Reforms through citizen participation and Government accountability

Results & Lessons Learned

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Executive Summary

Kenya has enjoyed relative peace in comparison to neighboring countries that have dealt with civil wars and other crimes against humanity in the East African region. However the country’s democracy is described as fragile, dogged by corruption impunity and violation of human rights. The Constitution of Kenya (CoK 2010) espouses the progressive and rights based approach the country yearns for and is a culmination of twenty years of struggle for reform for transparency and accountability. Kenya had its first general elections held under the CoK 2010 in March 2013. In the buildup to this event Kenya Human Rights Commission (KHRC), a national organization actively promoting human rights and democratic values since its inception, and having been at the forefront of the design and the content of the CoK 2010 worked hand in hand with their grass root partners the Human Rights Networks (Hurinets) to make sure the CoK 2010 was being implemented by the duty bearers. KHRC equipped the Hurinets with the capacity to monitor service delivery across sectors through the use of Information Communication Technologies (ICTs). Additionally Kenya’s plans to devolve the previously centralized government to different levels of authority while bringing services closer to Kenyans and contributing to the reform that characterizes CoK 2010 would likewise require greater accountability and afford greater public participation. For this to happen, the citizens need to understand their rights and claim them.

With these two levels of engagement, KHRC would through the Hurinets engage citizens in dialogue with their leaders and work towards a reduction in human rights violations. The second aim would be to increase government accountability through the monitoring of service delivery at county level in the devolved government. The Hurinets were already established active groups in their communities often relying on traditional media and other forms of contact such as meetings. Out of 27 Hurinets, KHRC elected to work with 10 during this pilot phase, and provided them with equipment, support and training in the use of new media in human rights advocacy. By close of the project, a number of digital platforms had been deployed as human rights tools and were being utilized by the Hurinets with very concrete results such as monitoring hate speech, misconduct and bribery during the election period. YouTube, Facebook, Twitter blogs crowd sourcing platforms, and even the bulk SMS system remain very active as violation reports and public discourse on democracy fill these platforms.

1 KHRC Project Proposal page 13
2 Progress report July – December 2012 p.1
3 www.facebook.com/thekhrc
4 https://twitter.com/thekhrc
5 www.khrc.or.ke/blog
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1. Background

A number of current digital platforms have Kenya as their source of origin. Popular mediums such as mobile money, crowd sourcing platforms Ushahidi and Uchaguzi, and the open data movement are concepts that have received international recognition and have critically acclaimed Kenya as the tech-hub of Africa. Yet this impressive portfolio has not benefitted all Kenyans. Reforms for a progressive society require a wider democratic space, with greater accountability and public participation. The Constitution of Kenya, 2010 (CoK, 2010) contains the kind of “transformation Kenyans yearn for”. CoK 2010 is a “progressive and rights-based supreme law of the country and offers a new impetus to civil society and the Kenyan society at large the opportunity to enforce compliance with the constitution” in a new and devolved government.

To assist Kenyans in realizing the gains to be made in the new constitution and to keep the duty bearers accountable, Kenya Human Rights Commission (KHRC) submitted a project proposal aimed at “Reforms through citizen participation and government accountability” to Spider. To do this, KHRC would through an ICT-based campaign empower citizens “to claim their rights while keeping the duty bearers accountable on service delivery, democracy and accountability”. Since Kenya has emerged as tech-hub of Africa, an ICT-based reform that takes advantage of some of the platforms to come out of the country was an obvious choice. KHRC has actively advocated for Kenyans to claim their rights since its inception in 1992. They have relied on what they refer to as “archaic methods” in informing and engaging with the public on the discourse of good governance. But the organization also acknowledges that while new media, in particular some of the platforms that have been developed in the country such as the crowd sourcing platform Ushahidi, are changing the face of public engagement in democracy, an integration of new media with traditional media especially radio provides a wider outreach, particularly as most Kenyans live in rural areas and neither have access to the internet nor the technical skills required to engage with newer ICTs.

