



We the people...inventing the future

Sauti Ya Vijana

Youth Perspectives on the Implementation of
the Constitution of Kenya

#Katiba@10



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"Any society that does not succeed in tapping into the energy and creativity of its **youth** will be left behind. No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime.

Young people must be included from birth."

– *Kofi Annan*

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And most of all, this report would not be complete were it not for members of the public who entrusted us with information. Additionally, through the support by Family Health International, funded by the United States Agency for International Development.

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Executive Summary

In 2010, there was jubilation and cheers in celebration of Kenya's new constitution. 10 years since, does the majority population feel or see the changes that it promised to bring? Kenya is one of the only countries in the world with a specific article to cater to young people of the country, do youth think that we are heading in the right direction when it comes to implementation of the constitution? Or should we be thinking of new ways, perhaps amendments, some sort of review, or maybe a referendum?

2019 census data in Kenya revealed that 35.7 million Kenyans (75.1%) are below the age of 35 years while 32.73 million (68.9%) live in rural areas. With our current constitution, direct power goes to the people, but many young people are not aware of their importance in contributing to decision-making and this is due to a number of reasons. There are existing challenges which include failure of the government to allocate resources to facilitate public participation and/or lack of political good will. There is a lacklustre nature with which the constitutional right to participate in decision-making and governance are implemented on the ground by duty bearers. Where youth are engaged, it is reduced to tokenism and mere checking of boxes in contravention to Article 174(c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them. Because youth are not involved at the inception, their priorities are not taken into consideration during key development decision making processes like development of county integrated development plan (CIDP), annual development plan (ADP) and implementation of these plans. As a result, the youth feel disillusioned and disengaged because they feel that they are not listened to and their needs are not met. Failure to involve youth is inconsistent with Article 55 that obligates the State to take measures that ensure youth access relevant education, have opportunities to associate, be represented and participate in political, social and economic and other spheres of life. As a result of lack of their involvement- corruption and mismanagement of public funds, mismatched priorities between county and community, conflict of ideas, lack of community ownership, are rampant translating to failed projects.

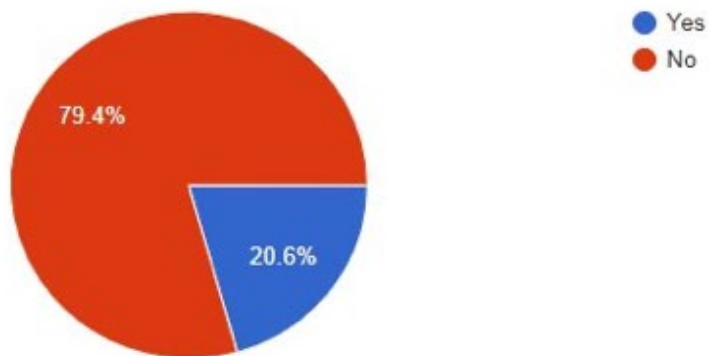
Even with these challenges, are young people aware of their rights? Knowledgeable about their constitution 10 years on? Are they willing to engage more to have it implemented, or just simply disconnected from it entirely? Through the support of partners, we asked youth from various counties, and additionally asked them on social media what they thought about the constitution. Through poll surveys that interviewed up to 500 youth from across the country, engaging up to 2000 youth via Facebook as well as collecting some insights from conversations we held on Twitter, Facebook and radio.

Kisumu

“Election of youthful leaders means nothing if youth leaders don’t provide fresh leadership free of corruption, negative ethnicity and cronyism that seems to have held our society and more so the body politic hostage”

Do you think we have done enough to implement the CoK 2010?

63 responses

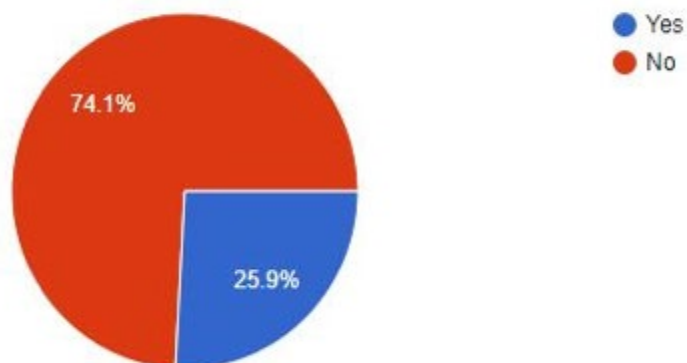


Mombasa

“There is no need for a referendum. Furthermore, there some points in BBI report that can be implemented without going for a referendum and last but not least we were told that there shall be an audit on the current constitution so how shall we know our own performance in the implementation of the constitution”

Do you think we have done enough to implement the CoK 2010?

116 responses



Nakuru

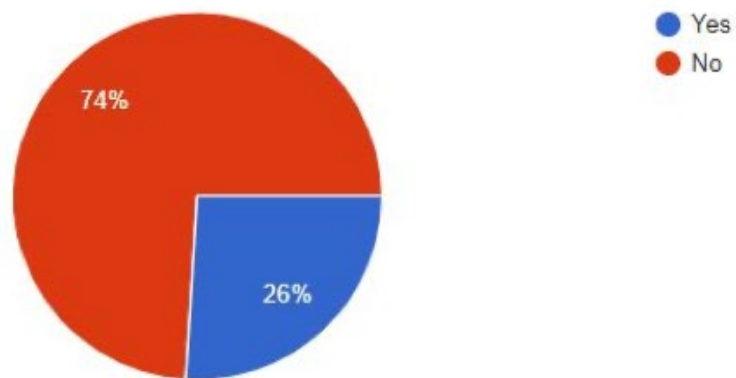
"Youth in informal settlements have been ignored and marginalized. Additionally, young people have not internalized the constitution. We must learn to mobilize and organize locally and nationally so that we can be able to speak in one voice, using mechanisms such as technology to mobilize and organize"

Busia

"BBI should not be imposed on Kenyans, let people exercise their constitutional rights and decide on what they feel is right. It is time to review the constitution and I hope and pray the government will implement it."

