



**KENYA HUMAN RIGHTS
COMMISSION**

ADVISORY ON THE PRESIDENTS STATE OF THE NATION ADDRESS -2014

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ADVISORY ON THE PRESIDENT’S FIRST STATE OF THE NATION ADDRESS - 2014

Introductions

The Constitution of Kenya 2010, section 132 obligates the President of Kenya to give a State of the Nation address on the progress the government is making in achieving the national values and principles of governance as outlined in section 10. The president is also obligated to show progress on how the country is fulfilling its international obligations as stipulated in the constitution section 2(5).

On economic and social rights Articles 41 addresses issues of labour relations and 43 speaks to rights to health, housing, food, water, social security and education as rights that Kenyan’s are entitled to enjoy and justiciable within the legal framework.

This brief is an analysis of the president’s speech on the state of the nation address, the cabinet secretaries or their representative’s scorecards on their various dockets and suggestions by way of recommendations on noted gaps that will make the process informative while ensuring monitoring of our state officers delivery of services to the people of Kenya.

STATE OF THE NATION ADDRESS

1. PRESIDENT’S STATE OF THE NATION ADDRESS ON LABOUR

- Transfer of skilled personnel from national government to each of the counties to assist in the setting up of the Counties. This includes the setup of the inter-governmental structures to facilitate their labour.
- Allocation of 32% of the National Revenue to County governments as against the constitutional requirements of a minimum of 15% as at Article 203(2).
- Transfer of functions from the National Government to the County Governments

PERMANENT SECRETARY FOR LABOUR SCORE CARD ON LABOUR

- Is responsible for harmonization of industrial relations
- Have facilitated employment of 13,527 Kenyans (9,640 locally and 3,877 overseas)
- Verification of foreign contracts to ensure conformity with international standards , the country of employment and Kenya
- Bi-lateral agreement to be signed between Kenya and Saudi Arabia and United Arabs Emirates to address labour issues
- National Human Resource Planning and Development – Published a survey map which will be launched before end of financial year 2013/2014.
- Development of a data base of Human Resource on skills and skills on demand
- Allocation of 30% contracts for youth and women groups – achieved 32.8%
- On contracts- a total of 176 million, youth and women got contracts worth 70 million beyond the target of 47 million

- On industrial relations, the ministry managed to resolve 44 strikes affecting 310,175 employees mostly public servants
- Industrial training – trained 27,756 employees and students and offered attachment to 14,428
- Launch of National Policy on Occupational Health and Safety and establish an institute
- Enactment of NSSF Act that took effect in January 2014 through provisions on deductions have been suspended
- Promotions of productivity – 180 technical service providers have been trained as consultants to improve on workers production.

Recommendations

1. Annually, Kenya releases about 800,000 youth to the job market, the data would have been more use if it would have given the number who are unemployed, what number were employed in the one year under review and targets to be employed annually
2. A lot of funds have been devolved such as Youth Enterprise, Women Enterprise and Uwezo and 30% contracts to youth and women. The scorecard should give us data on how many have been self-employed through these initiatives annually to help gauge the effectiveness of such programmes.

2. PRESIDENT’S STATE OF THE NATION ADDRESS ON FOOD

Right to be free from hunger and to have adequate food of acceptable quality

- An initiative to enhance the country’s food security is the 10,000 Acres farm in the Galana-Kalu Scheme being brought under irrigation in order to shift agriculture from dependence on rain.
- A soil mapping program coupled with providing subsidized farm inputs to farmers

PERMANENT SECRETARY FOR AGRICULTURE, LIVESTOCK & FISHERIES SCORE CARD

Agricultural production has remained low due to dependence on rain fed agriculture, high cost of fertilizers and labour

1 million acres to be put under irrigation

Model farm has been opened at Galana-Kulalu in Jan 2014 with 10,000 acres put on maize to improve food security

Subsidized fertilizers – 180,000 metric tonnes were imported to cater for the farmers needs during long and short rains. This is 30% of the total fertilizer requirement in the country.

Draft Fisheries Bill is before parliament and is aimed at optimizing utilization of fisheries and sea resources

Livestock Draft Bill is also in place and is to be tabled in parliament

Sectoral reforms within the institution – The 8 institutions will be brought under a regulatory framework through the Agriculture Livestock and Fisheries Act (ALFA Act)

Re-organization of Agriculture institutions and systems is also underway to increase efficiency

Recommendations

1. The scorecard should give as an estimate of the number of population in Kenya who are food insecure and practical plans to reduce this number progressively over a time frame. This will give a benchmark upon which the government can be held to account based on food security measures put in place and whether the desired outcomes are realized or not.
2. The scorecards have also failed to give a clear picture on what action the government intends to take in regards to Economic Partnership Agreements and The COMESA safeguards on Sugar that is ending.
3. The scorecard also failed to give a plan on how farmers' complaints in regards to the ALFA Act will be addressed and the possibilities of farmer's participation in the process.

