



# Internet Access and its Impact on Kenyan Women's Engagement in Public Participation

## Policy Brief



# Imprint

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KICTANet appreciates all the partners who provided perspectives on public participation including the Communications Authority of Kenya, Mzalendo Trust, and Siasa Place. They each brought insights and experience from working independently or with institutions to advocate for the inclusion of all citizens in equitable digital access, public participation, and democratic governance as a whole.



# List of Abbreviations

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|             |       |  |
|-------------|-------|--|
| <b>CA</b>   | ..... | Communications Authority of Kenya                |
| <b>CSOs</b> | ..... | Civil Society Organisations                      |
| <b>ICT</b>  | ..... | Information, Communication and Technology        |
| <b>ICNL</b> | ..... | The International Center for Not-for-Profit Law  |
| <b>ITU</b>  | ..... | International Telecommunication Union            |
| <b>STEM</b> | ..... | Science, Technology, Engineering and Mathematics |



# Executive Summary

**C**itizens have a key role to play in ensuring the transparent and accountable management of public resources.

The participation of the citizenry in political and decision-making processes is integral to democracy, sustainable development, and good governance.

Kenya is among countries that have sought to increase the participation of women in public service and political life such as through gender quotas.

Despite widespread recognition and commitment of states to enhance women's participation in decision-making processes, women remain under-represented at all levels of decision-making.

Further, cultural, structural, capacity, and resource barriers continue to hinder women's ability to participate in decision-making processes and lead in the public sphere.

This policy brief draws from the consultative forum held in Nairobi, with representatives from civil society, academia, government, and media held in February 2023.

The forum discussed barriers to Internet connectivity and public participation of women, as well as the opportunities and challenges faced by civic actors and women in public participation processes.

The deliberations yielded a consensus that 'meaningful connectivity' and 'meaningful participation' were essential to public participation.

The key barriers to meaningful connectivity included a lack of suitable infrastructure, affordability, socio-economic struggles, cultural norms along gender lines related to ownership and access to devices, digital illiteracy, and the expenses associated with accessing e-government services.

As regards meaningful participation, Kenya does not have a law that operationalises the constitutionally mandated public participation process articulated in article 10 of Kenya's Constitution.

Thus, there are ad hoc approaches to implementing public participation including on aspects such as providing the public with ample notice about forums, access to information, often leading to citizen apathy.

Women in particular, face additional challenges steeped in culture including violence from their male partners for participating or speaking up at public forums, or being unable to attend public participation forums due to their domestic responsibilities.

## The key recommendations from the meeting included the following:

- a) Citizens should actively take part in public participation forums on both digital and physical platforms such as Twitter spaces and other social media.
- b) National and county legislatures should urgently table and pass meaningful public participation laws that promote citizen interests and access, include marginalised communities, and ensure effective virtual and physical engagement.
- c) Civil society should continue to mobilise its institutional power to lobby governing authorities while bringing citizens together in the advocating for meaningful connectivity and participation.
- d) Private sector players such as telecommunications companies can support public participation such as through provision of affordable internet connectivity through publicly available hotspots and ICT centres.

# 1.0 Introduction

**In democratic states, citizens are integral contributors to the transparent management of public resources and in keeping public officials accountable for their actions and decisions.**

Beyond electing leaders to represent their interests in the legislature, citizens are entitled to contribute to public policy discussions through participation in a variety of forums in both physical and digital spaces.

However, in Kenya, public participation faces challenges such as a lack of set public participation standards, inequitable access to the Internet, as well as structural and cultural barriers.

These barriers were explored during a February 23, 2023 consultative meeting co-hosted in Nairobi by ICNL and KICTANet.

The deliberations enabled the sharing of experiences that illustrated the opportunities and challenges related to women's public participation on digital platforms and yielded a variety of recommendations shared in this report.

## 1.1 Background and Context

Women's engagement in civil society and decision-making processes is integral to democracy, sustainable development, and peace. In countries such as India and Norway, the participation of women in political leadership strengthened policy making and facilitated the inclusion of issues that relate

to gender equality and the improvement of the human condition.<sup>1</sup> Since 1975, the United Nations has held four conferences focused on women's issues, in Mexico (1975), Denmark (1980), Kenya (1985) and China (1995). The 1985 Nairobi Declaration stated that:

*"Governments and political parties should intensify efforts to stimulate and ensure equality of participation by women in all national and local legislative bodies and to achieve equity in the appointment, election and promotion of women to high posts in executive, legislative and judiciary branches in these bodies.*

*At the local level, strategies to ensure equality of women in political participation should be pragmatic, should bear a close relationship to issues of concern to women in the locality and should take into account the suitability of the proposed measures to local needs and values".<sup>2</sup>*

The promotion of women's equal participation and leadership in political and public life is a key commitment key to realise benchmarks set under the Sustainable Development Goals 2030 and the Beijing Declaration and Platform for Action.

However, women remain under-represented at all levels of policy and decision-making. Globally, the proportion of women and men in the population is almost equal yet the visibility and participation of women in policy and decision-making processes lags behind that of men.

