



# Constitution, Devolution and Inclusion: Citizens' views on governance in Kenya

## 1. Introduction

Kenya's Constitution, adopted in 2010, introduced a number of significant reforms in how the country is governed. Some landmark reforms include:

1. Devolution – to introduce greater accountability to citizens and to facilitate their participation in decision-making, a devolved governance structure is embedded in the Constitution. This new structure created thousands of new local politicians tasked with bringing development to their areas.
2. Inclusion – a number of provisions for ensuring the rights of and promoting representation from marginalized groups including women were enacted. One of the central mechanisms by which the Constitution promotes inclusion is through reserving seats or spaces for women, youth, and people with disabilities so they are represented in Parliament nationally and in County Assemblies.

This brief presents data on citizens' opinions on the Constitution in practice, six years after it was adopted. Is devolution seen as a success? Has it enhanced the role of women and other marginalised groups? How do citizens perceive the constitution – in principle and in practice? And how do Kenyans see the state of our democracy?

Data for this brief comes from Twaweza's flagship *Sauti za Wananchi*, which is a nationally-representative, high-frequency mobile phone panel survey. Information on the overall methodology is available at [www.twaweza.org/sauti](http://www.twaweza.org/sauti). For this brief data were collected from 1,714 respondents from Kenya's *Sauti za Wananchi* panel. This was the ninth round of calls to the panel, conducted between 1 and 30 December 2016.

This brief was written and produced by Twaweza East Africa. Released June 2017

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Sauti za Wananchi



The key findings are:

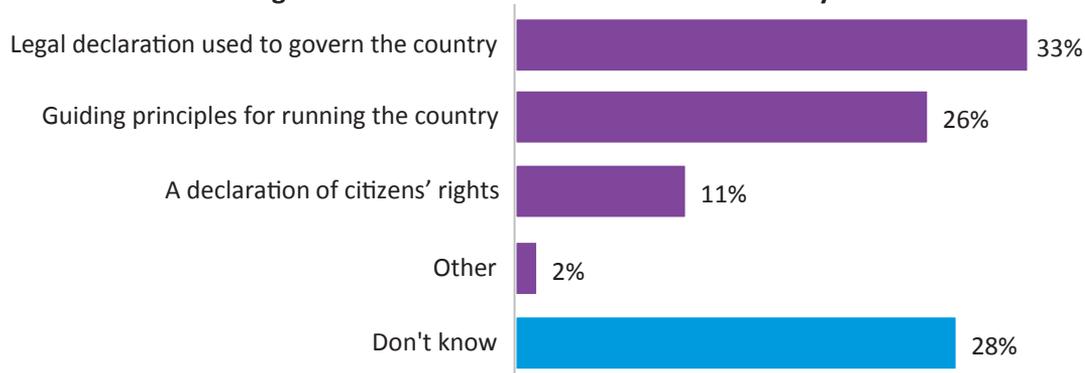
- One in four citizens do not know what the Constitution means, rising to four in ten among women
- Half of citizens think the government is implementing the Constitution of Kenya well
- Almost all citizens back special measures to support women
- Two in three citizens say devolution has helped foster development
- Six in ten say the new Constitution has encouraged more women to run for elective office
- One in three say County Governments allow ordinary citizens to participate in local development planning
- Half of Kenyans do not think there is equality before the law in Kenya
- Four in ten citizens don't have a clear understanding of democracy, rising to six in ten women
- One in eight citizens think Kenya practices democracy to a large extent
- Citizens have more trust in religious leaders, the media and civil society than in politicians

## 2. Eleven facts about citizens' views on governance

### Fact 1: One in four citizens do not know what the Constitution is

One in three citizens (33%) understands the Constitution to be a legal declaration that is used to govern the country, and one in four (26%) see it as the guiding principles for running the country. One in ten (11%) see the Constitution as a declaration of citizens' rights. All these responses can be considered correct, reflecting different aspects of the Constitution's role and content. However, a very significant minority – one in four (28%) – have no particular idea of what the Constitution means to them.