3. PRESIDENT'S STATE OF THE NATION ADDRESS ON WATER

Right to clean and safe water in adequate quantities

- Building water dams and pans to improve ability to store water in homes and farms

PERMANENT SECRETARY FOR WATER, ENVIRONMENT & NATURAL RESOURCES SCORE CARD

- Water – Access has increased from 51% to 53% nationally
- Forest cover has increased to 7% and is aimed to go up to 10%
- Regional development authority increased water catchment and area under irrigation
- On environment, all counties are engaged in clean-up programs and improved water management
- On policies – There is a new Wildlife Conservation management Act which came into effect in January 10th 2014; Water Bill has been printed and ready for tabling in parliament, Forest Policy will soon be summarized and ready for debate in parliament and the same applies to Environment Management and Conservation Act (EMCA Act)on environment will also be soon table.

RECOMMENDATIONS

1. The scorecard should give the projections in terms of access to water over a period of time for ease of monitoring progressive realization of this right

2. The report has also not given benchmark on sanitation and a road map for realization of this right

4. PRESIDENT'S STATE OF THE NATION ADDRESS ON HEALTH

Right to the highest attainable standard of health which includes to the right to health care services including reproductive health care

- Free maternal health care at public health facilities
- Distribution of mosquito nets in parts of the country vulnerable to malaria coupled with a vector-control programme to combat mosquitoes and tsetse flies.

PERMANENT SECRETARY FOR HEALTH SCORE CARD ON HEALTH

That the vision of Kenya on health is to be globally competitive and a healthy nation

- Free maternity services
- Mortality rates have decreased from 488 per 100,000 to 414 per 100,000 live births in 2009
- Roll out free maternity in all 301 hospitals and 2,087 health centers and dispensaries
- 2.2 billion already spent on free maternity services
- Numbers of deliveries in health facilities have increased from 676,107 in 2012 to 749,987 in 2013 (an increase from 44% to 66%)
- Removed the Kshs 10 and 20 levies in health centers and dispensaries
- Visits to health facilities increased from 12 million to 18 million
- Immunization rate is at 85% beyond the 80% WHO standards
- Immunization against polio is geared towards elimination of the disease
- HIV- 650,000 people are on ARVs
- HIV prevalence has reduced from 13% to 6.5%
- 2 hospitals to be equipped per county to a tune of 34 billion in the next 10 years
- Universal health coverage – Government is in the process of rolling out the facility through NHIF to orphans, elderly persons and persons with severe disabilities targeting 500,000 people at a cost of 290 million and will be increased in the financial year 2014/2015 to 871 million
- Construction of 20 health facilities in slums of Nairobi, Mombasa and Kisumu at a cost of Kshs 200 million
- Digitization of health services through health information system to be rolled out in the 2014/15 financial year

RECOMMENDATION

1. While there are positive outcomes in health, there have been a lot of unrest in this sector that could claw back the gains made. The scorecard is silent on safeguards that need to be put in

place to avoid regression of the positive trends as the government grapples with devolving health to the counties.

5. PRESIDENT’S STATE OF THE NATION ADDRESS ON LAND AND HOUSING

- Police Housing Scheme - Ground has been broken at Ruai in Nairobi; this will soon be replicated across all 47 counties

PERMANENT SECRETARIES FOR LAND AND HOUSING SCORE CARD

- Target to issue 3 million title-deeds
- Target for 2014 is to issue 1 million titles as follows 139,000 titles are done, 227,000 are ready for issuance and a program is in place to produce 980,000 by December 2014
- The process of establishing a digital center is under way at Ruaraka
- 120 officers are already trained in Geographical Information System (GIS) in collaboration with professional bodies and universities
- Digitization of records is at 70% in Nairobi while other counties are at various stages
- A new type of title has been introduced with counterfeit features to secure land tenure
- New laws - A new regulation has been completed and shared with the National Land Commission to be tabled in parliament ; Eviction and Resettlement Bill and Informal settlement Bill are ready for tabling in parliament
- Housing – Targets 300,000 house per year and has started with 6,000 units which will be model for the whole country
- Police housing scheme – A model has already been developed and work will start soon
- To improve access to housing among civil servants, a civil servants housing scheme has been initiated with members contributing Kshs, 2,000 to 4,000 to own a house in 15 to 20 years
- Urban Development – Kenya Informal Settlement programme is ongoing in a number of counties. In Nairobi, Kibera-Soweto Housing Scheme will complete 800 units to cater for 4000 households. Significant change in this programme will be seen in 4 to 5 years’ time.
- Installation of Closed Circuit Television (CCTV) is complete
- The ministry is also supporting the Standard Gauge Railway, LAPSET and other ministries
- Work with ICT ministry on development of spatial data and a policy formulation is in progress

Recommendations

1. The scorecard was silent on the effects of functional crisis between the Cabinet Secretary and the National Land Commission. This needs to be addressed so that each organ play its role and complement each other.
2. The scorecard should clearly state how the ministry will solicit for funds and clear policy guidelines to fund the 300,000 housing units required per year in Kenya working with the County Governments where the function is assigned.