Out of 195 nations, 34 women serve as heads of state or government in 31 countries. Among

1. UN Women (n.d.). *Facts and figures: Women's leadership and political participation.*

<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>

2. *The Nairobi Forward-Looking Strategies for the advancement of women.* (1985).

<https://www.un.org/womenwatch/daw/beijing/otherconferences/Nairobi/Nairobi%20Chapter%201.pdf>

parliamentarians across the world, 26.5% are women. Also, only 13 countries have women holding at least 50 percent in policy-making positions such as those of cabinet ministers.<sup>3</sup>

In Kenya, women account for 50.5% of Kenya's population,<sup>4</sup> yet they held 21.6% of seats at the national parliament and 33.5% of elected seats in deliberative bodies of local government between 2002 and 2021.<sup>5</sup>

In the 2022 general election, women attained 10.6 percent of all the elective seats in the country, which constituted a 1.6 percent increase from 2017.

Overall there was a 16 percent increase in the number of women elected at national and county levels between the 2017 and 2022 elections.

Of the seven Supreme Court judges, four are men. Of the three women, two hold the chief justice and deputy chief justice roles.<sup>6</sup>

However women continue to face gender-specific barriers to political engagement, public service leadership, and public participation, including gender-based violence and lack of internet access.<sup>7&8</sup>

There are countries - Kenya included - that have sought to increase the participation in public service and political life such as through gender quotas, where a certain number of seats are reserved for particular groups of people, such as women, youth, and people living with disabilities.

However, cultural, structural, capacity, and resource barriers hinder women's ability to participate and lead in the public sphere.<sup>9</sup>

State and non-state actors also continue to restrict women's ability to participate in the public sphere, such as through violating women's rights to the freedoms of peaceful assembly and of association, online and offline. Moreover, the digital gender divide hinders women's ability to participate in the public sphere.

## 1.2 Additionally, challenges to public participation include:

a) No legally established public participation guidelines, public apathy, government bureaucracy that slows down processes of participation, and a lack of proactive provision of information by national and county governments (in spite of the constitutionally mandated Access to Information Act 2016).<sup>10</sup>

b) Others are inadequate representation of members of the public (particularly women, youth, persons with disabilities, and other marginalised groups), elite capture where powerful individuals/entities influence the direction local decision-making will take, poor relationship between government and citizens,

c) Inadequate investment in local language use in public participation. In Kenya, public participation

3. UN Women (n.d.). *Facts and figures: Women's leadership and political participation*.

<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>

4. Kenya National Bureau of Statistics (2019). *2019 Kenya Population and Housing Census. Volume III: Distribution of Population by Age and Sex*. Nairobi, Kenya: Kenya National Bureau of Statistics.

5. Statista. *Proportion of seats held by women in the national parliament of Kenya from 2002 to 2021*.

<https://www.statista.com/statistics/1248316/proportion-of-seats-held-by-women-in-kenya-national-parliament/>

6. Judiciary (n.d.). *Supreme Court of Kenya*. <https://supremecourt.judiciary.go.ke/>

7. Anyango, B. O., Alupo, B. A. & Opoku, M. P. (2018). *Women in Politics in Kenya: An Analysis of Participation and Barriers*. *Multidisciplinary Journal of Gender Studies*, 7(1), 1505-1530. doi:10.17583/generos.2018.3179

8. International Telecommunication Union. (2022). *Bridging the gender divide*. <https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx#:~:text=Of%20the%20estimated%202.7%20billion,compared%20with%2057%25%20of%20women> UN Women. (n.d.).

9. *Women's leadership and political participation*. <https://www.unwomen.org/en/what-we-do/leadership-and-political-participation>

10. *Access to Information Act, 2016*. [http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No\\_31\\_of\\_2016.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No_31_of_2016.pdf)

11. *County Governance Toolkit (n.d.). Challenges of public participation*. <https://countytoolkit.devolution.go.ke/challenges-of-public-participation>



is mandated in law through various provisions of the Constitution<sup>12</sup> including those relating to national values and principles of governance (Article 10), the conduct of parliamentary business (Article 118), the running of government affairs (Articles 174 & 196), and the stewardship of the environment (Article 69).

However reports from government<sup>13</sup> and civil society<sup>14</sup> have established that the inclusion of the citizenry in contributing to discussions related to public resources, appointments, and policies has not adequately met the constitutional threshold.

As one report noted: "The form, nature and levels of public participation are however unsatisfactory in both the national and county governments, either levels of which are yet to develop effective frameworks to facilitate public participation".<sup>15</sup>

The draft Public Participation (No. 2) Bill, 2019 which sought to operationalise public participation as envisioned in the Constitution was published in 2019 but is yet to be passed into law.

The bill includes guiding principles in conducting public participation and the rights of a member of the public in public participation.

There is therefore room for improvement for the participation of all citizens in public life and decision-making, and particularly so for traditionally

marginalised groups, including women. During the consultative meeting, a cross-section of actors from the civil society, legal, academic, government, ICT and journalism sectors shared experiences and deliberated on solutions to improve public participation by women through access to the internet and other means.

