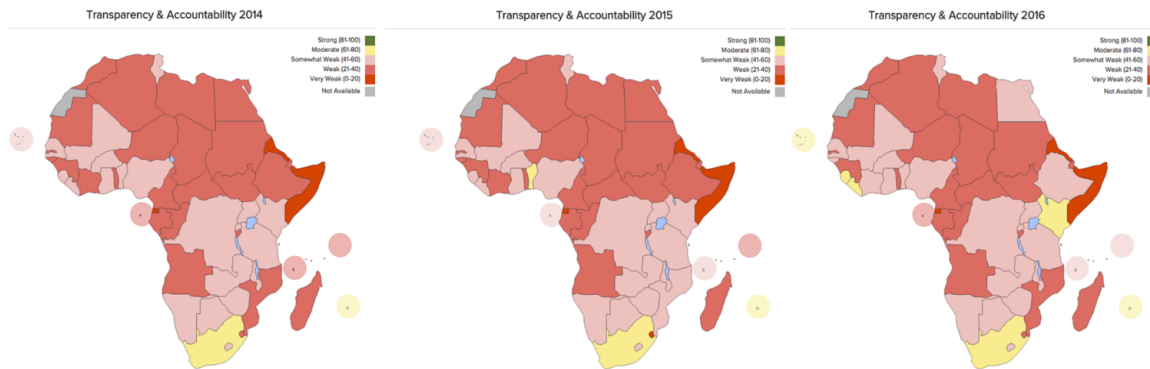


Africa Integrity Indicators – Country Findings



Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at www.globalintegrity.org.

What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted

Get in touch with us

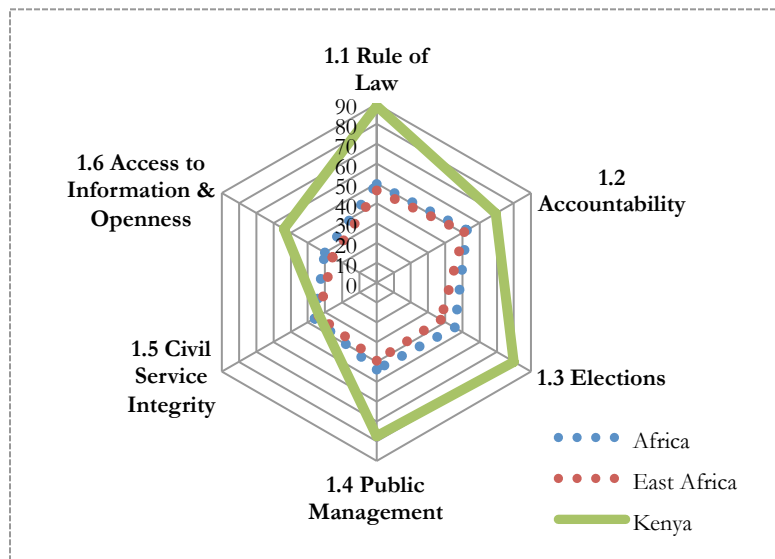
Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at aii@globalintegrity.org.

Kenya – Country Findings Summary

1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

Overall, the 2016 data point to an improvement in this category as Kenya’s average score increased by 7 points from 2015 (60 to 67), a continued improvement from the 3 point increase between 2014 and 2015 (57 to 60). This moves Kenya from the “somewhat weak” to “moderate” area of the Global Integrity scale.¹ The 2016 score is higher than the East African average of 39 and the continental average of 42. In fact, apart from the Civil Service Integrity subcategory, aggregate scores of the other five subcategories are higher than the regional and continental averages.



< Figure 1 > Kenya’s subcategory scores in comparison to the region and the continent. The radar chart depicts the country’s aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country’s region (red dotted lines).

