



Into the light

Citizens and access to information

1. Introduction

The Kenyan Constitution recognizes that access to information and freedom of expression are necessary components of a healthy democracy. Article 35 mandates transparency in government, declaring, “The State shall publish and publicise any important information affecting the nation.”¹ The 2015 Access to Information Bill goes even further, by setting a time limit (21 days) for public agents to process an information request and by giving citizens the ability to take public agencies to court if the information they request is not provided². This bill has been described as a potential “game changer” for Kenyan politics³.

One important reason to enhance access to information is to reduce corruption in Kenya. Kenya was ranked the third most corrupt country in the world in a recent PricewaterhouseCoopers (PwC) survey on economic crimes.⁴ Kenya is also consistently in the bottom 30 of Transparency International’s Global Corruption Perceptions Index, ranking below both Tanzania and Rwanda⁵. Recent news headlines are troubling: at a press conference on 21 April 2016, opposition leaders claimed that Kenya’s Eurobond

- 1 The Constitution of Kenya [Kenya], 27 August 2010
- 2 Gathu, Peter, and Henry Kahindi. “Access to Information in Kenya.” *Transparency International Kenya*. N.p., 19 Oct. 2015. Web
- 3 Baswony, Collins. “Access to Information Law in Kenya a Game Changer.” Betty Waithereros Blog. N.p., 12 Sept. 2015. Web.
- 4 Omondi, Dominic. “Survey: Kenya Ranked Third Most Corrupt Country in the World.” *Standard Digital News*. The Standard Group Limited, n.d. Web.
- 5 Kubania, Jacqueline. “Report: Weak Anti-corruption Agencies to Blame for Kenya’s Low Ranking in Graft Index.” *Daily Nation*. N.p., 27 Jan. 2016. Web.

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P.O Box 13784-00800, Nairobi, Kenya
t: +254 715 563720, +254 786 563722 | e: info@twaweza.org
www.twaweza.org/sauti

Sauti za Wananchi



money is officially lost⁶. Since 2015, there has been a public debate on how proceeds from the USD 2.8 billion (of which USD 1 billion is allegedly missing)⁷ Eurobond were used, with opposition leaders calling for investigations. In response to opposition requests for information, the Central Bank of Kenya declared that, “The information and documents held by the CBK in relation to the Eurobond is privileged under the banking laws, and therefore cannot be disclosed to third parties⁸.” It would seem that legally enshrined mechanisms for transparency are not generating increased accountability in Kenya.

So, what do Kenyan citizens think about transparency and accountability within the country? What is their most trusted source of information? How accessible do they think Government information is? And what is their response to the crime and corruption they witness or hear about?

Data for this brief come from Twaweza’s flagship *Sauti za Wananchi* survey. *Sauti za Wananchi* is a nationally-representative, high-frequency mobile phone panel survey. Information on the overall methodology is available at www.twaweza.org/sauti. For this brief data were collected from 1,818 respondents from Kenya *Sauti za Wananchi* panel. This was the second round of calls to the panel, conducted between 23 February and 19 March 2016⁹.

The key findings are:

- More than 8 out of 10 citizens believe that their opinion is never or very rarely considered at both national (85%) and county (82%) levels.
- Citizens are most confident about what they hear on the radio (60%) and what they see on television (47%).
- Only 3 out of 10 citizens believe that they can access information from local schools and health centres.
- Citizens are most interested in getting information about development progress at both county (66%) and national (52%) levels.
- 6 out of 10 citizens (63%) who have heard of unreported crimes in their area believe that reporting the crimes will not change anything.
- 3 out of 4 citizens who have heard of the Eurobond saga believe that the corruption allegations surrounding it are at least somewhat true.

6 “Cord Statement: It’s Now Clear Eurobond Money Is Lost.” The Star, Kenya. N.p., 21 Apr. 2016. http://www.the-star.co.ke/news/2016/04/21/cord-statement-its-now-clear-eurobond-money-is-lost_c1336962

7 Irungu, Geoffrey. “Kenya accounted for Eurobond says IMF” Daily Nation, May 2016, <http://www.nation.co.ke/news/Kenya-accounted-for-Eurobond-says-IMF/-/1056/3198456/-/rtt3e1z/-/index.html> and Kuo, Lily. “Kenyans are calling on the US attorney general to help unravel a billion-dollar Eurobond scandal” Quartz Africa, January 2016 <http://qz.com/601980/kenyans-are-calling-on-the-us-attorney-general-to-help-unravel-a-billion-dollar-eurobond-scandal/>

8 “Cord Statement: It’s Now Clear Eurobond Money Is Lost.” The Star, Kenya. N.p., 21 Apr. 2016. http://www.the-star.co.ke/news/2016/04/21/cord-statement-its-now-clear-eurobond-money-is-lost_c1336962

