physical capacity for public institutions should be enhanced for effective implementation of programmes, projects and activities for the promotion of sharing and devolution of power. Further, the National Government should partner with County Governments and other stakeholders to enhance a coordinated and sustained national civic education programme to sensitize the public on policy, legal and constitutional provisions that seek to enhance promotion of sharing and devolution of power.

**(c) Protection of the Bill of Rights**

i. *Enhance inclusivity, equity, equality, non-discrimination and protection of the marginalised*

375. To facilitate the protection of the Bill of Rights, the Government should enhance implementation of existing policies, legislations and regulations. In addition, the Government should fast-track formulation of policies, legislations and regulations to address existing gaps to effectively address issues of inclusivity, equity, equality, non-discrimination and protection of the marginalised. Deliberate affirmative action should be taken to address existing disparities relating to inclusivity, equity, equality and other forms of marginalization.

i. *Creation of a coordinated approach and strengthening institutional capacity*

376. It is important to develop a sectoral framework to ensure effective policy coordination and implementation of security, human rights and other programmes that enhance the realisation of the Bill of Rights. The institutional capacity of actors should be strengthened for effective implementation, monitoring and evaluation of these projects and programmes.

ii. *Build public trust and confidence and encourage reporting of cases of abuse*

377. In order to encourage the public to report cases of abuse, there is need for public institutions to put in place measures that will build public confidence. These include upholding confidentiality of information, and ensuring protection of victims and witnesses. Further, the citizenry should be sensitised on the importance of timely reporting of cases of human rights violations.

1. Commitment to hasten policy formulation and enactment of legislation to actualize the Constitution
2. Enhance capacity in public institutions
3. Strengthen collaboration and synergy among public institutions
4. Enhance public awareness on devolution processes

5. Enhance inclusivity, equity, equality, non-discrimination and protection of the marginalized

6. Relentless and targeted fight against corrupt practices

7. Creation of a coordinated approach and strengthening institutional capacity

8. Build public trust and confidence and encourage reporting of cases of abuse

9. Multi-sectoral approach for social transformation

10. Design a national security strategy

**(d) Realisation of Good Governance, Accountability and Transparency**

i. *Multi-sectoral approach for social transformation*

378. To effectively manage the menace of corruption in all sectors of the economy, there is need to transform the entrenched culture of corruption by waging vigorous targeted and sustained multi-sectoral campaign against corruption practices and networks. This approach will require participation of public sector, faith-based organisations, educational institutions, media, private sector and the general public.

ii. *Relentless and targeted fight against corrupt practices*

379. All MDAs must adhere to the guidelines outlined in Executive Order No. 6 of March 2015. In addition, MDAs must review their strategies to address corruption prevention, detection, investigation, prosecution and advocacy. Further, the institutional capacity of the EACC, ODPP and NPS among others requires to be enhanced for effective promotion of good governance, transparency and accountability through provision of adequate budgetary allocation and human resources. There is also need to enhance enforcement mechanisms to ensure compliance with existing laws, policies and regulations that promote good governance, transparency and accountability.

**(e) Realisation of sustainable development**

i. *Strict adherence to the Constitution and other legislations*

380. Devolution is a constitutional provision whose implementation will promote sustainable socio-economic and political development. County Governments should strictly adhere to both constitutional and other legislations to enhance prudent management of public resources for improved service delivery. Further, legislations should be reviewed to address overlaps, gaps and other emerging threats to devolution.

381. A legal framework should be developed to facilitate the establishment of the office of the County Attorney General to provide legal advice and services and to assist in clarifying institutional mandates in counties. Further, the Government should initiate deliberate capacity building for county leadership.

ii. *Formulate innovative strategies for economic growth and employment creation*

382. The Government should continue to ensure a favourable macro-economic environment attractive to investors for wealth and employment creation. Further, there is need for continued implementation of the initiatives that focus on youth employment. In addition, the Government should align education and training to the needs of the labour market to improve access to employment opportunities.