The meeting also sought to gather input from the participants on:

- a) Barriers to access to the internet
- b) The link between Internet access and the work of women in civil society, including their engagement in public participation opportunities
- d) Opportunities for reform
- c) The gaps in stakeholders' capacity that if addressed would help them more effectively advocate for improved access to the internet and public participation.

These areas are presented in the subsequent sections. Deliberations from the consultative meeting contribute to this policy brief whose intent is to promote the advocacy of improved internet access and increased women's public participation in Kenya.

12. Constitution of Kenya (2010). [http://www.kenyalaw.org/8181/exist/kenyalex/actview.xql?actid=Const2010#KE/CON/Const2010/chap\\_1/sec\\_2](http://www.kenyalaw.org/8181/exist/kenyalex/actview.xql?actid=Const2010#KE/CON/Const2010/chap_1/sec_2)

13. IGRTC (2019). *The status of public participation in national and county governments*. Nairobi, Kenya: Intergovernmental Relations Technical Committee. <https://countytoolkit.devolution.go.ke/sites/default/files/resources/27.%20The%20Status%20of%20Public%20Participation%20in%20National%20and%20County%20Governments%20.pdf>

14. Githaiga, G., Mwanzia, S.W. & Kapiyo, V. (2019). *Public participation: An assessment of reSource/citation needed cent ICT policy making processes in Kenya*. Nairobi, Kenya: KICTANet. <https://www.kictanet.or.ke/?mdocs-file=43918>

15. IGRTC (2019). *The status of public participation in national and county governments*. Nairobi, Kenya: Intergovernmental Relations Technical Committee. <https://countytoolkit.devolution.go.ke/sites/default/files/resources/27.%20The%20Status%20of%20Public%20Participation%20in%20National%20and%20County%20Governments%20.pdf>

# 2.0 Discussion

## 2.1 Barriers to meaningful connectivity

**S**ince it was launched in Kenya in 1995, the Internet has become an essential for the realisation of political, social, and economic rights in the country.

Statistics from the Communications Authority of Kenya (CA) indicate that Internet access has steadily been on the rise across the country as services in the public and private sectors have been digitised, and individuals have joined social media platforms.

For example, between October – December 2012, there were an estimated 9.5 million Internet subscribers, 99% of whom gained access from a mobile phone.<sup>16</sup>

Between October – December 2022, the number had risen to 47.7 million mobile/data subscriptions countrywide, and smartphone penetration

countrywide was at 60%.<sup>17</sup> However, the CA does not provide disaggregated statistics by gender.

Data from the International Telecommunication Union (ITU) show gender gaps globally and on the African continent.

The ITU indicates that of the estimated 2.7 billion people who are not connected, the majority are women and girls.

For those who are using the Internet, 62% are men compared to 57% of women.<sup>18</sup>

In 2019, Internet reach for men and women in Africa stood at 33.8% and 22.6% respectively, showing a gender gap in Internet connectivity.<sup>19</sup> Between 2013 and 2019, there was an increase in the difference between the Internet user penetration rates among men and women.

In 2013, there was a 20.7% Internet user gender gap between men and women, which had increased to 33% in 2019.<sup>20</sup>

### Numbers

**9.5M**

Internet subscribers  
October – December 2012,

**47.7M**

Mobile/data subscriptions country wide  
October – December 2022

**2.7B**

People not connected to Internet

**62%**

Men Connected to Internet in  
the world

**57%**

Women Connected to Internet  
in the world

16. Communications Commission of Kenya (2013). Quarterly Sector Statistics Report: Second Quarter of the Financial Year 2012/2013 (Oct – Dec 2012). <https://www.ca.go.ke/wp-content/uploads/2018/02/Sector-Statistics-Report-Q2-2012-13.pdf>

17. Communications Authority of Kenya (2023). Second Quarter Sector Statistics Report for the Financial Year 2022/2023 (1st October – 31st December 2022).

18. International Telecommunication Union. (2022). Bridging the gender divide. <https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx#:~:text=Of%20the%20estimated%202.7%20billion,compared%20with%2057%25%20of%20women>

19. International Telecommunication Union. (2022). Bridging the gender divide. <https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx>

20. ITU (2019). Measuring digital development: Facts and figures 2019. <https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2019.pdf>

Participants at the consultative meeting indicated that Internet access mattered to them for multiple economic, political and social reasons:

It enabled them to have financial independence through online work. From websites and social media, it enabled access to information, knowledge, opportunities, and essential government services.

Internet access also provided a channel to communicate with and connect to other people across borders, and engage in political campaigns on social media.

It also served as a platform to tell stories and participate in a variety of leisure activities and entertainment.

However, Internet access goes beyond infrastructure and devices. Among the concepts discussed within the forum was 'meaningful connectivity.'

The ITU defines 'meaningful connectivity' as when "people not only have ready access to the Internet but are able to use it regularly and effectively to improve their lives".<sup>21</sup>

This definition was expanded in the discussion to include 'meaningful usage,' which participants referred to as the ability to use devices knowledgeably.