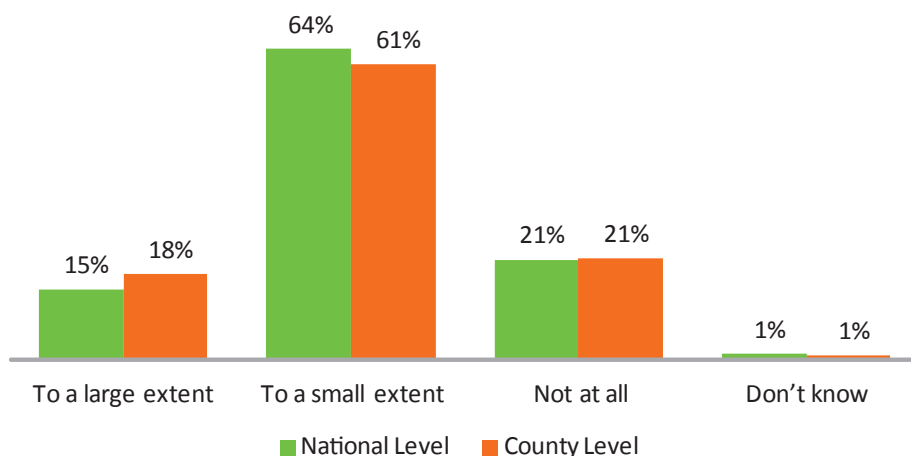
9 Data on this topic were also collected in Tanzania. *Sauti za Wananchi*, Into the light, April 2016

2. Six facts about access to information in Kenya

Fact 1: More than 8 out of 10 citizens believe that their opinion is rarely taken into account at both national (85%) and county (82%) levels.

The majority of citizens believe that their opinions are only slightly taken into account at both national and county levels. Fewer than two out of ten citizens feel that their opinion counts to a large extent at the national (15%) and county (18%) levels respectively.

Figure 1: “To what extent do you think those in authority at a national/county level take the opinion of ordinary Kenyans when making decisions on issues?”



Source of data: *Sauti za Wananchi* Mobile Phone Survey – Round 2 (23 February - 19 March 2016).
Base: All respondents, n=1,818.¹⁰

Fact 2: Citizens are most confident about what they hear on the radio (60%) and what they see on TV (47%)

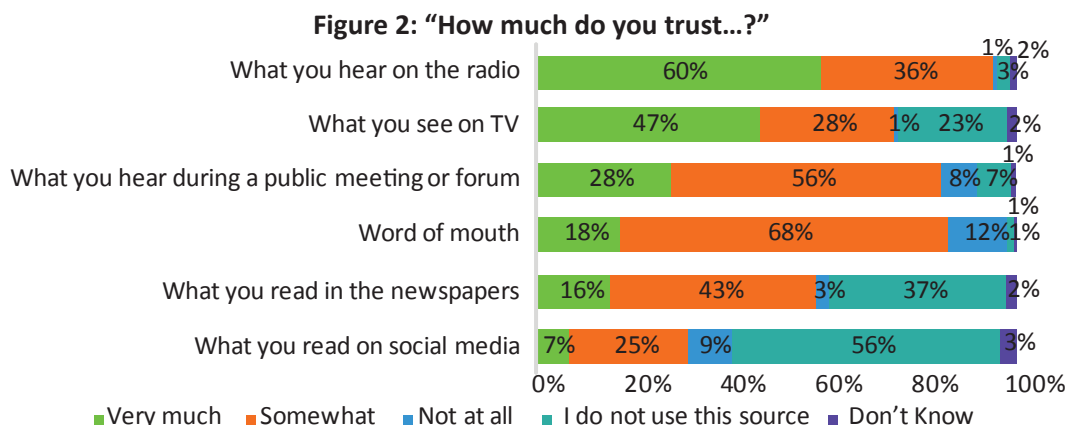
Radio remains by far the most popular media source, with 67% of citizens citing it as their main source of information over the past 4 weeks¹¹. Only 18% of citizens cited television as their main source¹². When it comes to the level of trust in various media sources, 60% of all citizens state that they trust radio “very much” while 47% say the same about TV. Only 7% of all citizens trust social media to this extent, while 56% of Kenyans claim they do not use it. As a point of comparison, 61% of those who use radio and 16% of those who use social media report that they trust these sources “very much”¹³.

¹⁰ Figures may not add up to 100% due to rounding.