**Figure 1: What does the Constitution mean to you?**

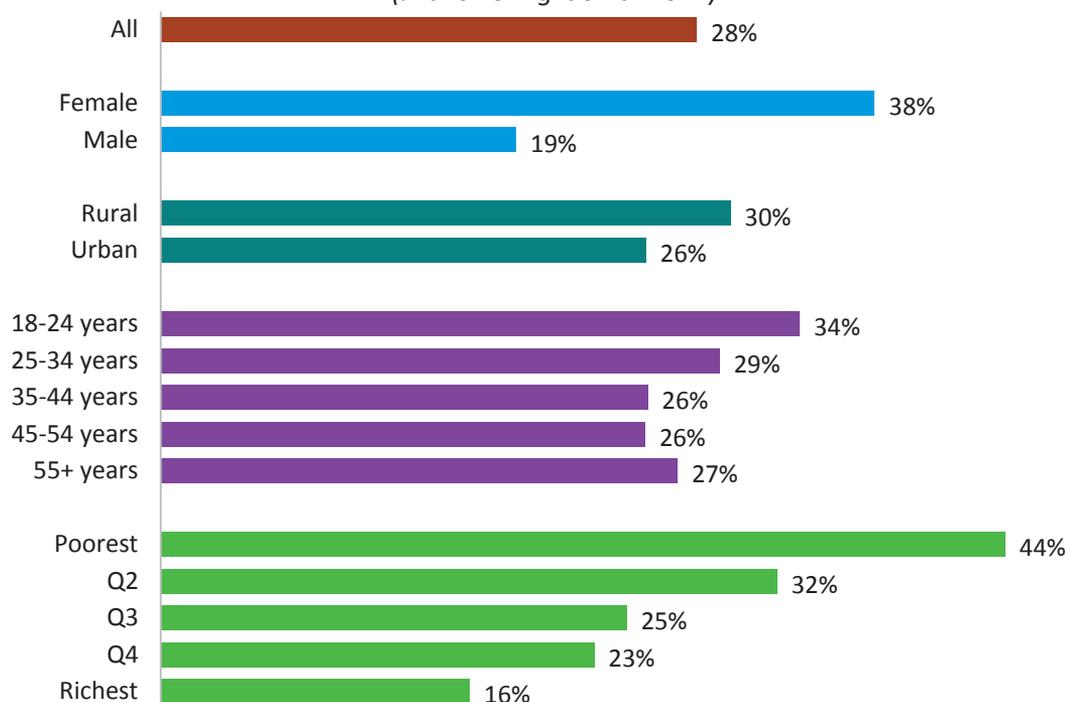


**Source:** Sauti za Wananchi Mobile Phone Survey – (1 - 30 December 2016).

**Base:** All respondents, n=1,714

Women and poor Kenyans stand out as lacking either understanding of the Constitution and/or confidence in their own understanding. Four in ten women (38%) don't know what the Constitution means to them, compared to half as many men (19%) who feel the same. Similarly, nearly half (44%) of the poorest don't know what the Constitution means to them, compared to one in six (16%) of the wealthiest.

**Figure 2: What does the Constitution mean to you?**  
(% answering 'don't know')



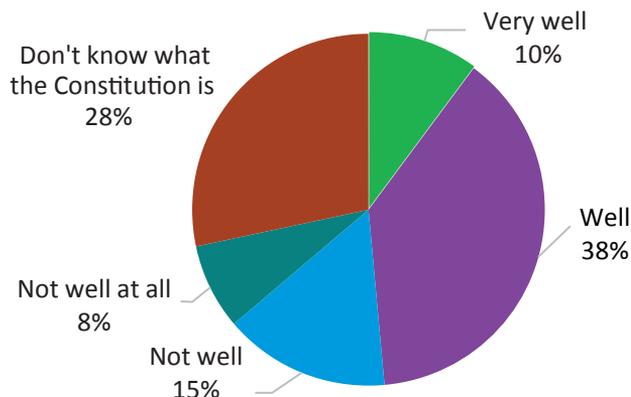
**Source:** Sauti za Wananchi Mobile Phone Survey – (1 - 30 December 2016).

**Base:** All respondents, n=1,714

## Fact 2: Half of citizens think the government is implementing the Constitution well

Around half of citizens (48%) think the government is doing a good job of implementing the Constitution of Kenya, twice as many as those who think it is not doing a good job (23%). However, just one in ten (10%) think the government is doing “very well”, and one in four either do not know what the Constitution is (28%) or know what it is but don't know how well it is being implemented (0.4%).

**Figure 3: How well is the government implementing the Constitution of Kenya?**



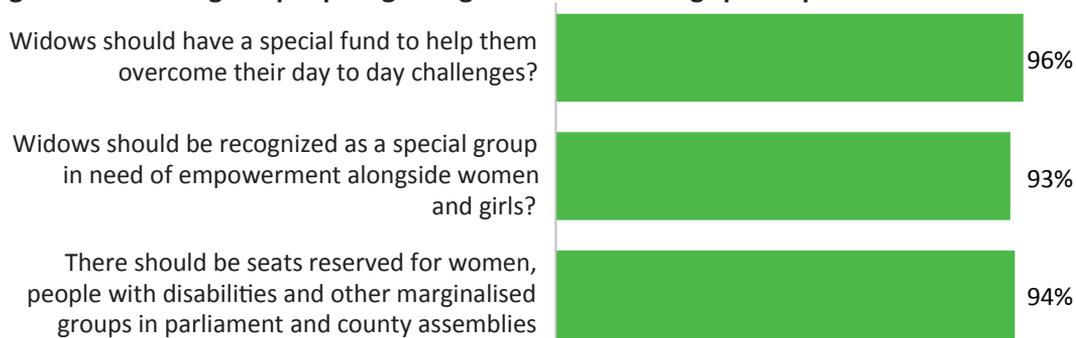
**Source:** Sauti za Wananchi Mobile Phone Survey – (1 - 30 December 2016).