The illustration was that individuals may own digital devices but may spend more than they need to for example on mobile data bundles because they are not aware of how to manage the resources related to owning the device. Overall, the definition of 'meaningful connectivity' refers to every individual's ready access to the Internet and their ability to use it regularly, effectively and knowledgeably.

This definition was expressed in different ways during the deliberations as participants shared experiences that revealed the multiple challenges that women face in accessing and using the Internet.

These challenges included:

- a) Lack of suitable infrastructure (including electricity and proximity to telecommunication masts)
- b) Affordability (ability to purchase smart devices and computers),
- c) Socio-economic struggles
- d) Cultural norms along gender lines related to ownership and access to devices, digital illiteracy, and the expenses associated with accessing e-government services.

One illustration related to the government's increasing adoption of the Internet to provide public services digitally such as the registration of births, payment of taxes, etc.

But in some areas, the citizens may not have Internet access or smartphones, nor be digitally literate. Citizens in that situation are forced to seek guidance or data entry and printing services at cyber cafes to facilitate access to the e-government services.

This comes at a financial cost, making e-government services expensive or inaccessible to those who cannot afford the cybercafe.

Another challenge shared related to the digital skills gap in using digital devices and in engaging in public participation online. In Kenya, the government

21. International Telecommunication Union. (2022). Internet surge slows, leaving 2.7 billion people offline in 2022. <https://www.itu.int/en/mediacentre/Pages/PR-2022-09-16-Internet-surge-slows.aspx>

has made efforts to provide Internet access and computers to schools, but barriers remain.

Among them are the limited number of women teaching ICTs, few girls opting to study science, technology, engineering and mathematics (STEM) studies in the schools, computers not being used by the students or being co-opted for teachers' use, and the relatively limited financial ability (such as to purchase mobile bundles) among women or civil society organisations based in socio-economically disadvantaged areas.

## 2.2 Challenges in attaining meaningful public participation

Civil society has made a major contribution in Kenya by holding political and government leaders accountable, and advocating for the rights of citizens in a multitude of sectors.<sup>22</sup>

In this regard, civil society actors in the consultative forum indicated that digital technologies have had a double-edged impact on public participation.

On the positive side, the Internet allows anyone to engage in a discussion such as when a bill is posted online and provision is made for anyone to comment on it on the same forum.

The technology enables a visibility and wide reach that would otherwise not have been attained.

A participant gave an example of a governor who used TikTok for a livestream where citizens shared recommendations on how to run the county government.

However, contributing on Internet platforms requires access to resources such as knowledge of the subject, Internet infrastructure, fluency in

the language used, a confidence in sharing one's opinion, etc.

It may also mean that one does not engage in all parts of the process that goes into developing the finished product under discussion.

In the case of women, cultural stereotypes and norms can also preclude one from contributing to a discussion even when all other resources are available.

Thus the term 'meaningful participation' was also defined in the forum to be achieved where:

- a) The public are involved in every step of the process;
- b) The process encourages diverse opinions;
- c) The process facilitates inclusion, by ensuring everyone including special interest groups, can participate be it in the facilities availed, language used, notice given to attend the forum, etc.;
- d) The public are involved at every level, from local to county to national; and,
- e) The participants are well-informed about different aspects of the matter at hand.

Forum participants shared experiences and instances that exposed the inadequate fulfilment of public participation as intended in the Constitution.

Citizens did not always have adequate information around issues under discussion, nor were they given sufficient notice of meetings. Women are particularly vulnerable to being harassed, ignored, shut down or even attacked in public meetings due to cultural gender stereotypes against them.

One civil society representative recalled attending a public participation forum which turned into a political meeting.

22. Wainiana, N. (2020, October 16). *The role of Kenyan civil society in democratic governance*. <https://www.theelephant.info/op-eds/2020/10/16/the-role-of-kenyan-civil-society-in-democratic-governance/>

At that meeting, a Member of Parliament at the meeting asked attendees not to raise water issues which were a primary concern.

The participant also noted the need for feedback mechanisms from the public especially when resources intended for public use did not always reach the public or were not used as they were originally intended.

Combined, the two incidents reflected a muting of citizen voices, a blatant case of elite capture of public participation processes, and a clear illustration of the need for established guidelines that facilitate an effective public participation and feedback process.

The civil society representative also indicated that women civil society members can be viewed as radical or controversial because of their ability to speak up in forums, particularly when they champion gender causes.

This labelling is steeped in cultural norms where women are typically not visible or expected to speak in public.

It also ends up diverting attention from the substance of their contributions to the discussion.

However, a different aspect to this issue arose when a participant indicated that using prominent or reputable women or women to champion a cause was a way to fight back against the stereotypes and maintain focus on the issue at hand.

## 2.3 Challenges and opportunities in ensuring women engage in public participation

There is a recognition that in order to ensure the inclusion of women in public participation, the

mechanisms should be open, user-friendly and adapted to the working contexts of women.