KHRC has a working relationship with grass roots Human Rights Networks (Hurinets) who are vocal in their communities and encourage dialogue between the duty bearers and their constituencies. In total 27 Hurinets are active in different regions of the country, and have been working hand in hand with KHRC on matters of good governance and monitoring service delivery. Incorporating new media though would increase communication between KHRC and the Hurinets, and require less travel to the different communities. Additionally KHRC set out to train the Hurinets on how to use social media and SMS platforms to mobilize discussions around voter rights, mismanagement of public resources and other human rights in the lead up to the first general election under the CoK, 2010. Beyond the election would be the opportunity for the Hurinets to continue engaging the communities in the transitional process of the devolved government.

10 Hurinets were equipped with citizen journalism experience, and through Facebook, Twitter, YouTube, blogs as well as an institutional website, were able to successfully monitor the election and inform the crowdmap. The Hurinets also started using Skype for communication and sending files and documents among themselves using email and drop box. This process also strengthened KHRC’s institutional capacity in managing information systems as they ventured into the use of new media themselves.

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6 Progress Report Jan – June 2012, P.1
7 Project Proposal, 2011 – KHRC, P. 2
8 www.hakireport.crowdmap.com; see also Hurinets own crowd maps such as https://krac.crowdmap.com;
2. Results (Outcomes)

In their proposal KHRC broadly classified the rights provided for in the CoK 2010 into three categories and translated them into three thematic areas of work namely;

1. Civil and Political Rights  
2. Economic and Social Rights  
3. Equality and Anti-Discrimination

To realize the successful implementation of these three key areas would require the participation of all Kenyans, to demand for accountable leadership based on the CoK 2010. KHRC would therefore engage the Hurinets and in particular their youth members who are tech-savvy. The commitment would be towards building a human rights state and society by engaging citizens in dialogue in the context of democratic governance. At the same time government accountability through service monitoring at county level would also be attended to.

The project successfully trained and deployed the use of new media platforms including bulk SMS for organizing, mobilizing and gathering information for civic awareness among the 10 Hurinets that took part in the pilot phase of the project.

More specifically, each Hurinet was introduced to the use of Facebook, Twitter, blogging, uploading video clips on YouTube, the use of Drop Box for file exchange and back-up, Skype chatting, email, and basic use of Microsoft Word. For the Hurinets this was a novel experience, learning basic computer skills, which might be common place in the so called developed regions of the world. KHRC supplied each of the Hurinets the hardware required to engage with these platforms. KHRC then built a specific website where all the information gathered by the Hurinets would be aggregated.

When KHRC introduced the Hurinets to platforms like Face book, twitter and crowdmap, they used the existing page that was being used by the organization in the hope that the Hurinets would use the same account. The Hurinets however created their own face book pages, and twitter accounts and instead chose to like the KHRC page as a way of informing the organization.

The project succeeded in monitoring the election process, generating information to the crowdmap www.hakireport.crowdmap.com which informed parts of the election monitoring report ⁹. The institutional website www.hakizetu.com has been very active in the hits it has received. This website has been linked to another website www.mzalendo.com which is a repository of information of members of parliament and their performance which helped voters decide whether or not to vote for them. In addition, the KHRC’s digital library was linked to the website which now provides digitized human rights resources to the public.

From an organizational standpoint, KHRC’s strategic use of social media to inform, educate and mobilize the public on human rights issues, saw a surge in the use of the resources and information being produced. For example in August 2011, KHRC published

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⁹ for a copy of this report: http://www.khrc.or.ke/resources/publications/cat_view/37-downloads/38-civil-a-political-rights.html
a book on corruption and impunity for past injustices. The book, titled *Lest We Forget: The Faces of Impunity in Kenya* was launched through the traditional mass media and was sold out. The online copy hit a record of 1000 downloads on the day it was first uploaded and 13,789 downloads in its first month. The message this report carried was for thematic Civil and Political Rights as well as Economic and Social Rights. Further using visual platforms such as YouTube, has attracted the interest of international news moguls such as the BBC requesting copies of the material that is currently on record. Other results include a children’s storybook to teach children the principles of equality and diversity. This book is available for sale on Amazon and available on Amazon Kindle, a first for the KHRC.