Do you think we have done enough to implement the CoK 2010?

50 responses



Kirinyaga

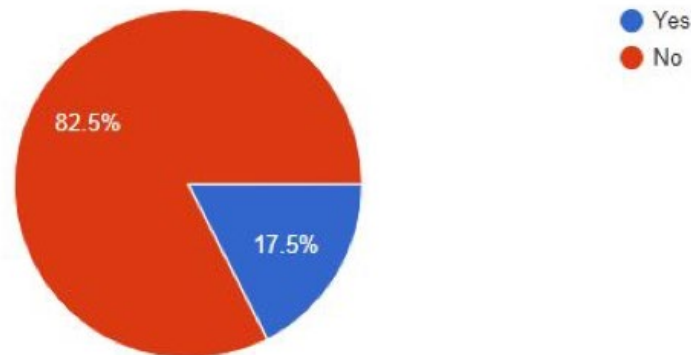
"The need to re-look at qualifications of County Assembly members - The Kirinyaga youth are worried about the kind of county assembly leaders they have. Majority of MCAs have failed the standards set by Chapter 6 of the Constitution of Kenya 2010. The county assembly is driven by money and not by the people's interests. The assembly is yet to pass law that resonate with the local needs like agriculture, women and youth empowerment"

Nairobi

“Youth must demand for full implementation of the Constitution of Kenya. It is of importance to implement current policies before introducing new ones.”

Do you think we have done enough to implement the CoK 2010?

103 responses



Many youth admitted that they do rely on information that they receive from politicians. Our politicians are technically treated as celebrities or influencers and this is because social media usage has increased their influence greatly. The increase of fake news and youth relying less on mainstream media for their sources of information and more often on individuals, has made it difficult to decipher between fact and fiction. Today, an individual can be a media house and sharing information through their pages which youth depend on for information. There need to be avenues to encourage up and coming constitutional influencers, which will be key, public figures that support constitutionalism, and intentionality on how we consider these public figures.

Limited civic education on the constitution is having a massive negative ripple effect on the community, especially on marginalized youth. Young people do not understand and do not know the direct role they are to play according to the constitution which gives them power to participate. If the country is to remain in the same trajectory, where ownership of the constitution is not treated as essential, there will continue to be a lack of implementation. We cannot ignore that negotiated democracy also plays a major role on how decisions are made. Council of elders still influence our politics greatly, locking out young people and especially young women. Because of their influence on political decisions, culture becomes an obstacle to meaningful youth engagement. Youth often feel out of place participating in community decisions and are often over looked and not invited to forums.

There is a limited adaptability when it comes to civic education. Some civil society organizations struggle to connect with the majority population. Adapting to using technology, through whatsapp or social media. Sharing information in formats such as perhaps video and music often underrated and youth think they are engaged rarely and often late.

A hybrid system, where the few youth with access to smart phones, being focal persons to relay this information during their physical engagements is key.

Because the constitution is not currently consistently taught, youth hardly interact with it, so it is disconnected from their every day life. The fact that youth is not devolved, youth offices and representation are different based on County. Which brings about lack of synergy when it comes to youth engagement, as well as difficulty mapping existing youth groups that currently exist.

Additionally, as the economy continues to take a downturn and the increase of corruption scandals, youth are having less hope in the rule of law and respecting the rule of law.

This report demonstrates their responses and views on the constitution, BBI and possible referendum.



Introduction

'Sauti Yetu' (Our Voice) seeking to promote youth inclusion in decision-making processes. The project scheduled various strategies including facilitating 1-day stakeholders consultative forums (baraza) on the referendum- to discuss what warrants a referendum as well as whether the youth think there is a need. Additionally, the thoughts that youth have on the constitution. In the aspect of implementation and whether much more needs to be done when it comes to young people understanding their rights that are availed in the constitution.

With the emergence of Covid-19, restriction of movement and prohibition of gatherings forced us to strategize in terms of implementation. Making the engagements much shorter so as to be within the specified government guidelines on social distancing. We also input the aspect of combining online engagements to support these conversations. The engagements had a group of participants from each county that was invited to be part of the meeting via Zoom. Some of the recommendations come from participants that were part of the process online. We also aired the conversations on the Siasa Place Facebook page live, to allow for an even greater audience to participate and local radio stations.

It would be difficult to look at the progress of the constitution without mentioning the Building Bridges Initiative, because the current public discourse is possible constitutional amendments. A major landmark in our country's history is the road map to the Building Bridges Initiative which started on March 9, 2018 seeking to evaluate the national challenges outlined in the Joint Communique of 'Building Bridges to a New Kenyan Nation.' There is no greater population that has benefited from the peace it fostered other than the youth. Two years on, and our recent census demonstrates that 75% of Kenya's population is below the age of 35 and that youthful average will remain to be so for decades to come. When the taskforce was initially gazetted, there was an uproar from youth because the committee lacked an individual that represented the youth. Even with that rocky start, young people were still hopeful of engaging in the process. Some youth groups organized themselves and submitted recommendations to the taskforce. In March 2020, we consolidated the ideas that young people submitted to the taskforce.