These include:

- a) Finding women at convenient times and locations;
- b) Understanding and addressing the cultural barriers that may prevent their participating in public participation (for instance, single-gender forums may be more expensive than mixed gatherings but could enable more diverse voices to be heard);
- c) Starting meetings on time so that women can participate and contribute before going to attend to their other chores);
- d) Appreciating the structural and technological challenges that may hamper women from engaging (such as access to smart devices for e-participation or transport costs incurred by low-income if they are travelling to provide input at a forum);
- e) Insisting on including the voices of those that would be affected by a policy.

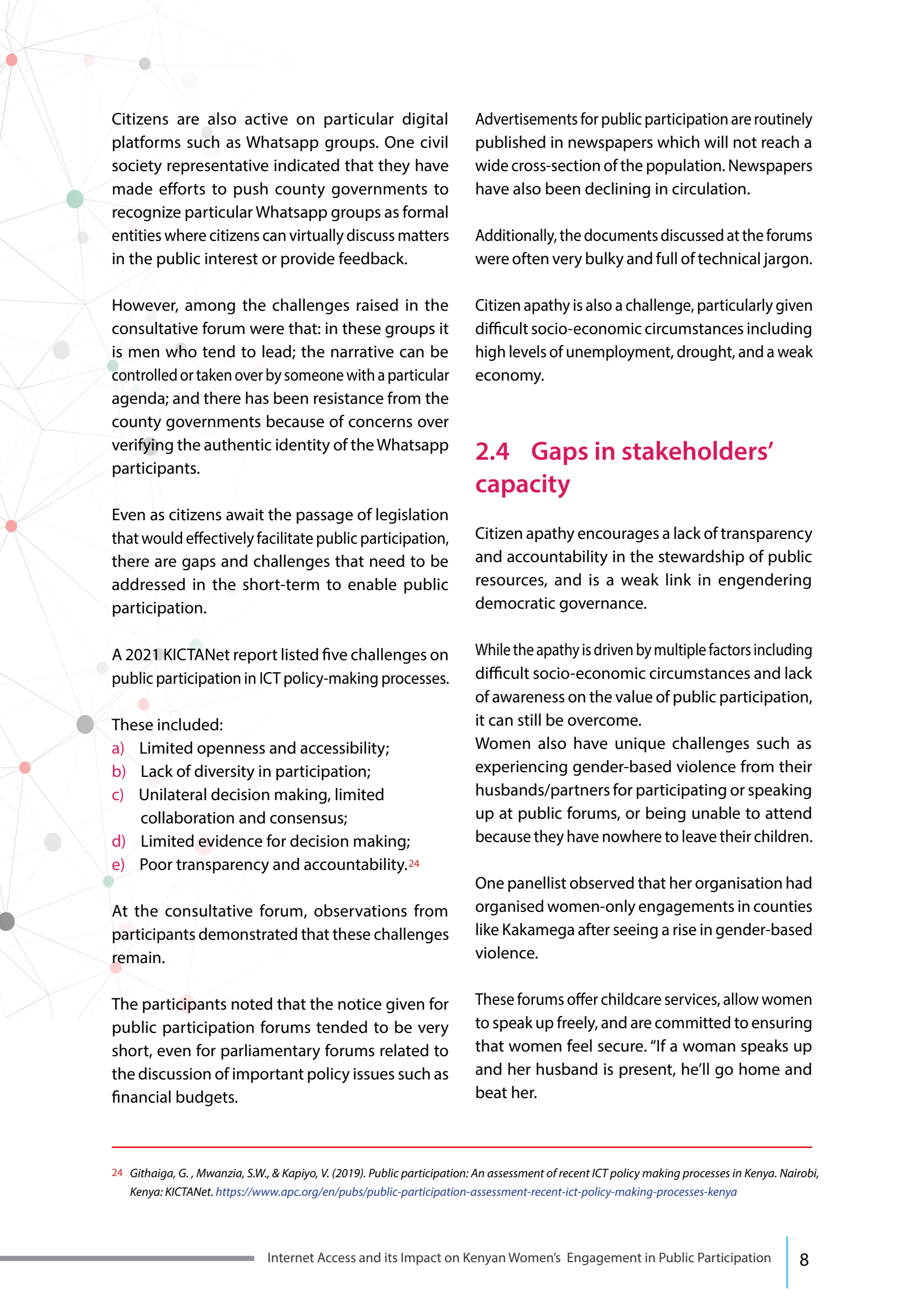
Generally, women should have a say in addressing the concerns that trouble them in their day-to-day lives, including what amenities are available to them such as schools and hospitals. That calls for public participation at local or community levels. Other observations made were that every input shared should be included within the record of the meeting together with the details of the attendees and their comments.

Also, that the records should be public record available publicly. Civil society members are also uniquely positioned to take proactive, rather than reactive, stances in their public participation engagement.

The illustration provided was of KICTANet which noted a gap related to community networks and approached the regulator to create related policy.<sup>23</sup>

<sup>23</sup> KICTANet (n.d.). Community networks. <https://www.kictanet.or.ke/category/community-networks/>





Citizens are also active on particular digital platforms such as Whatsapp groups. One civil society representative indicated that they have made efforts to push county governments to recognize particular Whatsapp groups as formal entities where citizens can virtually discuss matters in the public interest or provide feedback.