From the reports, the Facebook pages, YouTube, blogs and email communication, direct solutions linked to a number of violations within the other two thematic areas that KHRC commenced their project which can be identified and traced back to the use of ICT by the Hurinets and KHRC. An example under the Civil and Political Rights theme can be found with Kwale Hurinet, which records a number of incidents that have successfully found judicial audience. For example the defilement of a 16-year-old female student, whose perpetrator was a fellow student has been charged and the matter is awaiting court hearing. There is also the case of forceful eviction of families from their village by two high-ranking duty bearers and the Hurinet has taken the matter to Kenya’s National Commission on Human Rights and the National Land Commission. Thematic area 2 Economic and Social Rights, can be illustrated with an example from Isiolo Hurinet who have captured photos and other evidence to show the challenges with water scarcity and how this affects women and girl children. KHRC has utilized this material in the community newsletter, *Mizizi Ya Haki* (Roots of Rights) that is an alternative engagement for the Kenyan public and the same appears on www.hakizetu.com and the digital library.

![Women fetching water, sometimes they walk for over two hours to fetch a 20 litre bucket.](image)

*Picture by Ekwam Adou*

Figure 1

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11 Spider Stories 2012, p. 17

Another result to complement the civic education drives by KHRC can be found from the research on the project where a human rights education Moodle accessible on smartphones, tablets and other Internet technologies was developed for and with the help of the Hurinets. The Moodle is accessible to anyone with a device with Internet connection and was successfully used by a few people before the election. Also as part of its information management system, KHRC successfully installed intranet and extranet communication tools which have helped strengthen KHRC institutionally, but also enabled information sharing within the different groups.

KHRC and the Hurinets have realized the power ICT can have towards civic engagement. But they also acknowledge that the two do not exist or operate in a vacuum. Rather the social environment bears influence on digital processes just as digital processes affect the social landscape in which they are anchored. The hype that is generally developing around the use of ICT in democracy implies a particular technological determinism, i.e. an underlying assumption that new media in democracy will bring about greater civic engagement and responsive and transparent governments. ICT4D recognizes the mutual relationship between technology and its environ (Haskin & Hoyer, 2006, Mackenzie & Wajcman, 1985; Oudshoorn & Pinch, 2005). But there is a need to remind ourselves of the same when we narrow down the focus to democracy, something that KHRC has clearly communicated in their final report. After carrying out an inventory of the impact of their work to the wider audience KHRC came to the conclusion that digital outreaches should be complimented with traditional media if they are to have a wider, perhaps even greater, impact particularly as the digitally aware/literate are still in the minority.

3. Analysis and Lessons Learned (Outputs)

3.1. Project Implementation

One of the main activities in the project was the “deployment of SMS campaigns using bulk SMS (to send) to complement civic education to the public to understand fully the provisions of the new constitution on devolution”. However the communication policy directive issued by government allowing for the monitoring of all electronic forms of communication so as to counter any hate speech, or incitements to violence in the lead up to the general election significantly complicated KHRC’s vision of communicating with the public through technical platforms, especially where a call to civic action may be misconstrued to be incitement to violence when such organizing turn violent. The Hurinets as well as other Human Rights Defenders, were reluctant to use any technologies for fear of being incriminated as violators of the communications policy. KHRC delayed deploying the use of this platform with its Hurinets as the organization set out to ensure data security and management by making sure that the messages collected and stored were in a secure place.