We did this mainly for two reasons: 1. Consolidate the youth voice to make it easy for the task force to follow. 2. To make it easier for us to follow up with the task force.

The compiled document reflected their views as it pertains to BBI and the groups that they represent. In summary, we focused on mainly 7 groups. The criteria used for the groups was that each had a total of 3 or more youth groups/ organizations per submission, covering young people from different backgrounds and interests. These are the 4 common points of interest:

- As much as young people are the majority population, that does not reflect in our leadership. Therefore, in the aspect of the Deputy Prime Minister position, 1 position to be a young person. This additionally reflected in other affirmative action alternatives for young people to be included in positions of representation.
- Majority groups echoed that a Youth Ministry or National Youth Commission or National Youth Council be independent. It is important for the development of this country and meaningful youth engagement in particular.
- Prioritization of the economic empowerment of the youth, through mechanisms such as dropping the need for conventional security for securing finances as a requirement and replacing this need with alternative loan security measures, 'One stop shop' - easier methods to register and start a business without going through multiple agencies and hidden costs.
- Corruption cases handled in short periods of time - less than 12 months on average .

As much as there was uproar when the taskforce was formed, because of the absence of youth, youth groups still participated by making submissions to the taskforce from various counties. Still hopeful to be involved in the process. Some groups were called to meet with the task force face to face and justify their submissions.

The taskforce then called for a second round of submissions, this time to the different counties. Many of the engagements on BBI were political, and led by politicians, and even fewer young people were part of the discussions. The political temperatures continued to rise as politicians who were vocal about not supporting BBI began to be ostracized and political cliques began to form before our very eyes. Then the conversation of a possible referendum began to fill our airwaves. This led us to be curious to know what youth thought about these changes, what were their thoughts on BBI and specifically on the constitution of Kenya. Does it need to be changed? Perhaps reviewed? Are their opinions similar to those of the political elite?

10 years after the promulgation of the constitution, do the youth of Kenya identify with it? And what are some of the provisions that they are familiar with. In the aspect of BBI, do youth think that the final report will help the country, pushing us toward a progressive direction or does Kenya need a change that can only be done through a referendum.

Sauti Yetu, meetings were to gather the thoughts of young people in the aspect of the constitution. Several youth groups were involved in mobilizing so as to gather as many diverse

opinions as possible in the limited time frame that we had. Focusing on urban localities more because of the corona virus, during the period we were uncertain of a possible lockdown and also for the safety of our participants. We held smaller group meetings where social distancing was practiced, and relied on internet connectivity to be able to reach a wider audience. This forced us to remain in areas where youth were accessible to the internet.

The views gathered are to be a reflection of how youth view the constitution at the moment. Find ways to engage young people more meaningfully as well as utilizing mechanisms that youth find adequate. The report is also to be utilized as reflective of the majority population. For civic educators to identify the existing gaps when it comes to the limited information as well as the mind frame of young people. With the decline of participation of young people when it comes to democratic processes globally, what about the youth of Kenya? This is also to know whether youth have hope in the constitution and what their aspirations are, how do they feel about the changes that could be occurring in the near future and do they feel a part of those changes.



Mombasa

In partnership with Kwacha Afrika and Ajenda Kenya a youth baraza on youth involvement in constitutional reforms within the country, the building bridges initiative (BBI) and the achievements the constitution 10 years on was held.

In collaboration with Coast youth led thematic group- part of the larger umbrella of Coast CSO's Consortium that host the networks Coast Land and Non State actors, Security and Human Rights, Mombasa County Health and Advocacy network & Pwani Gender Based Violence, Governance network and Coast Youth led network, Shakirina Youth Development, Zayyad Said Foundation, Mombasa Youth Network, Kadzandani Creative Youth Organization, Buxton youth group, Center for Development and Peace, Rainbow women of Kenya, Kallywood artiste group organization, Haki Yetu Organization, Mwatundo Youth Group, Kadzandani Creative youth organization, Kituo cha Sheria, Muslim Education and Welfare Association(MEWA), Pwani Transgender Initiative.

The baraza had a total of 141 attendees; 32 (15 female, 17 male) offline and 109 (44 female and 65 male) online.

Journey of constitutional reforms in Kenya

By Felix Otieno Obiero and Job Situma

Mr. Situma took the participants through the history of constitutional reforms in Kenya starting from 1963 where the constitution provided for multi-party parliamentary system where Jomo Kenyatta was installed as the first prime minister. By 1964 Kenya becomes a republic and Jomo Kenyatta becomes the first president with the position of the prime minister scrapped. In 1966 the provincial assemblies was scrapped. The Senate was dissolved and its members combined with those of the House of Representatives into a unicameral National Assembly.

In 1969 the new constitution is adopted, consolidating amendments already made to the 1963 independence constitution and further strengthening presidential powers. This continued to 1976 where constitutional amendment enabling the president to pardon politicians barred from contesting election over electoral malpractices, opposition to these amendments led to the arrest and imprisonment of Philomena Chelagat Mutai and George Anyona. In 1982 after the aborted coup multi-partism was abolished making Kenya a single party state with KANU as the ruling party which was followed by infamous elections of 1988 where the Mlolongo system (queuing) was used instead of the secret ballot.

By 1991 the then President Moi at a KANU delegates meeting held at Kasarani stadium repealed section 2A of the constitution, thereby making Kenya a multi-party state. The change enabled the introduction of term limits to the presidency. This was followed by the irreducible minimums set by Inter-Party Parliamentary Group (IPPG) which included KANU and the combined opposition ahead of the 1997 elections.