¹¹ Data not shown in graph. *Sauti za Wananchi* Mobile Phone Survey – Round 2 (23 February – 19 March 2016)

¹² *ibid*

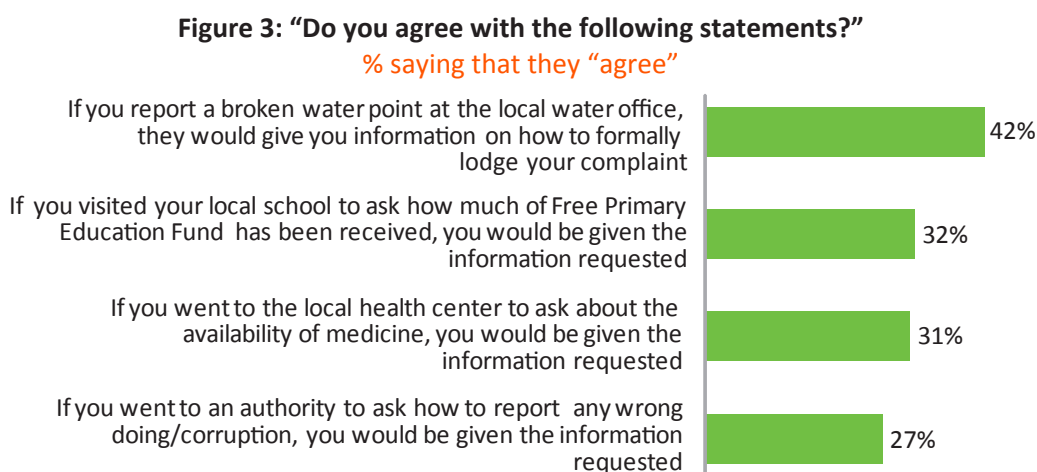
¹³ This was calculated by removing those who responded, “I do not use this source” or N/A



Source of data: *Sauti za Wananchi* Mobile Phone Survey –
Round 2 (23rd of February - 19th March 2016).
Base: All respondents, n=1,818.

Fact 3: Only 3 out of 10 citizens believe that they can access information from local schools and health centres

Many citizens are sceptical about their ability to acquire specific information from local authorities. For example, only 31% of citizens state that they would be given information on the availability of medicines at their local health centre. Similarly, only 32% believe that they would have access to information about the Free Primary Education Fund money their school has received. This leads to the general sentiment is that it is difficult to access government information and documents (68%).¹⁴



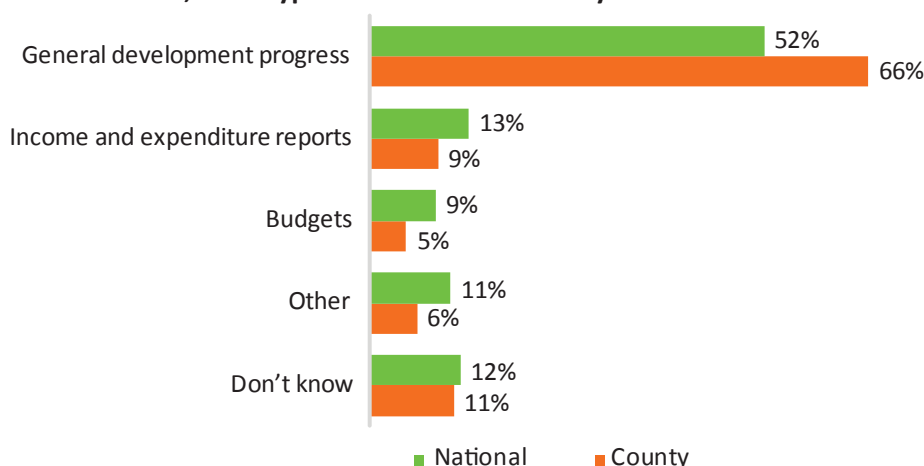
Source of data: *Sauti za Wananchi* Mobile Phone Survey –
Round 2 (23 February - 19 March 2016).
Base: All respondents, n=1,818.

14 ibid

Fact 4: Citizens are most interested in getting information about development progress at national (52%) and county (66%) level

When asked what type of information they would be most interested in obtaining, information about development progress topped both the county (66%) and national (52%) lists. Fewer than 10% of citizens were interested in budget information, and 1 in 10 did not know what information they would want to have access to. Interestingly, 59% of citizens believe that they would not be provided information on how to access development plans even if they requested it¹⁵.

Figure 4: “If you had free access to any type of information from the National/County Government, what type of information would you be most interested in seeing?”



Source of data: *Sauti za Wananchi* Mobile Phone Survey – Round 2 (23 February - 19 March 2016).
Base: All respondents, n=1,818¹⁶.