**Base:** All respondents, n=1,714

### Fact 3: Almost all citizens back special measures to support women

Over nine in ten citizens support the establishment of a special fund to help widows overcome their day-to-day challenges (96%) and that they should be recognised as a special group in need of empowerment (93%). A similar number (94%) think there should be a provision of seats reserved for women and other marginalized groups, such as people with disabilities, in parliamentary and county assemblies.

**Figure 4: Percentage of people agreeing with the following special provisions for women**



**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=1,714

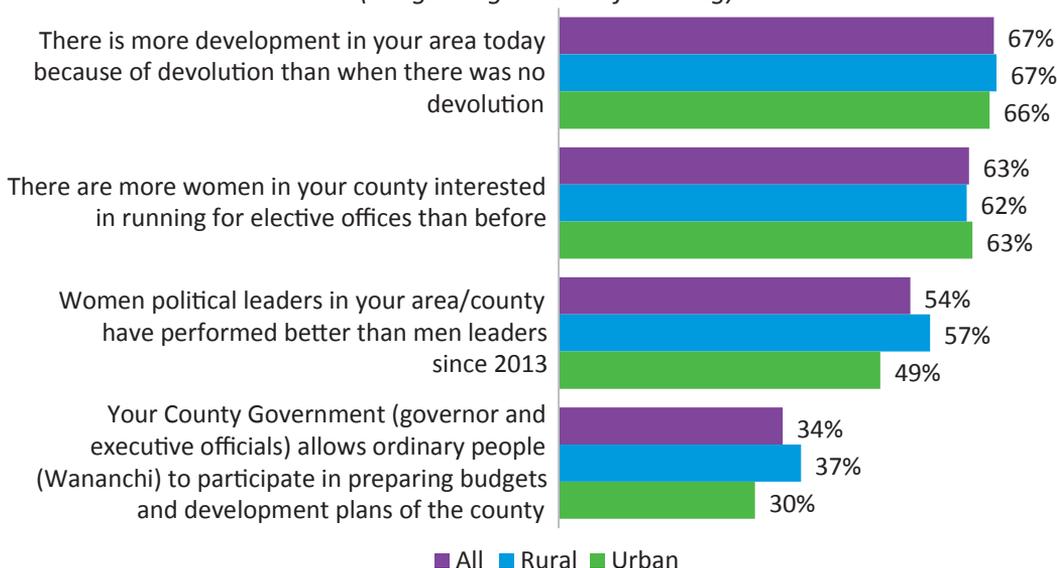
People support special reserved seats for women and other marginalised groups either because it will help bring about equality (35%) or because their needs will be better met by having their own representatives (35%) (data not shown). However, this kind of affirmative action can risk being seen as tokenism and may reinforce tacit discrimination against marginalized groups.

## Fact 4: Two in three citizens say there is more development in their area today because of devolution

Two in three citizens (67%) agree that there has been more development in their communities as a result of devolution. This is consistent across rural and urban areas. One in three (34%) of citizens agree that county governments have involved citizens in budget and planning processes

A majority of citizens (63%) report that there are now more women interested in running for elected office, and half (54%) are of the opinion that female political leaders in their county have performed better than their male colleagues since 2013. In March 2013, 16 women (out of 300 in total) were elected as Members of Parliament and 82 as Members of County Assemblies (out of 1450 positions)<sup>1</sup>.

**Figure 5: Citizens' views on devolution**  
(% agreeing with the following)



**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=1,714

A slightly higher proportion of citizens in rural areas feel that women leaders perform better and that their county government provides opportunities for citizens to participate in decision-making, compared to those in urban areas.