In the year 2000 President Moi set up the Commission for Constitution Reforms where Prof. Yash Pal Ghai was named as the chairperson to spearhead Kenya's first major constitution reforms. These reforms led to the adoption of several competing drafts and a deadlock between government and opposition. Some of the drafts are;

- 2004 Bomas draft (named after the location of the constitutional reform conference that adopted it) the draft proposed transferring most of the powers of the office of the President election by the people to Prime Minister that would be elected by Parliament. In addition, there would have been checks on executive appointments. The PM would nominate MPs to become Cabinet ministers; the president would then appoint them. All appointments would require up and down votes by a members of the Senate.
- 2005 Wako Draft (namely after the Attorney General, Amos Wako) put forward unilaterally by the government instead of the Bomas Draft, which it rejected. A modified version of the 1969 constitution but got rid of 25% in at least 5 provinces. The winner would also have to get more than 50% of the votes, else an instant re-run would occur.

By November 2005 the country conducted the first constitution referendum which the citizens rejected the proposal that was supported by the government. After the referendum Prof. Yash Pal Ghai proposed for Minimal Constitution Reforms option, he suggested that the best way to achieve constitutional change would be to do it in small phases as opposed to immediate and complete overhaul of current system.

After the 2007-2008 post-election violence the National Assembly of Kenya passed the National Reconciliation Accord Act that introduced a temporary change to the constitution, introducing the position of the Prime Ministers and two Deputy Prime Ministers. A team of mediators led by Kofi Annan, proposed by President Kufor of Ghana, then chair of the African Union, pushed for renewed constitutional review process. The National Dialogue and Reconciliation process led to an agreement between the parties in February 2008, including the formation of a government of national unity and other reforms. Agenda item 4 in the agreement focused on Long Term issues, including constitutional and institutional reform.

In March 2008 the parties agree on the principles for constitutional review process, and Parliament establishes a committee of experts on constitutional reform to gather views from the public deliberate on contentious issues and come up with a draft of the new constitution. A constitution Kenya Review process, and enters into force in December. The committee held extensive public consultations and received many dozens of submissions.

In 2009 Parliament priorities constitution reforms through Agenda No.4 deliberations on how this reforms will be tackled and will be discussed in the second session of the 10th parliament that began in April 2009. By November of the same year the harmonized draft constitution written and proposed by the committee of experts was released and had the following highlights;

- Transfer of executive authority from the President to Prime Minister Position who will be the Head of Government.
- President will be the Head of State and maintain a more ceremonial role.
- Prime Minister will be the Head of Government and will be the head of the party/coalition with a majority in Parliament – He/she will nominate ministers to the Cabinet.
- Half of the ministers in cabinet can be nominated from non-MPs.
- The total number of MPs will be increased from 222 to 295.
- An upper house, a senate, will be introduced to represent the regions –the total numbers of Senators will be 113.
- Devolution to the provincial level- current 8 province will be now referred to regions.
- The 8 regions/provinces will be now subdivided to into counties –there will be a total of counties 70 counties and will each be headed by executives.
- Nairobi province will become a region and have a popularly elected Mayor as opposed to having the city councilors elected the Mayor.
- Retention of the Kadhi court system as it is in the current constitution.

Following a series of consultations and amendments a revised text is published in February 2010 and on May 6th 2010 the final draft of the proposed constitution is published for approval by referendum and by 27th August the new constitution was promulgated after getting 67% margin in a national referendum. On October 5th 2010 the parliament establishes the Constitutional Implementation Oversight Committee (CIOCC) which is mandated to oversee the entire implantation of the process of the reforms required by the new constitution.

Building Bridges Initiative Report

By Job Situma, Mary Maina and Felix Otieno

Mr. Situma gave brief history of the genesis of the BBI report where he started by reminding members in the 2013 general election where Hon Uhuru Kenyatta and Raila Odinga who were the front runners in the presidential elections which Hon Uhuru Kenyatta was declared by the Independent Electoral Commission of Kenya (IEBC) as the president amidst alleged election malpractices. This was later contested at the Supreme Court by Raila Odinga which was the first Presidential election dispute the court shall hear and make a ruling under the new

constitution. The court later came to a conclusion through member judges at the Supreme Court voting on the evidence brought forth in the court from the IEBC, Coalition of Reforms and Democracy, The Jubilee Coalition and friends of the court.

As the country was nearing to go for 2017 election a series of changes had taken place namely the changes within the IEBC and the election process, strengthening of the independency of the judiciary, this was seen when Presidential election was annulled by the Supreme Court when Hon Raila Odinga through his lead lawyer Hon Senator Orengo proved to the court that IEBC systems had some faults in terms of transmission of election results. The IEBC was requested to plan to conduct for a fresh presidential election upon which all the presidential candidates were seek votes from the wananchi. In this Hon. Raila Odinga demanded of electoral reforms before going for elections with the famous slogan “No Reforms No Elections”.

This made a majority of his voters to heed his call and refused to participate in the fresh presidential election which some parts of the country did not participate, largely areas where Hon. Raila Odinga had considerably a large following. By Hon. Raila Odinga withdrawing from the election the remaining candidates namely Hon Uhuru Kenyatta and Ekuru Aukot ran for the presidential seat where Hon. Uhuru Kenyatta was declared as the President.