It is important to look at the influence of social structures on the development of technologies in society to try and understand the example above, something that the field of Social Studies of Technology (SCOT) critically observes. Through SCOT we can understand technical successes and failures, by looking at the social terrain that must be

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13 Project Proposal 2011, KHRC.
negotiated as multiple social groups negotiate the use of a particular technology. There are specific structural rules that may order the interaction with the technology and individual agency may be compromised (Klein and Kleinman, 2002; Pinch and Bijker, 1987). The “relevant social groups” (Pinch, 1996) that SCOT highlights as shaping what a technology becomes rarely share equal power. In this specific case with the use of Bulk SMS for civic engagement there were delays and underutilization of the platform as the system could be controlled and its use (re)distributed to ensure proper monitoring.

KHRC also wanted to engage with the middle class who are often apathetic towards civic engagement. Through the use of technology, there was the hope of increasing participation from this sector of the population. While the social media platforms and KHRC’s websites are vibrant with ongoing discussions, establishing who is contributing to the discussions or submitting violation reports is a difficult process to assess. However if one considers that use of digital platforms is negotiated by a privileged few who have had the opportunity to receive an education, or put differently digital engagement is negotiated by class (Moolman, Primo & Shackelton, 2007), it is possible to discern that the civic engagement of Kenya’s middle class is growing.

A specific website engaging the public in civic action was also created to which the Hurinets contribute content. The initial naming of this site was www.civicaction.or.ke, but was recently changed to www.hakizetu.com. Haki zetu is Kiswahili for “our rights”14. The name change is important for maintaining Kenyan identity. While the English name is understood beyond the Kenyan boarders, for the link to be relevant and relatable to the Kenyan public, a renaming in Swahili was necessary. A lot can also be lost in translation, where translating words such as civic action to Swahili can see these words assuming entirely different meanings. Thus haki zetu is “punchy and reflects a clarion call haki yetu” meaning “our right” that many Kenyans can relate to and a past characterized by injustices and violations of their rights15. This process can be understood as domesticating technology - or in this case ICTs, a process that involves adopting foreign or transferred technologies and reframing them into a local context (Lie & Sören, 1996).

Another activity involved building the Hurinets capacity to be able to utilize ICTs in their work. KHRC selected 10 out of 27 Hurinets to work with, and provided them with computers, modems, digital cameras, and power generators. The result has been an impressive engagement of the Hurinets on different social media platforms. The challenges experienced by KHRC through this process are explored in the risk section that follows.

Due to this project, KHRC’s corporate social media platforms are comparatively some of the most active civil society platforms at an organizational level. This is not usually easy to achieve because of the dynamics of managing a corporate platform, which has to be managed very carefully for maintaining the image and credibility of the organization, as opposed to individual accounts where one can afford to make mistakes and not arouse anger and ridicule16.

3.2. Risk and risk management

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14 August 2013 monthly report to the ICT4Democracy Network
15 August 2013 Monthly Report to the ICT4Democracy Network
16 Email correspondence with KHRC project coordinator 19 November 2013
In their proposal KHRC noted the challenge of using platforms such as social media in civic engagement so soon after the Arab Spring. Government was already monitoring social media platforms and any use of new and traditional media perceived to be a threat to national security would be intercepted. In addition, “hate speech is widely blamed for accelerating the post-election violence that took place after the presidential poll in 2007-08”17 and the rallying of protests during this period was aided by the use of mediums such as SMS. During the course of the project a bill was commissioned by government allowing them to monitor all manner of electronic communication to counter incitements to violence, terrorism and hate speech particularly in and around the elections. Later the use of bulk SMS was restricted to specific hours a day further frustrating the project in terms of quick turn-around for community mobilization which relied heavily on SMS and web-based activities. This experience illustrates that even though it has been suggested that “political and civic information and knowledge” retrieved and disseminated through ICTs can encourage greater participation (Dutton and Helsper, 2007, p. 72), the same do not necessarily encourage responsive or accountable leaders. Duty bearers can in their position maintain control over the technology which does challenge the use of these tools in democratic processes.