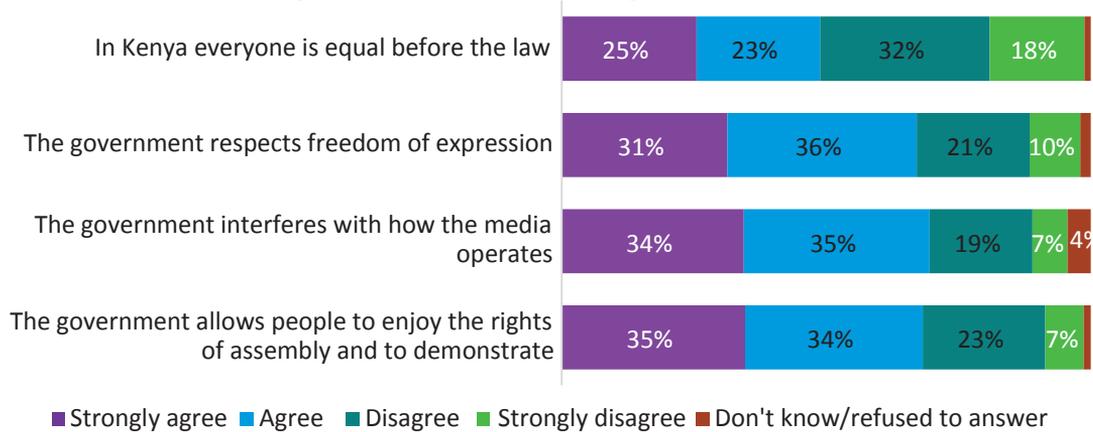
## Fact 5: Half of Kenyans do not think there is equality before the law

Half of all citizens (50%) do not think everyone is equal before the law in Kenya. Just under half (48%) think that there is equality before the law.

1 <http://news.trust.org//item/20131206165550-iroep/>

Two in three (67%) believe the government respects citizens' right to freedom of expression and a similar number (69%) think the government allows people to enjoy the right to freedom of assembly and to hold demonstrations. However, seven in ten (69%) think the government interferes with how the media operates. An interesting tension seems to have emerged on this point, where Kenyans feel that the government both respects the right to freedom of expression while also interfering with how the media operates. This apparent contradiction merits further research.

**Figure 6: Citizens' views on rights and freedoms**



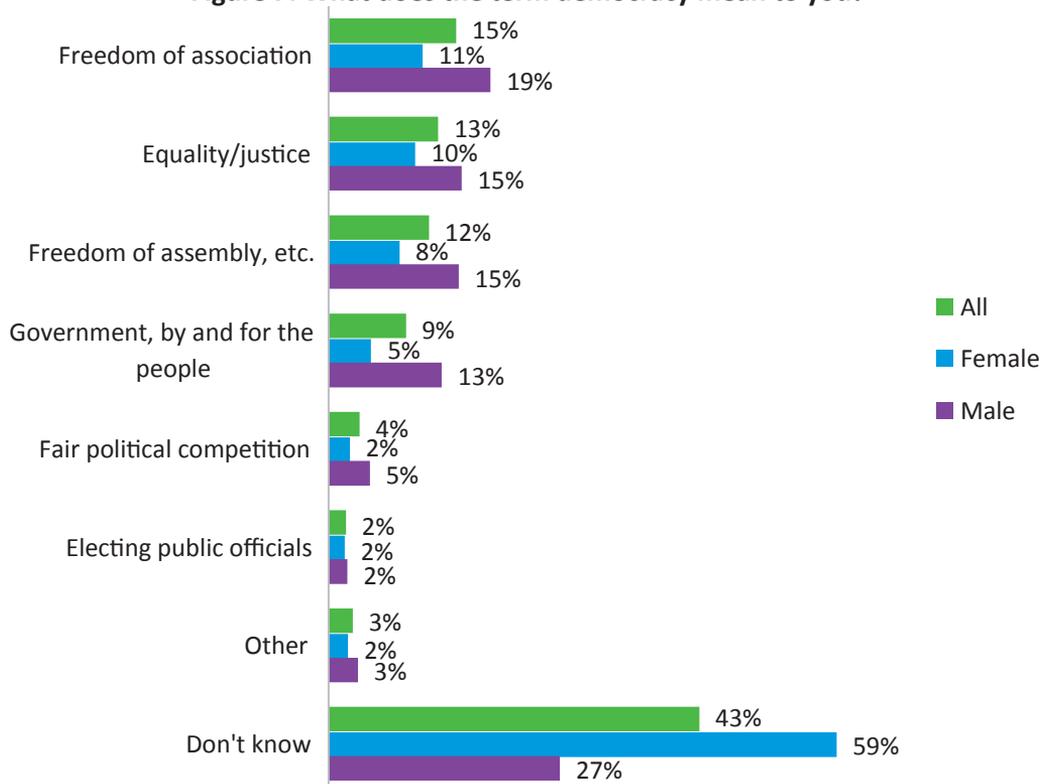
**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=1,714

### **Fact 6: Four in ten citizens don't have a clear understanding of democracy, rising to six in ten women**

Overall, people interpret democracy differently but there is a clear emphasis on rights and freedoms with the most popular definitions being freedom of association (15%), equality/justice (13%) and freedom of assembly (12%). Other responses were mentioned by less than one in ten respondents including fair political competition (4%) and electing public officials (2%) despite it being election season in the country.