However, among the challenges raised in the consultative forum were that: in these groups it is men who tend to lead; the narrative can be controlled or taken over by someone with a particular agenda; and there has been resistance from the county governments because of concerns over verifying the authentic identity of the Whatsapp participants.

Even as citizens await the passage of legislation that would effectively facilitate public participation, there are gaps and challenges that need to be addressed in the short-term to enable public participation.

A 2021 KICTANet report listed five challenges on public participation in ICT policy-making processes.

These included:

- a) Limited openness and accessibility;
- b) Lack of diversity in participation;
- c) Unilateral decision making, limited collaboration and consensus;
- d) Limited evidence for decision making;
- e) Poor transparency and accountability.<sup>24</sup>

At the consultative forum, observations from participants demonstrated that these challenges remain.

The participants noted that the notice given for public participation forums tended to be very short, even for parliamentary forums related to the discussion of important policy issues such as financial budgets.

Advertisements for public participation are routinely published in newspapers which will not reach a wide cross-section of the population. Newspapers have also been declining in circulation.

Additionally, the documents discussed at the forums were often very bulky and full of technical jargon.

Citizen apathy is also a challenge, particularly given difficult socio-economic circumstances including high levels of unemployment, drought, and a weak economy.

## 2.4 Gaps in stakeholders' capacity

Citizen apathy encourages a lack of transparency and accountability in the stewardship of public resources, and is a weak link in engendering democratic governance.

While the apathy is driven by multiple factors including difficult socio-economic circumstances and lack of awareness on the value of public participation, it can still be overcome.


Women also have unique challenges such as experiencing gender-based violence from their husbands/partners for participating or speaking up at public forums, or being unable to attend because they have nowhere to leave their children.

One panellist observed that her organisation had organised women-only engagements in counties like Kakamega after seeing a rise in gender-based violence.

These forums offer childcare services, allow women to speak up freely, and are committed to ensuring that women feel secure. "If a woman speaks up and her husband is present, he'll go home and beat her.

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<sup>24</sup> Githaiga, G., Mwanzia, S.W., & Kapiyo, V. (2019). *Public participation: An assessment of recent ICT policy making processes in Kenya*. Nairobi, Kenya: KICTANet. <https://www.apc.org/en/pubs/public-participation-assessment-recent-ict-policy-making-processes-kenya>



It's culture. We've had to convince men to come with their wives and their families. So we provide childcare for them to see that it's a community thing."

The news media are a critical voice not only in advertising public participation forums but also in disseminating information related to deliberations, participatory processes and opportunities, and implications of the matter under discussion.

The various social media are platforms on which millions of Kenyans seek entertainment and information. While these platforms are usually used in informal or leisure activities, they can also enable advocacy and communication around public participation.

For all actors, an understanding of the ecosystem in which public participation occurs and on correctly timing when to lobby or follow through on an issue are also essential for effective public participation.

One representative from the government observed: "If it is something you're proposing two months to the elections, chances are, if it has nothing to do with the elections... it won't stand a hearing. And then it'll take about another six to eight months before [the legislators] organise themselves.

So timing is also very important. It does not mean you sit and wait. It means just sharpen your tools, have engagement, and have forums like this."

“

*If it is something you're proposing two months to the elections, chances are, if it has nothing to do with the elections... it won't stand a hearing. And then it'll take about another six to eight months before [the legislators] organise themselves.*

## 3.0 Conclusion and Recommendations

**G**iven the discussions around ‘meaningful connectivity’ and ‘meaningful participation,’ it was evident that there are opportunities to improve or strengthen aspects of Internet access and the public participation of women and all citizens.

Of urgency is the passage of a public participation law that governs public participation by encompassing areas such as prior notice, location, language(s) used, participation guidelines for both members of the public and state officers, inclusion and adoption of agenda, information provision and framing of issues, and feedback mechanisms.

The law should support the inclusion of all citizens including members of special interest groups by mitigating against structural, cultural, linguistic and resource barriers such as by ensuring equitable access to information, enabling access to digital and physical meeting platforms, and ensuring women and other members of marginalised groups can speak and be heard in meetings.

There also needs to be a recognition that meaningful public participation and connectivity do not occur in a vacuum. Citizens require their basic needs reliably and consistently met for them to engage actively in matters pertaining to public governance and accountability.

It is in the interests of government, citizens, civil society and the private sector to collaboratively engage so as to ensure that every citizen has the following:

- a)** Access to a reliable, inexpensive source of power.
- b)** Access and proximity to digital infrastructures (such as telecommunications masts even in the most remote area and availability of cheap smartphones).

**c)** Sufficient socio-economic comfort (families’ basic needs for food, water, education, health and security are met).