An aspect that didn’t make it to the KHRC reports but is a reality is the KHRC have been dealing with the phenomenon of government spin doctors whose sole raison d’être is to 1) counter everything the organization or any other CSO puts out there on social media under pseudonyms with very negative comments and 2) drive the government agenda by promoting government policy however bad or unpopular. CSOs are barely keeping up with this because these are fulltime social media gurus who do this as their only job, whereas most CSOs have their already stretched staff also trying to keep up with the social media engagements, which is better done during their spare time when they can think clearly18.

KHRC also anticipated that the Hurinets might have an initial slow uptake to ICT, and that the process of securing an interest would be time consuming as the Hurinets strove to overcome various technological challenges. While some Hurinets have indeed struggled with the use of ICTs, majority have far surpassed even KHRC’s expectation with their exuberance. A case in point is the Hurinet’s choice to create their own social media accounts as opposed to using the KHRC platforms. However there have been challenges in retaining the Hurinet members who have received the training. As KHRC noted in their third progress report, “membership is composed of largely unemployed and underemployed individuals”. A number have received employment in the course of the project and left the Hurinet without training or transferring their skills to their colleagues. Another unanticipated risk, related to this one is the recruitment of the more vocal Hurinets into political or leadership positions by those in political office. The benefits to the Hurinet member cannot be underscored especially if this individual moves from a position of being unemployed to one who is employed. However the tactic to neutralize potential opposition by absorbing such people into the political system effectively removes the trained individuals from these networks, who like the other category of Hurinets described here, often leave without passing on the skills acquired. Other Spider supported ICT4D initiatives have encountered similar challenges, i.e. situations where training of trainers is not a sustainable solution especially when those trained fail to pass on the learned skills to their colleagues before embarking on greener pastures (see, Spider ICT4D

17 Progress report Jan-June 2012 p. 3
18 Email correspondence with KHRC project coordinator 19 November 2013
KHRC has also reported the loss of equipment due to theft, or mismanaged systems or in-fighting related to who owns the computers etc. by some Hurinets. The Hurinets that have not been as active as their counterparts have provided these reasons. KHRC did not anticipate that equipping the Hurinets with ICTs, and knowledge would require this level of support, where constant follow up and training are required on the part of KHRC.

Like other project partners who work with grass root networks KHRC is facing the challenge where the Hurinets perceive them as a grant maker. The Hurinets have been coming in with requests for support to maintain the equipment donated to them by KHRC. Two Hurinets have been unable to develop and collaborate as a unit, and have fought over who should have access to the equipment. The result has been a disbanding of these Hurinets.

The research on the project where the Moodle development was introduced to some of the Hurinet members to test its viability failed to acquire by-in by the Kenya Institute of Education (KIE). This process required a collaborative partnership with the KIE, a partnership that wasn’t successful. Being able to access lessons on human rights through the mobile phone is in itself a successful endeavor but like many pilot ICT4D projects requires proper follow up and updates, to be able to live beyond the pilot phase. Without the support of KIE, the Moodle may struggle to remain relevant if content updates and other maintenance requirements are not regular. “KHRC will continue to pursue KIE’s by-in taking advantage of the opportunity the manifesto of the current government offers by embracing ICTs and calling itself a digital government. However this might still face challenges as the recent development with the new government as one that really does not respect civil liberties and is working to shrink the civic space through legislation, policies and practices only akin to the repression Kenya experienced in the ‘80s and the ‘90s."

Better uptake of the platforms by the public can be achieved through investing in and implementing a good publicity plan which has informed the next phase of the project.

3.3. Sustainability

At the start of this project, KHRC were avid users of ICT within the organization. But as mentioned earlier use of platforms such as Facebook and Twitter took on a role of advocacy and driving policy on matters “that affect human rights and ICTs, freedom of information, freedom of expression and the right to privacy”20. For example KHRC’s own social media platforms are being used by the public to report violations, such as land grabbing cases, violations of student rights, and religion inspired violence with Twitter and Facebook enabling vibrant discussions on these topics. This move positions KHRC to “do advocacy work at the global level and widens the scope of KHRC’s operations and influence”.