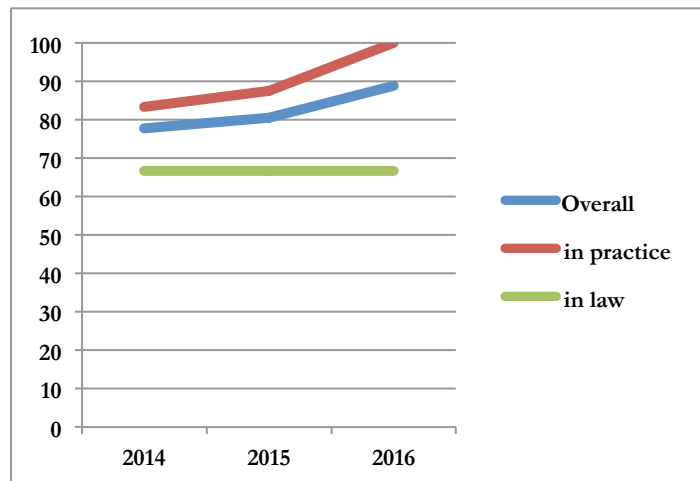
Of all 6 subcategories, Rule of Law remains the highest scoring after gaining 8 points from the previous year; with an aggregate score of 89, this puts Kenya in the “strong” area of the Global Integrity scale. The Elections subcategory also showed significant improvement, not only thanks to the reported absence of political influence, but also as a result of increased publication of election reports and appointments based on merit. The score for the Access to Information & Openness subcategory decreased by 9 points, and the Accountability subcategory decreased by 3 points. There were slight improvements on Public Management and the Civil Service Integrity subcategory saw an increase of 4 points, although it remains the lowest performing subcategory.

¹ The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

Selected highlights

- Kenya's score remained in the “strong” range of the Global Integrity scale regarding the independence of its judiciary. On [indicator 2](#), which measures the ability of courts to make decisions free from political interference, Kenya is one of the four African countries that scored a 100 on the independence of the judiciary (the other three countries are Ghana, Mauritius and Namibia). Over the study period, courts issued bold rulings against the executive branch. For instance, in January 2015, the courts suspended certain anti-terrorism measures two weeks after they had been signed into law by the president. The courts also nullified a \$1.3 million (Sh24.6 billion) tender on a project that aims at providing laptops to primary school students, citing irregularities. In another high profile case, in a dispute between teachers and the government, courts ruled against the executive and awarded a 60% pay increase to workers in June 2015.

- While the law limits the independence of the Auditor-General's Office (AGO), the AGO showed strong independence in practice. Kenya presents the reverse of the typical scenario where countries score high on *in law* indicators, but lower on *in practice* indicators (see Figure 2). As reported in [indicator 6](#), which assesses legal independence of the supreme audit institution, Kenya's law does not allow the AGO to directly forward cases to the prosecutor's office in cases where it uncovers wrongdoing. On top of this, a new bill under consideration - the Public Audit Bill



< Figure 2 > **De jure and de facto gap:** This provides an overview of the aggregate gap between in law indicators (green) and in practice indicators (red) of a particular subcategory, and how they affect the change of the overall aggregate score (blue) between the three rounds of research 2014, 2015 and 2016.

2014 - intends to subject the AGO's budget to the approval of the National Treasury, which is one of the entities that the AGO audits. That bill would also exclude the National Police Service, Kenya Defence Forces and the National Intelligence Service from scrutiny by the AGO. However, Kenya's AGO showed no fear or favor in auditing public entities during the study period, as reported in [indicator 7](#). Furthermore, as reported in [indicator 9](#), assessing the frequency of AGO's reporting, the office showed more openness during the study period, releasing about 30 reports while still preparing more than 300 other reports for publication.

- The Independent Electoral and Boundaries Commission (IEBC) was more open and independent during the study period. As reported in [indicator 22](#), which measures the publication frequency of IEBC reports, the entity published “a raft of reports detailing the outcome of polls, audits of its systems and operations, as well as its strategic plan going into the 2017 general elections and beyond.” This also includes a 208-page report of the March 2013 elections. As reported in

[indicator 20](#), which measures the selection process of commissioners, the independence of the IEBC was reinforced by the merit-based appointments of its CEO Ezra Chiloba Simiyu in January 2015, followed by the appointments of deputies Hussein Marjan, James Nuhati Buyekane and Osman Hussein Ibrahim in March 2015; these appointments came as a result of a competitive process carried out by the consultancy firm Price Waterhouse Coopers (PwC).