**Figure 7: What does the term democracy mean to you?**

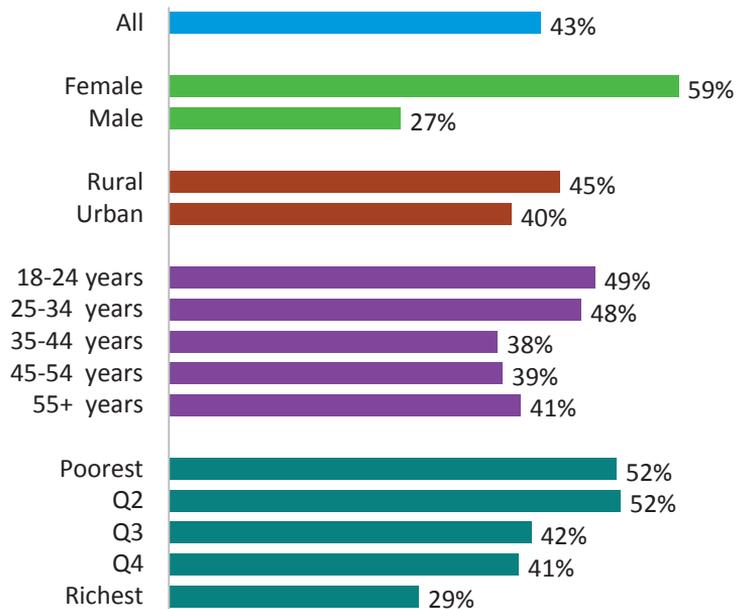


**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=1,714

Six in ten women (59%) don't have a clear understanding of what the term "democracy" means to them, compared to under half as many men (27%). Similarly, the poor (52%) are more likely than the rich (29%) to lack a clear understanding of the term. These are the same groups who are largely unclear on what the Constitution means to them.

**Figure 8: What does the term democracy mean to you?**  
(% answering 'don't know')

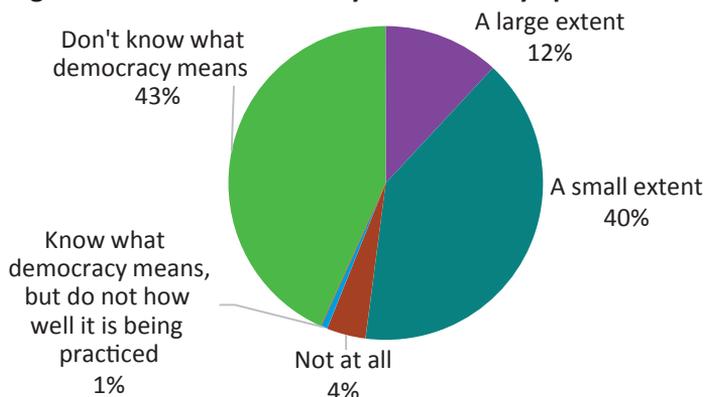


**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).  
**Base:** All respondents, n=1,714

**Fact 7: Nearly half of citizens think Kenya is not very democratic**

One in eight citizens (12%) think Kenya practices democracy to a large extent, while just under half (44%) think Kenya practices democracy to a small extent (40%) or not at all (4%). A similar number (44%) either don't know what democracy means (43%), or how well it is being practiced (1%).