Fact 5: 6 out of 10 (63%) citizens who have heard of unreported crimes in their area state that reporting will not change anything

One out of three citizens (33%) have heard of an instance of wrongdoing/corruption in their area that has not been reported¹⁷. Of these, 63% state that the crime was not reported because reporting it would not change anything. And one out of four citizens (27%) stated that reporting would be dangerous or worrisome. The vast majority of citizens (91%) believe that authorities should protect those who report crimes/corruption¹⁸.

¹⁵ *ibid*

¹⁶ Responses below 5% are not shown in the graph

¹⁷ *ibid*

¹⁸ *ibid*

Figure 5: “Why do you think it (the crime) was not reported?”



Source of data: *Sau i za Wananchi* Mobile Phone Survey – Round 2 (23 February - 19 March 2016).

Base: Those who have heard of an incidence of wrong-doing/ corruption in their area that has not been reported, n=598¹⁹.

Fact 6: 3 out of 4 citizens who have heard of the Eurobond believe that the corruption allegations are at least somewhat true

Over half of citizens (55%) have heard of the Eurobond/Sovereign bond in general²⁰. Most heard about it through radio (73%) and television (40%)²¹. Of those who have heard of the Eurobond, 75% believe that the corruption allegations surrounding it are at least somewhat true. About 73% also state that the government has not provided them with adequate information regarding the Eurobond²².

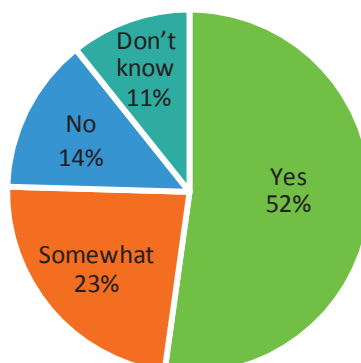
19 Respondents could give more than one answer.

20 *ibid*

21 *ibid*

22 *ibid*

Figure 6: “Some people have alleged that there has been corruption in the handling of the Sovereign bond/Syndicated Loan/Consolidated Fund. Do you think these allegations are true?”



Source of data: *Sauti za Wananchi* Mobile Phone Survey – Round 2 (23rd of February - 19th March 2016).

Base: Those who have heard of the “Eurobond”/“Sovereign bond”, n=997.

3. Conclusion

Access to information is enshrined in the Kenyan Constitution, which places a strong burden on public officials to provide information whether or not it is solicited. The National Assembly has recently passed the Access to Information Bill. Given that 7 out of 10 citizens believe that it is difficult to access government information and documents, a strong Access to Information Law, in line with international standards including fixed timeframes, and redress mechanisms, must be passed in Kenya so that citizens can realize their constitutional right.

Currently, citizens are most likely to get information from radio and television, and they are most interested in seeing information on general development progress at the County and National levels. Interestingly, fewer citizens are enthusiastic about government financial information such as budgets and expenditure reports. Given that corruption was reported as the biggest challenge facing Kenya²³ this should be of concern to activists and government who work on the assumption that increased transparency around government financial information can help to reduce corruption.

But, Kenyans have low expectations regarding government and information: just 4 out of 10 think they will be able to access fairly basic information (how to report a broken water point (42%), what medicines are available in the local health centre (31%) from government offices. And 6 out of 10 think their views are only taken into account to a small extent in decision-making. Equally, 63% of citizens think that reporting corruption or wrong-doing

23 Sauti za Wananchi Kenya, Baseline Survey, 2015

will not change anything and 27% even think it will be dangerous or troublesome to do so. And finally, a full 3 out of 4 of those who know about the Eurobond debate think that the corruption allegations surrounding it are at least somewhat true.

When citizens have low expectations and low levels of trust, accountability remains an elusive dream; bad behaviours continue unchecked and malpractice becomes entrenched because no one on the side of government or citizens thinks or imagines it can be any different. Despite the increase in emphasis on transparency, particularly in Kenya's fairly new constitution, it seems that there has not been an increase in accountability alongside. One explanation could be that constant exposure of incidents of corruption and mal-practice serve to lower citizen expectations. If report after report of misappropriation of public funds comes out, this becomes the norm and people cease to be surprised or outraged enough to respond or act. Another explanation is that transparency enshrines our ability to know about what people are doing wrong, but does not provide new tools or tactics to address these wrongs. So Kenyans are left toothless in the face of wave after wave of revelations about corruption.

Kenya's new constitution was widely celebrated when it was passed, for its progressive orientation. However it is clear that citizens remain unsure of what their government is or could be doing for them. There is much work for the government to do to ensure the 2010 Constitution of Kenya lives up to its promise of a "new narrative for social justice"²⁴. A strong access to information law is a great place to start.

24 Domingo, P. and Wild, L. (2012). Will Kenya's 2010 Constitution work for women and children? Overseas Development Institute Briefing Paper <http://www.odi.org.uk/publications/6577-kenya-constitution-women-children>