3. The scorecard has also ignored the fact that in the Informal Settlement Schemes, after the projects are completed, it is only the middle class who eventually benefit as the costs are prohibitive to the poor. The Informal settlement Bill should also be fasttracked.

6. PRESIDENT'S STATE OF THE NATION ADDRESS ON EDUCATION

Right to education

- Reforming the education system through ICT to align it with global trends by making sure computer education is introduced to learners at the entry level of their schooling life.

PERMANENT SECRETARIES FOR EDUCATION SCORE CARD ON EDUCATION

- To produce globally competitive human resource
- Integrate ICT in education in primary and secondary schools
- 3500 computer labs exists with plans to increase them up to 7,000
- National schools have increased from 18 to 78 with plans to increase them to 105 from the next financial year
- Enrolment are as follows; primary 10 million, Secondary 2 million and University over 300,000
- Plans to upgrade secondary schools to a tune of 1 billion
- Infrastructure development in schools to help roll-out ICT
- Institutional Framework -Commission for University Education established to check on quality of education ; Kenya University College Central placement service to regulate university education and Kenya Qualification Framework Authority to standardize qualification
- Curriculum review in line with the constitution and industrial need will be done
- The cost of secondary education will be streamline to ensure affordability
- Provision of sanitary towels to 500,000 girls was done at a cost of 200 million. The government has set aside 500 million to provide sanitary towels for this financial year
- School feeding programme has set aside 1 billion
- Science and Technology
- Revamping and revitalizing the Technical and Vocational Education Training (TVET) to improve equity, equality, quality , relevance and governance
- Increase the number of TVETs from current 34 to 135 from next year
- Review curriculum from academic based to modular and ensure flexibility from certificate to PHD done in close consultations with the industry
- Youth Polytechnics - A total of 88,000 youths joined the 700 polytechnics
- To initiate National Commission Award Scheme to reward researchers
- Housing Finance Foundation in conjunction with government to train 1 million artisans

RECOMMENDATION

The education sector has been criticized on the quality aspect of skills imparted to learners. This scorecard is silent on how quality issues are being dealt with safe for the proposed curriculum review under TVETs. It is imperative that quality is achieved from the onset at the basic level of education to lay a firm foundation for learning going forward.

7. PRESIDENT’S STATE OF THE NATION ADDRESS ON SOCIAL SECURITY

Right to Social Security

- Safety-net Programme to transfer cash to vulnerable members of society, orphans, persons with severe disabilities, the elderly and urban poor.

CABINET SECRETARY FOR DEVOLUTION AND PLANNING /PERMANENT SECRETARIES FOR LABOUR SCORE CARD

- The launch of “Inua Jamii” cash transfer programme for elderly persons, orphans and vulnerable children and persons living with disabilities and urban food subsidy program
- The number of beneficiaries have increased from 236,000 to 500,000
- Hunger and Safety Net program- This programme covers Mandera, Marsabit, Wajir and Turkana and has planned for Kshs. 15.8 billion in a 5 year programme.
- The Hunger and Safety Net programme works with 100,000 households and transfers Kshs. 1,750 with plans to upscale the amounts to Kshs. 2,300.

Recommendations

While the Cash Transfer programme is laudable, the scorecard should have outlined measures that will be put in place to stem corrupt practices that has infiltrated the process of selecting needy cases. There is need to plug the gaps and tighten the identification process of potential beneficiaries.

7.Conclusion

While the president has conformed to the constitution under section 132 in giving the state of the nation address, in future he needs to ensure that;

- The state of the nation address should give a cumulative scorecard on all the sectors of the economy. This calls for consolidation of each sector scorecard.
- The scorecard should give qualitative and quantitative data and projections for ease of monitoring progressive realization and holding the responsible state officers accountable
- The funding should be based on the scorecard with focus and priorities being given to key sectors that drivers growth and those that have shown signs of stagnation .

- Finally, the scorecard has failed to give a clear and broad based approach that the government intends to put in place to address the runaway corruption and insecurity that is challenging the ability of the country to take-off as a middle income industrialized nation.