**Figure 9: To what extent do you think Kenya practices democracy?**

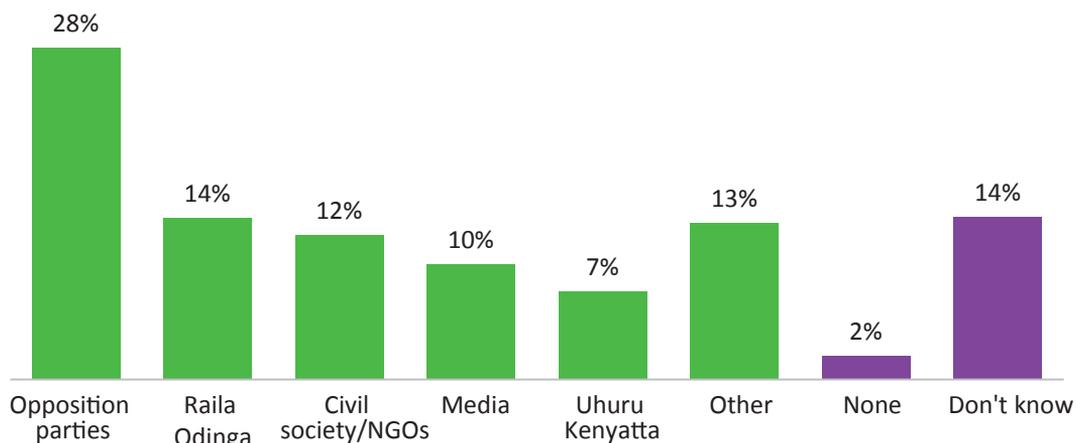


**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).  
**Base:** All respondents, n=1,714

## Fact 8: Citizens attribute democratic space in Kenya to a wide range of actors

One in four citizens (28%) see opposition parties as the institutions that have contributed the most to the development of democracy in the country, and a further one in eight (14%) say Raila Odinga has made a large personal contribution. Non-state actors are also seen by many (22%) as playing the most significant role: one in ten (12%) cite civil society/NGOs and a similar number (10%) cite the media. Uhuru Kenyatta is seen by less than one in ten (7%) as the key actor contributing to democracy in Kenya. One in ten (16%) say they don't know, that no-one had done this, or cited a relatively minor actor (13%). Interestingly, government oversight institutions and bodies, or legislators (county or national) are barely mentioned.

**Figure 10: Which one institution or individual do you think has contributed to the democratic space (development of democracy) in Kenya?**



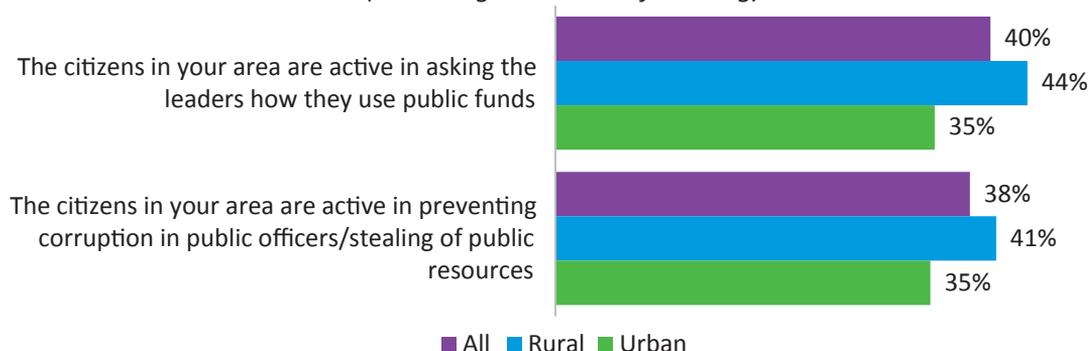
**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=946

## Fact 9: Four in ten agree that citizens query public spending

Four in ten citizens agree that citizens in their area are active in asking leaders how they use public funds (40%) and in preventing corruption in public office (38%). In both cases, residents of rural areas are more likely to report active citizenship than those in urban areas.

**Figure 11: Citizens' views on citizen participation in practice**  
(% who agree with the following)



**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).  
**Base:** All respondents, n=1,714

### Fact 10: Five in ten citizens think that young people are active in county decision-making

Five in ten citizens (46%) perceive young people as active participants in county decision making processes. People in rural areas are more likely to see young people as active (49%) than those in urban areas (41%). Young people (aged 18 to 24) are also more likely to see their peers as more active than older people (aged 55 and above) (51% compared to 41%).

**Figure 12: Do the youth in your area / county participate in making decisions on development projects by the County Government?**  
(% who agree)



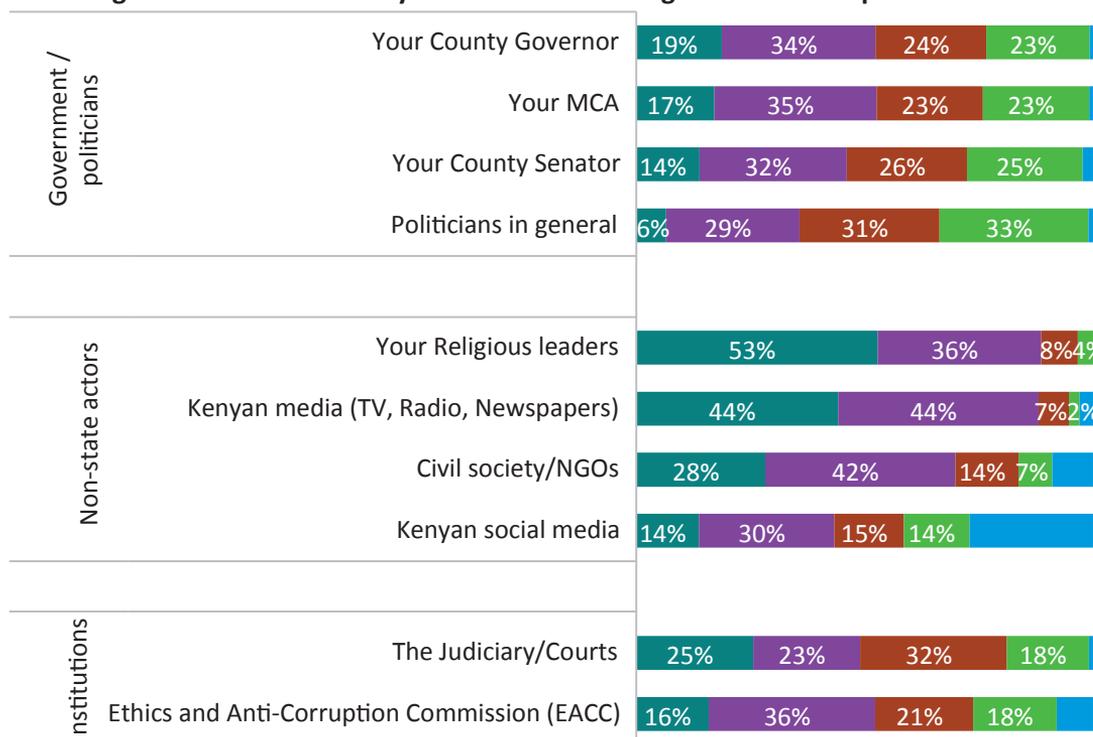
**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).  
**Base:** All respondents, n=1,714