Building the ICT capacity of the Hurinets has also opened them up to engage with and attract the attention of other organizations who are carrying out similar projects. The same process has begun to expose the Hurinets to other potential donors who could support their work.

3.4. Partnerships

19 Email Correspondence with KHRC Project Coordinator 19 November 2013
20 Progress report Jan-june 2012
Through the project KRHC established contact with and collaborated with a number of key national and international organizations. These collaborations increased the project’s visibility and helped establish KHRC as an expert in using ICT-based citizen participation and government accountability. KHRC collaborated with Mysocieties.com who linked the KHRC civic action website www.hakizetu.com website to their website www.mzalendo.com.

Another collaborative effort that brought significant gains to the project was with the African Human Rights Consortium (AHRC). AHRC requested KHRC to host a training of trainers workshop on New Media, Research and Advocacy in order to scale-up the use of ICTs in human rights advocacy.

Other partnerships include the Global Partners & Associates (GPA), UK, who collaborated with KHRC in hosting a civil society conference on “Who Controls the Internet” and together with other partners in the ICT4Democracy network, published a statement to governments stressing the importance of keeping the Internet free and accessible as a public good. This partnership has resulted in internet freedom advocacy work which also looks into issues of equal access to the internet, a matter that has been a challenge for some of the Hurinets due to poor infrastructure of network coverage. Following this occasion KHRC had the opportunity of partnering with the Kenya Government through the ICT board on the Freedom online conference in which a number of Human rights and Internet issues were discussed.

Other collaborations include making presentations at a Hackathon organized by Transparency International Kenya, presentations at the launch of the Internet Society Kenyan Chapter, and collaborating with initiatives such as Drivers Accountability, a USAID’s Kenya Transitional Initiative that provided election monitors with training and equipment for digital voice and video recordings of electoral speeches.

### 3.5. Network analysis

KHRC is a member of the East Africa ICT4Democracy Network. KHRC found a number of similarities in their project with other network partner The Commission for Human Rights and Good Governance, Tanzania, with whom sharing lessons and experiences on using platforms such as SMS for human rights advocacy and complaints handling has been helpful. Some of the systems developed could potentially be shared especially now that both projects have received upscale grants from Spider.

Being part of the network has also enabled KHRC to tap into the expertise other partners have. For example the Collaboration on International ICT Policy in East and Southern Africa - CIPESA’s experience on ICT research and information sharing within policy and legislative advocacy. KHRC is exploring ways in which further collaboration with CIPESA can take place.

The network has submitted three joint proposals and each partner has contributed to the development of this proposal.

### 3.6. Monitoring and evaluation

Similar to the other partners in the network, being part of the ICT4Democracy network, and submitting monthly reports to the network facilitator has afforded Spider project
officer the opportunity to monitor project updates on a monthly basis. The network also meets once every six months, be it workshops or international conferences, and these occasions have allowed for follow up of individual project updates from each partner in the network.

KHRC’s Face book account reached the 5000 friends mark, automatically transforming it into a page. This extends KHRC’s audience and advocacy platform. Twitter records over 1200 followers on the KHRC twitter feed, showing a growing number of followers on this platform as well.

4. Conclusions

This has been a learning process for KHRC and their Hurinets, and collectively the achievements that the project has been able to demonstrate as far as civic engagement through ICT goes are noteworthy. The project has experienced a number of challenges, all pointing to the trials of an ICT-based approached to demanding accountability from duty bearers. Lessons to be extracted especially from the risks and the challenges the project faced are that where safety and security are a concern in using technical platforms reassuring users with secure platforms for their data input is key. Putting these measures in place before rolling out the rest of the project is imperative to avoid delays in deploying the systems. As KHRC also illustrates in their reports, having a multimedia approach helps to compliment the different services that each technology is providing, and helps substitute platforms that may be intercepted by those in leadership positions.
Bibliography


Empowering women through ICT, Spider ICT4D Series no. 4 2012


Spider Stories 2012
Spider Stories 2011
Annex III - Publicity

(Project media publications, e.g. blog posts, YouTube uploads)

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