Since parts of the country did not participate in the election the citizens in those areas felt that Hon. Uhuru Kenyatta was not legitimately elected as the president. This pushed a majority of people who had supported Hon. Raila endorse him as the people’s president, a push had started in the country to request Hon. Raila and his running mate to be sworn in as the people’s president and take an oath of office which took place in Nairobi’ Uhuru Park on January 2018 but his running mate Hon Kalonzo Musyoka did not. After Hon. Raila had taken the oath of office as the people’s president the Attorney general then Githu Muigai claimed that Hon. Raila and the people who had performed and participated in the oath taking process had committed a treasonous act and ought to be arrested. This was seen when Mr. Miguna Miguna was expelled from the country as being a Canadian and Hon. TJ Kajwang being arrested and taken to court.

On 9th March 2018 the country woke up to life-changing surprise when news broke that Hon. Raila Odinga and President Uhuru Kenyatta who were at the summit of divisive politics had put aside their difference to find a common ground in uniting the country through the famous handshake. The handshake brought forth the Building Bridges Initiative where a taskforce was setup by the President in partnership with Hon. Raila Odinga to round the country to seek views from Kenyans on never ending divisive politics that occur during every election cycle which end up affecting the lives of Kenyans.

Out the many views the taskforce had collected they came up with nine points which Kenyan’s felt are key to be addressed namely;

- Ethic antagonism and corruption
- Divisive elections

- Corruption
- Lack of national ethos
- Inclusivity
- Devolution
- Safety and security
- Shared prosperity
- Responsibility

Mr. Situma reminded the participants on how to amend the Constitution of Kenya and that is through *chapter 16 articles 256 and 257*.

Comments and views on BBI and the referendum:

1. There is no need for a referendum. Furthermore, there some points in BBI report that can be implemented without going for a referendum and last but not least we were told that their shall be an audit on the current constitution so how shall we know our own performance in the implementation of the constitution-
2. When we developed the Kilifi and Wako drafts, those draft constitutions were readily available in every part of the country why is do difficult to get this BBI report? How can my grandmother access it?
3. BBI is just a document to benefit few individuals. Many youths especially those who work in the service sector such as restaurants and hotels, have lost their jobs to this pandemic. People are frustrated, most going through depression and suicidal thoughts. And they can think of is a document to create few seats between themselves?
4. They cannot promise Kenyans that these amendments will be implemented when we have a system that disregard the constitution, leaders who use state machinery to protect themselves and intimidate poor Kenyans
5. BBI is a document with recommendations to address certain issues and to find out ways and mechanisms to tackle them. the referendum is not to change the constitution but to include the BBI in the current constitution



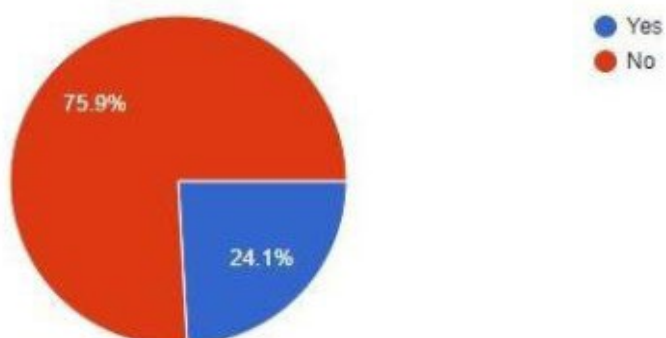
During the meeting, the virtual participants also took part in a poll during the session, below are the details

116 responses



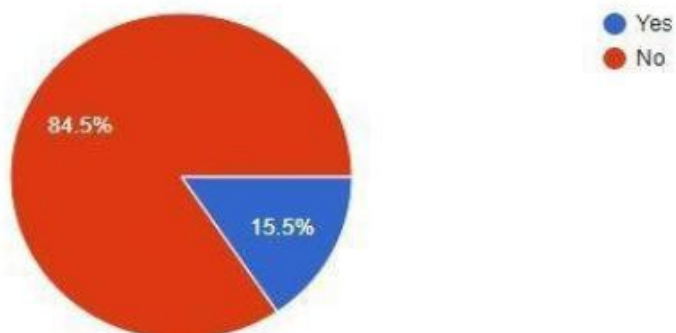
Do you think the government has fully implemented and protected your rights as stated in Chapter 4 of Constitution of Kenya(CoK) 2010?

116 responses



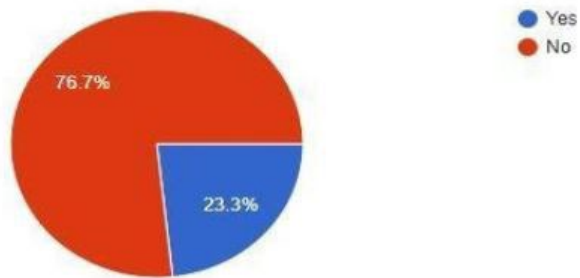
Article 55 of the CoK 2010 focuses on youth. Do you think the government has fully implemented?

116 responses



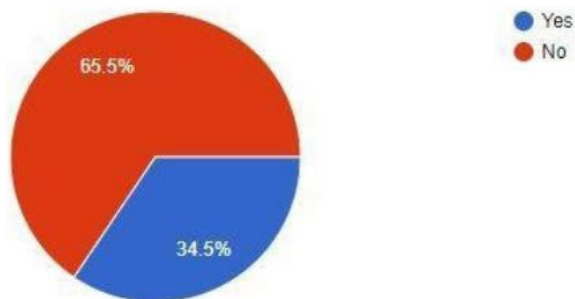
Chapter 6 of CoK 2010 focuses on leadership. Do you think the government has implemented it?