383. Additional resources should be mobilised, budgetary allocation scaled up and private sector participation enhanced in the implementation of Vision 2030 flagship projects. This will hasten implementation of projects and programmes, spur economic growth and create employment for sustainable development.

iii. *Design a national security strategy*

384. A short, medium and long-term strategy should be developed to address current and emerging security threats in the country and to provide an enabling environment for sustainable development.

iv. *Strengthen capacity, preparedness and national response to emerging global issues*

385. The Government should re-examine and consolidate national preparedness and response to emerging global socio-economic and environmental challenges to mitigate against drought, floods, famine, HIV and AIDS, climate change among others. Further,

there is need for continuous sensitisation of the citizenry on the current and emerging global challenges such as climate change and other disasters to build their resilience and preparedness.

v. *Scale up awareness creation on current and emerging changes in management of public affairs*

386. The citizenry should be sensitized to discard retrogressive cultural practices and other practices that harm the environment. Further, advocacy for transforming the public service into service-oriented and people-focused organisation should be scaled up. In addition, MDAs need to step up public participation and involvement in project planning, implementation, monitoring and evaluation.

vi. *Application of research for socio-economic development*

387. There is need for the Government to step up research funding and application of research findings to enhance research-based socio-economic development.

**Commitments**

388. After highlighting the challenges and the corresponding recommendations and in order to facilitate efficient and effective realisation of national values and principles of governance, the Government commits to:

**a) Ensure full implementation of the commitments made in the 2013 President's Report**

389. The Government shall continue fast tracking through the National Assembly, the approval and adoption of the policies on national values and principles of governance, and national cohesion and integration respectively. The Government shall also fast-track the conduct of a baseline survey on national values, and initiate a mechanism for implementing the findings to enhance the promotion of national values. The findings will guide the formulation of a short, medium and long term policies and strategies for promotion of national values and principles of governance. In addition, the Government shall facilitate continued review of the education curriculum to incorporate national values and principles of governance.

390. Further, the Government shall enhance mainstreaming of national values and principles of governance in all sectors of the public service. The Government shall also continue to undertake training, sensitisation and civic education for all institutions and members of the public to promote awareness on the constitutional provisions on national values and principles of governance. The Government shall continue to undertake audits of legislations, policies and institutional frameworks to ensure adherence to article 10 of the Constitution.

**b) Enhance budgetary allocation for promotion of national values and principles of governance**

391. The Government shall ensure adequate budgetary allocation for effective implementation of programmes, projects and activities for the promotion of national values and principles of governance.

**c) Continuous formulation and review of policies, enactment and review of legislations and regulations to operationalise Article 10 of the Constitution**

392. The Government shall continue to facilitate policy formulation and review, enactment and review of legislations to ensure the full operationalisation of Article 10. In addition the Government shall meet the constitutional timelines for development of legislations relating to the promotion of national values and principles of governance.

**d) Enhance collaboration between and among National and County Governments to facilitate continuous and seamless transition to the devolved system of Government**

393. The National Government shall continue, through established institutions and frameworks, to engage County Governments and facilitate the transfer of resources, assets and functions to the Counties as stipulated in the Constitution. In addition, the Government shall support the Counties to develop the necessary infrastructure to accommodate newly devolved functions.

**e) Facilitate deepening and continuous capacity building on national values at both levels of Government**

394. The Government shall in partnership with County Governments avail the necessary resources to facilitate continuous capacity building

on national values and principles of governance. Specific focus shall be made to the values carriers and drivers identified in the Sessional Paper No. 8 on National Values and Principles of Governance in order to create public awareness and appreciation of the provisions of Article 10 of the Constitution through various training, sensitisation and advocacy programmes. In addition, the Government shall brand the President's reporting process on national values and principles of governance and design a comprehensive communication strategy.

**f) Enact legislation to operationalise Article 10 of the Constitution**

395. The Government shall review laws and develop new legislations and regulations to give effect to the provisions of Article 10 and particularly provide for enforcement measures on national values.

**Develop innovative ways of improving public service delivery to actualise specific values**

396. The Government shall continue to identify and implement innovative ways of enhancing public service delivery to improve living standards and welfare of Kenyans. In this regard, initiatives such as the *Huduma* Centres and upgrading of informal settlements shall be extended to all parts of the country.