**d)** Access to information pertaining to public resources, their management and stewardship; While this is provided in law,<sup>25</sup> it is not fully or fairly implemented across the country

**e)** Digital literacy (including how to use computers and smart devices).

**f)** The removal of structural and cultural barriers that limit the inclusion of women and other members or traditionally marginalised groups in public participation. These barriers include: women’s fear of speaking in public spaces due to possible physical, emotional and online abuse; and inconvenient timing and management of public participation forums, where are unable to attend because of family or work responsibilities.

**g)** Equitable access to e-government (in languages used, removal of expenses and brokers such as cyber cafes, clear guidelines on how to engage with e-government, etc).

The deliberations from the consultative forum indicated that there are tremendous opportunities for citizens, civil society, government, and private sector actors to engender robust public participation from citizens and women in particular.

Despite the multiple barriers, citizens and civil society actors are making efforts to engage in dialogue with government officials, and to advocate for more transparency and accountability in the management of public resources.

The creation of a supportive environment also calls for the political will to develop or enforce new or existing laws and policies.

<sup>25</sup> Kenya Gazette Supplement No. 152. Access to Information Act 2016. [http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No.\\_31\\_of\\_2016.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No._31_of_2016.pdf)

Advocacy, accountability, and financial and moral support can also be harnessed from a robust civil society, informed citizens, and engaged private sector.

This policy brief reiterates the recommendations from the KICTANet report<sup>26</sup> on public participation.

These recommendations underscore that public participation processes should be open and accountable, inclusive of all citizens, collaborative and consensus-driven, evidence-based, transparent and accountable.

### Key recommendations are that:

**a)** Citizens should actively take part in public participation forums on both digital and physical platforms such as Twitter spaces and other social media;

**b)** National and county legislatures should urgently table and pass meaningful public participation laws that promote citizen interests and access, include marginalised communities, and ensure effective virtual and physical engagement;

**c)** Civil society should continue to use their mobilising and institutional power to lobby governing authorities while bringing citizens together in the advocating for meaningful connectivity and participation;

**d)** Private sector players such as telecommunications companies can support public participation such as through provision of affordable internet connectivity through publicly available hotspots and ICT centres.

The specific recommendations for citizens, civil society actors, government, and the private sector are presented as follows:

## 4.1 Citizens

Citizens can engage more proactively and should:

**a)** Recognise that citizen engagement in public participation forums is essential and that their contributions are valuable for the public good.

**b)** Proactively take part in public participation forums on both digital and physical platforms such as Twitter spaces and other social media.

**c)** Engage and participate in influencer campaigns (such as pre-public participation campaigns, notices, advertisements, and podcasts).

**d)** Make use of social media not only for information and entertainment, but also to engage in discussing matters of public interest.

**e)** Join mailing lists (such as that of KICTANet) for announcements on public participation and civic education on public participation.

**f)** Initiate public participation such as by raising concerns with their elected representatives through emails and signed petitions.

## 4.2 Government

As a steward of public resources with the reach, influence, authority and power to develop and implement policies, government and legislative authorities have the duty to ensure:

**a)** The passage of public participation laws and guidelines that operationalise and standardise an inclusive, apolitical process from the national to grassroots levels. The process would require among other components:

**b)** Timely and extensive notice about public participation forums on news and social media platforms.

**c)** The protection of citizens' information (e.g. contact details) to prevent verbal/online attacks

<sup>26</sup> Githaiga, G., Mwanzia, S.W., & Kapiyo, V. (2019). *Public participation: An assessment of recent ICT policy making processes in Kenya*. Nairobi, Kenya: KICTANet

or other types of abuse of data e.g. spamming of political messages, advertising, or criminal activity

**d)** Translation services to ensure that forums and documents can be understood by every citizen in a language in which they are fluent;

**e)** A respectful, secure environment for every citizen who participates in and contributes to public participation forums. Bullying, harassment and other forms of gender-based violence against women who speak up in public participation forums should be contained, with the government arresting and taking action against perpetrators.

**f)** Meaningful connectivity to ensure citizens are able to contribute to and/or participate in physical and digital public participation platforms. This would include the provision of energy and infrastructure to connect to the Internet

**g)** Public participation forums are conducted in the language that best suits the local community, and where possible, the government should facilitate the provision of translators.

**h)** Multiple platforms for public participation and/or to seek citizen feedback and views on matters raised in public participation forums. Virtual platforms could include webinars, Twitter spaces, video conference calls, etc. Feedback mechanisms can include surveys, polls, and evaluation tools that can be administered in physical, virtual or hybrid public participation events. Toll-free phone numbers that can receive text messages anonymously would also be a useful feedback-gathering tool.

**i)** Investment in extensive, continuous, free civic education where citizens are exposed to the purpose and process of public participation, and encouraged to participate without fear. This education can include capacity building in digital skills and exposure to digital tools to build awareness and knowledge on using the Internet for public participation.

**j)** The creation of more community networks, particularly in low-income areas to ensure the

inclusion of a wider range of citizens in public participation in both virtual and physical settings

**k)** Transparency and accountability in its stewardship of all public resources, including public participation processes, to guarantee action, implementation and the building of citizen trust.