116 responses



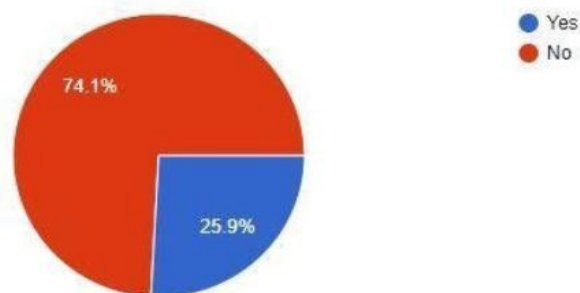
Do we need the BBI referendum?

116 responses



Do you think we have done enough to implement the CoK 2010?

116 responses



Age

116 responses





Kisumu

Organized in partnership with county-based youth organizations such as; Watetezi Movement, Champions of Peace Kisumu, OAY Kenya, Kondele Community Social Justice Centre, Women Volunteers for Peace, Youth for Sustainable Development (YSD) Kisumu, and Footprints for Change.

Mr. Emmanuel Opiyo started by introducing the BBI report touching on the nine-point agenda and also the level of implementation of the Constitution of Kenya, with focus on Chapter Four that focuses on the Bill of Rights, Article 55 that talks about Youth and Chapter 6 that focuses on Leadership and Integrity. Youth leaders thereafter weighed in and the following were some of the issues raised:

- Youth were not involved in the drafting of the BBI report. Public participation was not conducted and proposals in the report do not represent the views of youth, women and PWD's in Kenya.
- The decision to hold public participation forum in Acacia Hotel, Kisumu was not right. People could only get access or information based on who you follow politically. However, do agree and support most of its recommendations.
- BBI is an idea whose time has come and it is the silver bullet to slay the dragon of corruption and ethnicity.
- BBI will address the issue of divisive elections and enhance peace, love and unity as it is captured in the Kenyan flag.
- BBI report does not address division of revenue that is currently a stalemate in the Senate. BBI talks of giving young people who are in small enterprises a 7-year tax holiday, how is this possible if most can't make it past the first year of operation?
- Kenya National Dialogue and Reconciliation (KNDR) agreement was formed some years ago. Among its four agendas, specifically item number four it was to address long term issues including undertaking constitutional reforms, tackling unemployment among youths and the inequality that existed before, among other issues. Years down the line, not much has come out of it, and it's a concern, really raising questions as to whether the

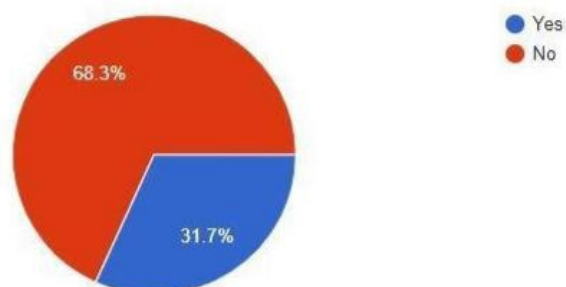
youth cries, bearing in mind that not all of them have been taken account of, will be heard, or even the agendas therein, will come to pass, or it will go into silence, as it has been before.

- The proposal to increase the allocation of funds to county governments and also targets areas of agriculture, health and the rapid urbanization will benefit citizens.
- BBI does not merely propose the expansion of The Executive. It is about creating a powerful position for a former president so that he can stick around in a powerful government position after his term is over.
- BBI proposes creating more opportunities for young entrepreneurs, however how will it address the issues of access to credit from financial institutions?
- The Kenya Youth and Development policy 2019 was assented last year. We have the NYC as a youth voice at the national level. What's their role?
- Election of youthful leaders means nothing if youth leaders don't provide fresh leadership free of corruption, negative ethnicity & cronyism that seems to have held our society & more so the body politic hostage.
- As part of ensuring that all Kenyans have access to quality services and no Kenyan is left out the BBI proposes Kubadili Plan to bring marginalized wards and areas to level generally enjoyed by the rest of the country.
- BBI report is one that favors certain people. If the Constitution of Kenya that was promulgated in 2010 is yet to be fully implemented, how can we expect that BBI will be any different?
- BBI Report needs to have a strong recommendation on the need to bring the youth on board in all programs to meet national goals. Without youth-centered planning, budgeting and development, and without youth contribution, it will be a formidable challenge for Kenya to realize the nation's development goals.
- It is undeniable that the Constitution of Kenya has established a foundation for building strong issue-based political parties. However, the crisis in political parties, which are characterized by exclusion, patronage, and ethnicity threatens to undermine the growth of democracy.
- The task force recommendations for youth participation are commendable and BBI should not be rejected. Youth need to support the implementation of the process and ensure it doesn't have gaps like other initiatives.
- BBI is timely and of great importance for youths to address their issues. I fully support this initiative as it gives us the best platform to champion our concerns.
- During the BBI Youth Summit in Nairobi, the focus was on making HELB a grant and not a loan. How about those who can't access HELB and they have talents and innovative skills beyond the schooling systems. This clearly shows that the representation we got at the BBI summit was doctored and a sham not to address the actual situations facing youth on the ground.
- Civic education on specific opportunities for the youth on the BBI should be continuous and widespread. Most youth do not have an idea what is in it for them.

The poll had the following results:

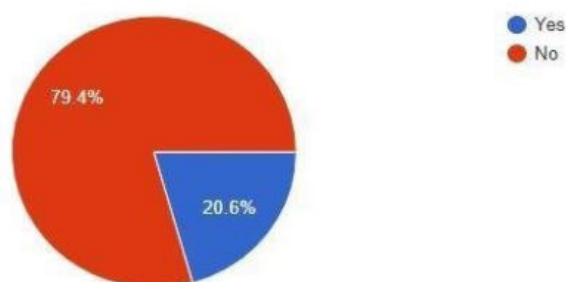
Do you think the government has fully implemented and protected your rights as stated in Chapter 4 of Constitution of Kenya(CoK) 2010?