GAZETTE NOTICE NO. 2118

TASKFORCE ON THE REVIEW OF THE LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK FOR FIGHTING CORRUPTION IN KENYA

APPOINTMENT

IT IS notified for general information of the public that the Attorney-General of the Republic of Kenya, in consultation with the relevant stakeholders in the fight against corruption, has appointed a Taskforce to review the legal, policy and institutional framework for fighting corruption in Kenya, comprising the following:

The Attorney-General—(*Chairperson*)

*Members:*

Office of the Chief Justice, the Judiciary;  
Chairman, Ethics and Anti-Corruption Commission;  
Director of Public Prosecutions;  
Chairman, Commission on Administrative Justice;  
Chairperson, Kenya Law Reform Commission,  
Auditor-General;  
Controller of Budget;  
Inspector-General of Police;  
Director-General, National Intelligence Service;  
Director-General of the Public Procurement and Oversight Authority;  
Director of Criminal Investigations;  
Ag. Director, Financial Reporting Centre;  
Ag. Director, Assets Recovery Agency;  
Ag. Director, Mutual Legal Assistance Central Authority; and  
Ag. Director, National Anti-Corruption Campaign Steering Committee Secretariat.

*Joint Secretaries:*

John Kithome Tuta,  
Mary M. Wairagu (Ms.).

2. The term of the taskforce is a period of sixty (60) days, but the Attorney-General may extend the term of the committee for not more than sixty (60) days.

3. The terms of reference for the taskforce shall be to—

- (a) review the legal, policy and institutional framework for fighting corruption in Kenya;
- (b) propose appropriate reforms to the legal, policy and institutional framework for fighting corruption and promoting ethics and integrity;
- (c) propose appropriate amendments to various legal instruments with a view to strengthening the legal and institutional framework for fighting corruption;
- (d) examine the organisational structures of the key anti-corruption agencies with a view to providing clear separation between the policy and operational roles of such entities;

- (e) consider and propose appropriate mechanisms for collaboration and co-operation among the institutions involved in the fight against corruption;
  - (f) consider and propose appropriate mechanisms for preventing and combating corruption in the devolved system of Government and in the management of devolved funds;
  - (g) consider the role of Non-State Actors, such as religious organisations, civil society, media, and the private sector in the fight against corruption;
  - (h) consider and propose appropriate institutional arrangements for training and capacity-building on anti-corruption, ethics and integrity for key anti-corruption agencies and other public officers generally;
  - (i) identify international or regional best practices in the fight against corruption;
  - (j) consider proposals for technical assistance for the institutions involved in preventing and combating corruption;
  - (k) prepare a report on the necessary legal, policy and institutional reforms necessary for effective fight against corruption; and
  - (l) carry out such other functions as may be necessary or incidental to the foregoing.
4. In the performance of its tasks under paragraph 3, the Task Force :
- (a) shall consult with key stakeholders in the fight against corruption, such as: the Ethics and Anti-Corruption Commission; the Office of the Director of Public Prosecutions, and the Judiciary, among others;
  - (b) shall hold such number of meetings in the places and at such times as the Task Force shall consider necessary for the proper discharge of its functions;
  - (c) may co-opt any person(s) as it may consider necessary or expedient for the proper performance of its functions;

- (d) may consider reports of past or on-going initiatives towards enhancing the legal, policy and institutional framework for fighting corruption;
  - (e) may use reports prepared pursuant to the review of implementation of international instruments that Kenya is a State Party to, such as: the United Nations Convention against Corruption, and the African Union Convention on Preventing and Combating Corruption;
  - (f) may cause to be carried out such studies or research as may inform the Taskforce on its mandate;
  - (g) may have all powers necessary or expedient for the proper execution of its functions, including the power to regulate its own procedures; and,
  - (h) may create committees or sub-committees to expedite the discharge of its tasks.
5. The Secretariat of the committee:
- The Secretariat of the Committee shall be provided by Office of the Attorney-General and Department of Justice, and shall be responsible to the Taskforce for—
- (a) providing appropriate background briefing to the Taskforce;
  - (b) policy interpretation, developing and implementing the programmes and activities of the taskforce;
  - (c) preparing the reports of the taskforce and disseminating any information deemed relevant to the taskforce; and;
  - (d) undertaking research and liaising with the relevant Government departments and any other institution or stakeholders in the fight against corruption in order to gather relevant information necessary for informing the Taskforce.

Dated the 30th March, 2015.

GITHU MUIGAI,  
Attorney-General,

Office of the Attorney-General and Department of Justice,