### 4.3 Civil Society

Civil society has the mobilising and institutional power to lobby governing authorities while bringing citizens together. To advocate for meaningful connectivity and participation, civil society representatives can:

**a)** Create awareness among citizens about the purpose and process of public participation mobilise citizens to attend public participation forums even those called on short notice.

**b)** Challenge citizens to articulate their concerns and suggestions in public participation forums.

**c)** Distil complex, technical policy documents into short jargon-free, easy-to-understand content that can be easily presented to citizens in languages in which they are fluent

**d)** Engage in CSOs to ensure advocacy and awareness at the grassroots and empower them with digital tools and skills


**e)** Propose relevant laws and policies to government for review.

**f)** Promote a culture of sharing information on public participation.

**g)** Sensitise the citizenry on Section 13 of the National Cohesion and Integration Act 2008 which decries the use and dissemination of hate speech in oral, written or performative communication

**h)** Engage in strategic litigation, such as advocacy against online gender-based violence and gender-blind policies.





**i)** Strengthen initiatives that cut across multiple issues (such as digital and human rights advocacy) so as to sustain strong, safe, and inclusive communities

**j)** Be cognisant of the societal and cultural barriers that can hinder women from participating in public forums. This can mean having women-only public participation forums, communicating in local languages, availing childcare services during forums, and providing transport allowances to enable the women's presence at forums.

**k)** Collaborate with other civil society actors in different sectors to ensure public participation engagement, and to follow through on feedback and to what happens to an issue under discussion.

**l)** Lobby politicians and government authorities to draft or promote laws and policies supportive of public participation.

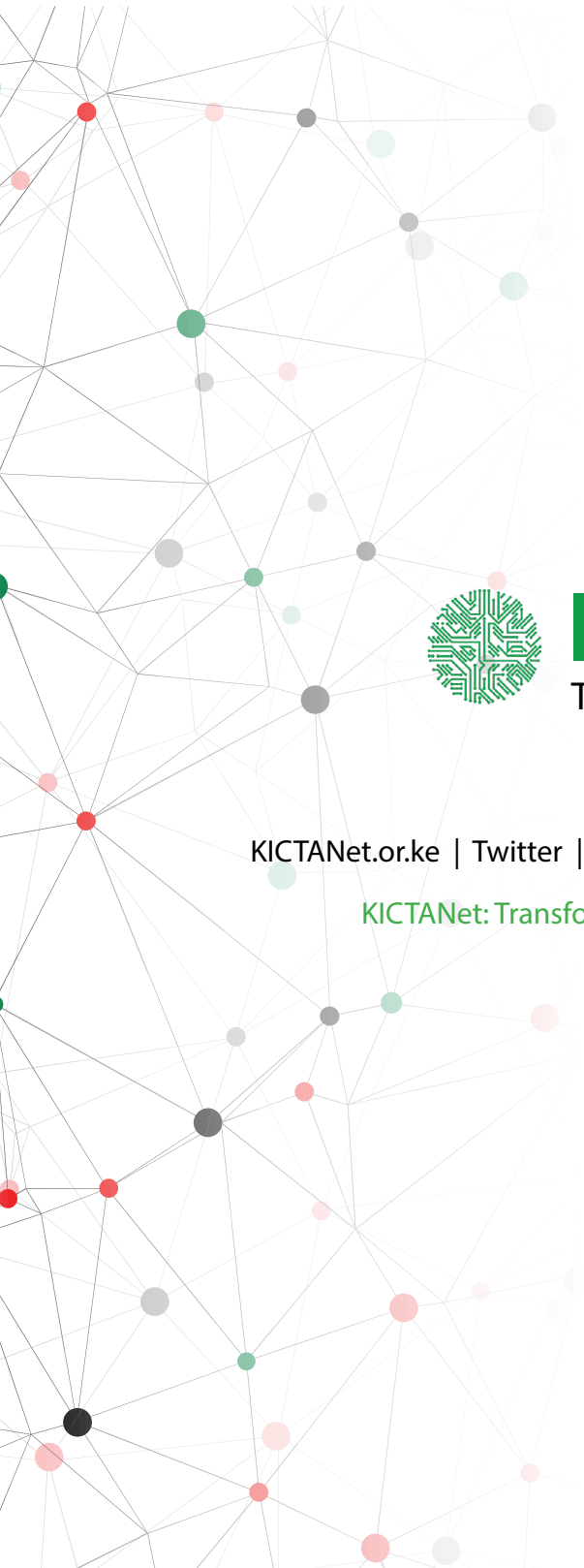
## 4.4 Private sector

The private sector is a significant player in Internet provision and connectivity, and can contribute towards the achievement of meaningful connectivity and public participation.

Telecommunications companies and internet service providers can partner with national and county governments to:

- Provide publicly accessible ICT hubs, hotspots, and public participation portals. In these spaces, citizens of every background and socio-economic status as well as civil society organisations and community-owned networks with limited funding have opportunities to gather information and engage in virtual meetings at no cost;

- Support or provide funding for language translations related to public participation in virtual forums.



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