## Fact 11: Citizens trust religious leaders, the media and civil society more than politicians

Nine in ten citizens (89%) have either some or a lot of trust in their religious leaders, and a similar number (88%) trust the Kenyan media. Seven in ten (70%) trust civil society/NGOs. In contrast, one in three (35%) trust politicians in general. However, trust in specific local politicians is a little higher, including County Governors (53%), Members of County Assemblies (MCAs; 52%) and County Senators (46%).

Citizens' trust in official justice and accountability institutions is similar to their trust in political leaders. 48% trust the judiciary and courts, and 51% trust the Ethics and Anti-Corruption Commission (EACC).

**Figure 13: How much do you trust the following institutions or public officials?**



■ A lot of trust ■ Some trust ■ No trust ■ No trust at all ■ Don't know/refused to answer

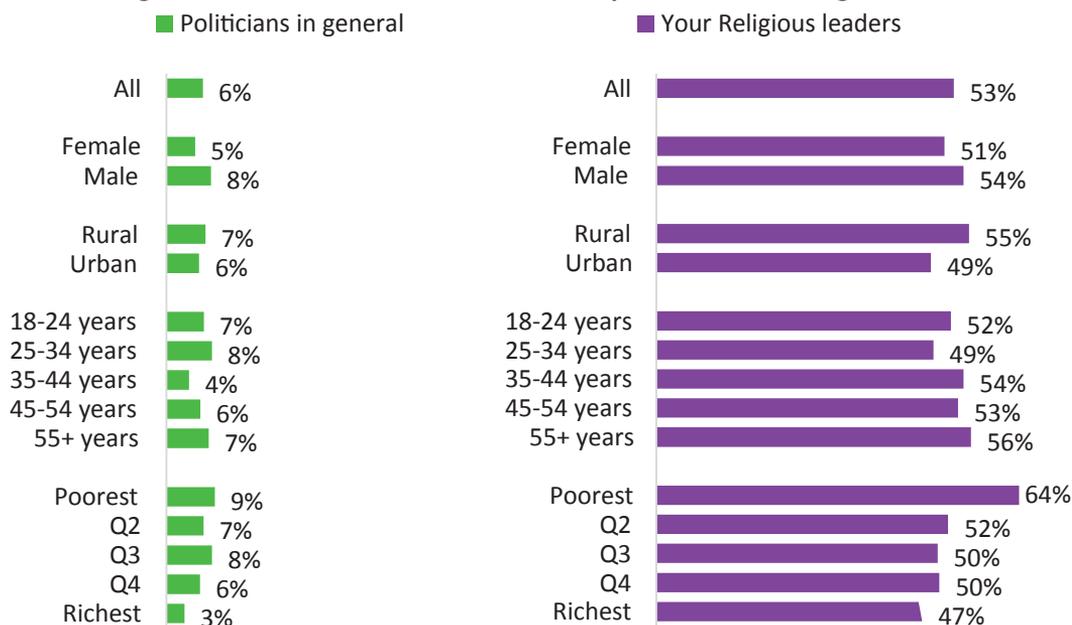
**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=1,714

The difference between citizens' trust in religious leaders and in politicians is consistent across all demographic groups considered here. Less than one in ten (6%) have "a lot of trust" in politicians, compared to half (53%) with this level of trust in religious leaders.

Notably, the poorest are most likely to have a high level of trust in religious leaders. Two in three of the poorest citizens (64%) have a lot of trust in faith leaders, compared to half (47%) of the relatively wealthy.