- **While the aggregate score of the Accountability subcategory falls into the “moderate” range on Global Integrity’s scale, the independence of the Ethics and Anti-Corruption Commission (EACC) body suffered a blow during this study period.** As reported in [indicator 14](#), which assesses the selection process of commissioners, three IACC members were forced into resignation by politicians in March and April 2015. This resulted in a score drop from 100 in 2015 to 25 in 2016. While the forced resignations are said to be in relation to the commissioners’ inability to fulfill their roles, concerns over interference by the executive were raised, as the research notes.
- **Political parties were more proactive in releasing financial information to citizens**, as reported in [indicator 49](#), which assesses disclosure of funding records. Over the study period, parties such as The National Alliance (TNA), the Orange Democratic Movement (ODM), the United Republican Party (URP), the National Rainbow Coalition (NARC) and Ford Kenya published their financial statements. The first three parties had also met the requirements to share Sh210 million in state funding. Even though the published records only list aggregate entries, this stands in striking contrast with the 2015 research when there was no such proactive publication.
- **Freedom of the press and citizens’ ability to create and access online contents were curtailed during the study period.** As reported in [indicator 55](#), which assesses the existence of censorship and self-censorship in the media, the government approved new restrictive security laws and verbally warned media houses against the coverage of national security issues, such as the attacks carried out by the Somalia-based terrorist group Al-Shabab. The Kenyan government was also more repressive in dealing with citizen-created contents on social media, and as reported in [indicator 56](#), there were cases of bloggers arrested for criticizing the government or high-ranking officials. This includes bloggers Robert Alai, Abraham Mutai and Dikembe Disembe. The government also attempted to restrict citizens’ access to the internet, and as reported in [indicator 57](#), the government requested that the anti-corruption website Kahawa Tungu be shut down by an Italy-based hacking company; the request for shutdown came from a cyber-security outfit in the Office of the President.

2. Social Development

This category covers seven subcategories, including rights (civil society space and minority rights), gender, business environment and infrastructure, rural sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

Selected highlights

- **The Kenyan civil society operates in a restrictive environment.** With their employees still operating in an environment marked by fear, NGOs faced significant administrative hurdles during the study period. [Indicator 69](#), which assesses threats to NGO workers, reports that civil society activists received threats or were subject to assaults and/or arrests. As reported in [indicator 70](#), which assesses administrative impediments to NGO operation, the Kenyan government's war on terror has taken a toll on the NGO community as more than 500 organizations were suspended on the grounds that they had failed to submit annual reports and audited accounts. Two other organizations (Muslims for Human Rights and Haki Africa) were closed as the government claimed that they sponsored terrorism. These restrictions to the civil society space also affected collective action in rural areas; it was reported in [indicator 99](#) that rural NGOs faced stringent work conditions, including deregistration, the monitoring of their support programs and of their funding.
- **Unlike ethnic and religious minorities, no law provides for the protection of sexual minorities (LGBT).** Ethnic and religious minorities are legally protected by the Constitution of 2010 and the National Cohesion and Integration Act of 2008, as noted in [indicators 71](#) and [73](#). However, LGBTs are by large still victims of the law that criminalizes their sexual orientation as reported in [indicator 75](#). Although they are in some rare instances protected from harm by law enforcement agencies, the police routinely arrested LGBT citizens during the study period.
- **Governmental action for the welfare of vulnerable people (the youth, the elderly, the disabled and the unemployed) presents a contrasted picture.** On the one hand, [indicator 101](#) reports that there is a National Youth Policy and activities are indeed being implemented to ensure the socio-economic integration of the youth. [Indicator 102](#) also reveals that Kenya has a National Safety Net Programme, a large non-contributory scheme that provides assistance to the elderly. On the other hand, [indicator 103](#) reports that there are no programs targeting those who cannot work due to illness and none of the existing safety net schemes provide assistance to the unemployed, as noted in [indicator 104](#).
- **Kenya's statistical capacity remained low.** Although the collection and publication of data on infrastructure (rail lines, airports, water pipes, electric grid, telecommunications towers, etc.) happens frequently through the Economic Survey, the Kenya National Bureau of Statistics (KNBS) does not collect data on youth employment as reported in [indicator 91](#). Nor does it collect data on poverty as

reported in [indicator 92](#); the most recent statistics on poverty date back to the 2005/2006 Kenya Integrated Household Budget Survey (KIHBS).

The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for 114 individual indicators.