**Figure 14: Citizens with ‘a lot of trust’ in politicians and religious leaders**

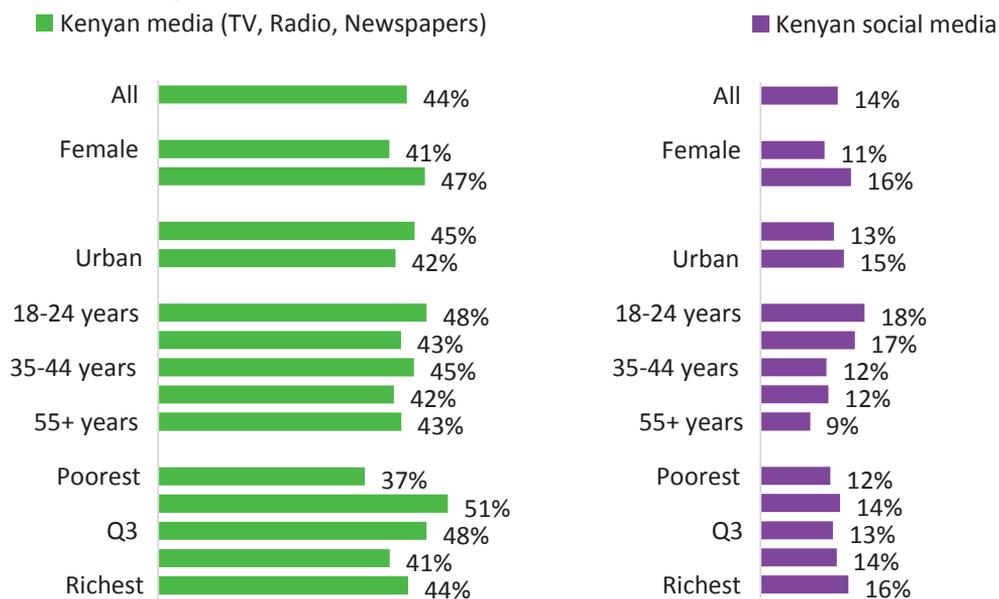


**Source:** Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).

**Base:** All respondents, n=1,714

There is a clear contrast between trust in traditional media and social media. Four in ten (44%) trust traditional media a lot, three times as many as those who have a lot of trust in social media (14%). Young people aged 18 to 24 are more likely to have a lot of trust in social media (18%) than those aged 55 and above (9%) but otherwise these findings are fairly consistent across different groups.

**Figure 15: Those with ‘a lot of trust’ in traditional and social media**



**Source:** *Sauti za Wananchi Mobile Phone Survey – (1 – 30 December 2016).*

**Base:** All respondents, n=1,714

### 3. Conclusion

Kenyans here provide a mixed review of the progress of democracy and the implementation of the (new) Constitution.

Significantly, the vast majority of Kenyans are in support of special measures to empower and include women and other marginalised groups. This is a huge victory for civil society, the media and government who have been championing, in various ways and to different extents, the inclusion agenda. These data also appear to indicate that Kenyans could be supportive of even more bold reform to correct historical imbalances. Thus an opportunity is presented to those in power; the time to act to enhance equality in Kenya is now.

Although the low levels of awareness around the key tenets of governance in Kenya – the Constitution and democracy – are of concern, among those who could provide responses a fairly sophisticated understanding of these two concepts is demonstrated. Perhaps the startling popularity of the ‘don’t know’ response is an honest reflection from citizens – they have some idea but are equally aware of their own ignorance. Nonetheless civil society organisations, the media and government have a shared responsibility to advance awareness, understanding and debate around these critical terms. In future *Sauti za Wananchi* rounds, these concepts can be broken down to ascertain whether people are at least aware of the rights afforded to them by



the Constitution and Kenya's democratic dispensation even if they are not fully aware of the terminology.

Nonetheless citizens hold some strong positive views on Kenya's democracy. The majority think that the government of Kenya is implementing the Constitution well and that devolution has contributed to development in their area. A significant minority also see citizens in their areas being active, asking questions about the use of public funds and helping to prevent corruption. These could well be the fruits of devolution being harvested as citizens feel more willing and able to query leaders on decisions and spending.

However, there are a number of alarming findings to note. The extremely low levels of trust in politicians are troubling. Citizens are not confident in general about the politicians who represent them although some comfort can be drawn in the higher levels of trust for local politicians. In addition, only half of Kenyans believe there is equality before the law and the majority think that democracy is practiced in Kenya only to a small extent.

The positive sentiments towards Kenyan governance among citizens will only be retained if citizens' expectations and hopes are met. Active citizens will lose hope and give up if they are met with deaf ears, or unresponsive authorities. Citizens will cease to trust the media if they think the government is interfering in media content. And if the perception, real or imagined, that there is no equality before the law continues, regard for Kenya's guiding legal instrument can only wane. What is needed is real demonstrations of the powers afforded to citizens by the Constitution and Kenya's devolved governance structure. In this way the Constitution and democracy can truly come alive for Kenyans.