63 responses



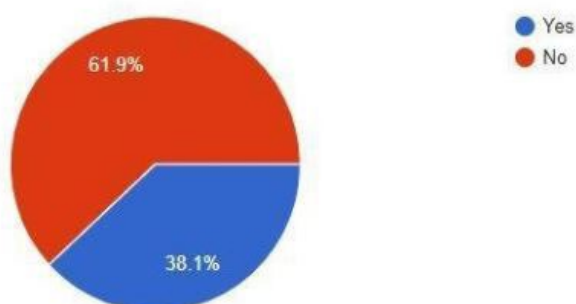
Article 55 of the CoK 2010 focuses on youth. Do you think the government has fully implemented?

63 responses



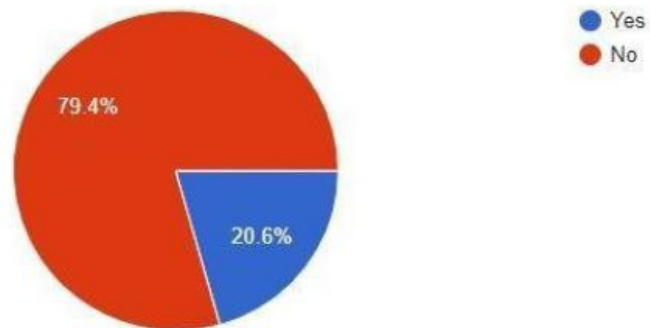
Chapter 6 of CoK 2010 focuses on leadership. Do you think the government has implemented it?

63 responses



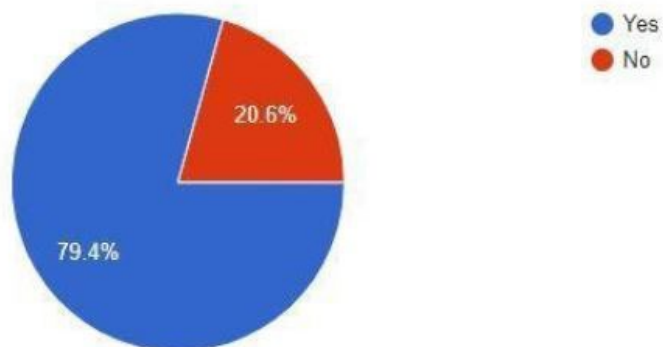
Do you think we have done enough to implement the CoK 2010?

63 responses



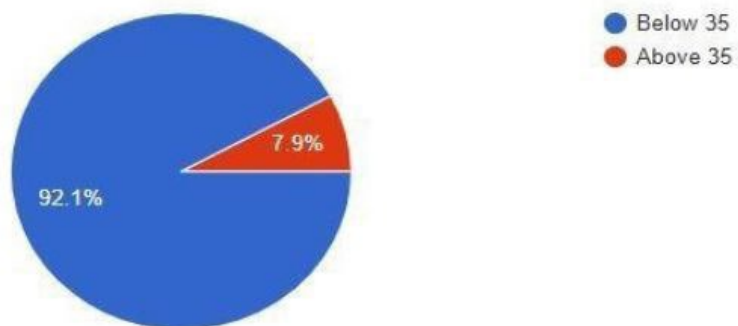
Do we need the BBI referendum?

63 responses



Age

63 responses





Nakuru

In partnership with TriblessYouth, the meeting had a total of 83 participants online and 24 participants physically, a total of 107 youth. The deliberations kicked off with a historical context on how the Kenyan constitution came to be. The session was facilitated by Mr. Leonard Githae of Midrift Hurinet (Nakuru). From the offline and online discussion, below are the issues that came out clearly;

- That the constitution is still being mutilated by greedy politicians to suit their selfish interests.
- That the young majority (youth) have become more apathetic and they don't care hence easily being targets of a rogue regime
- The constitution has not yet been fully implemented
- Youth in informal settlements have been ignored and marginalized
- The building bridges initiative (BBI) is a scheme to set aside political spaces for cronies
- That the government has used the Covid-19 pandemic as a means to oppress Kenyans further and not involve them in decision making processes
- That the national government is opposed to decentralization
- As young people we must learn to internalize the constitution before critiquing it.
- We must learn to mobilize and organize locally and nationally so that we can be able to speak in one voice
- Use technology to mobilize and organize



Busia

Busia youth baraza was aimed at creating a platform for youth to engage, share their views on BBI and progress in the implementation of constitution of Kenya 2010. In attendance were 71 youth including one nominated female member of the county assembly, Emuria Radio also aired the forum live. 21 (11 male and 10 female) attending through the zoom platform (online) while 50 attending physically while 260 others following through Facebook (link on Appendix)

Organized in partnership with youth organizations led by Deogratius Magero of Busia Boarder Hub and Tina Nams of Tina Nams Enterprise. The organizations included, Listen to Us, ANC Party Youth League, Busia County Vision, Bukhayo Professionals, Busia Agenda, Anyara Emukule Law & Justice Firm, YALI, Busia Youth Reference Group, Abanyala University & College Students Association, Tabasamu Initiative, Riverside Self Group, Bwiri Elites, Musoma Self Help Group, Evina Youth Group and Hon. Nancy Okademi from Busia County Assembly

Youth shared the following issues that need to be addressed:

1. Concerns were raised over the structure of National Youth Council and the need to review it as most participants shared their frustrations over lack of representation by NYC. Also they mentioned the need to devolve it up to the village level so that every young person can be meaningfully engaged. And that the mandate of the NYC should be enhanced.
2. On youth representation- a participant highlighted the need to involve political parties and if the party documents can be reviewed to enable young people compete successfully both at the county and national political spaces.
3. Participants highlighted the need for young people to read the entire document so as to give them a full understanding of what it contains and where possible add their voices.
4. A representative from 'Listen to us Initiative' emphasized on the need for the inclusion of people with disabilities as they felt left out from what the document provided.
5. The Youth Internship and Apprenticeship program should fully be budgeted for by government and not left out to development partners. BBI should have this well-

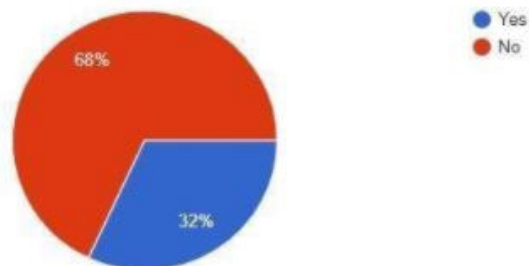
articulated to ensure young people have employable skills

6. Civic education should have been conducted to youths and communities earlier. For now, what BBI says doesn't matter. If there's a referendum, youth will vote based on what their political leaders say.

The virtual participants took part in a poll during the session. The poll had a total of 50 responses. The poll had the following results:

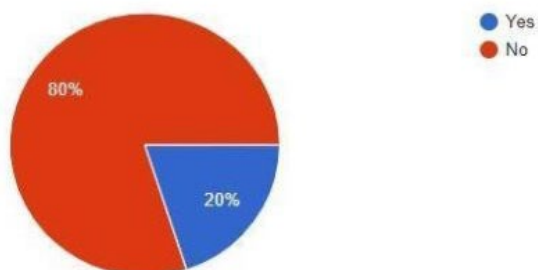
Do you think the government has fully implemented and protected your rights as stated in Chapter 4 of Constitution of Kenya(CoK) 2010?

50 responses



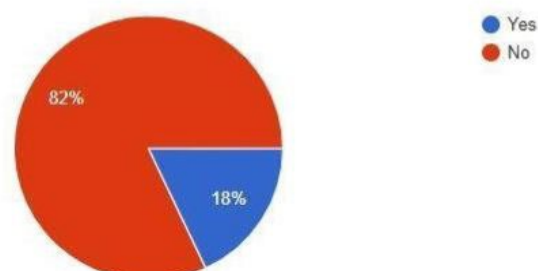
implemented?

50 responses



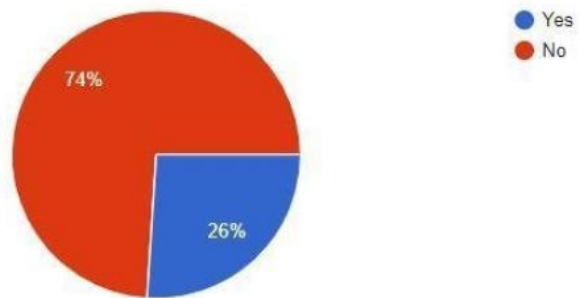
Chapter 6 of CoK 2010 focuses on leadership. Do you think the government has implemented it?

50 responses



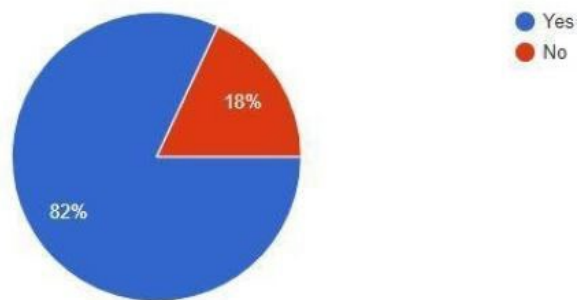
Do you think we have done enough to implement the CoK 2010?

50 responses



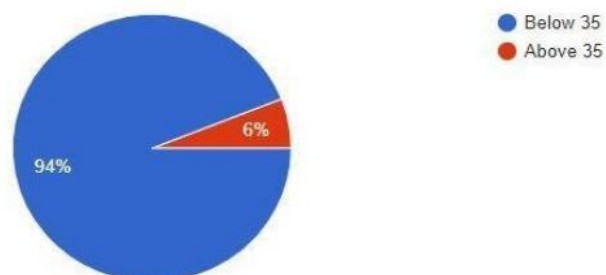
Do we need the BBI referendum?

50 responses



Age

50 responses



- The driver was a political question that only the political elite is privy, unlike the constitution of Kenya 2010 which had pertinent national issues. Youth have been left out.
- There is a belief that BBI should be highly considered and the matters stated to be followed in order to bring our nation to where our dreams are, to make Kenya a corrupt free and a better nation.
- The government should help young people or the youth in terms of creating large scale and small-scale projects and open the field to work and choose labor high performance or establish projects for sustainable development in all sectors.
- Most youth are not aware of the BBI report; the youth should be more informed about the BBI report.
- Civic education should be brought down to the grassroots. Information is the only thing that will lead to informed decisions.
- BBI should address the issue of local council and ensure that the village administration is considered in the county government.
- BBI should not be imposed on Kenyans, let people exercise their constitutional rights and decide on what they feel is right. It is time to review the constitution and I hope and pray the government will implement it.
- Youth should be empowered fully. In addition, scrap off loans like HELB fully.



Kirinyaga

In attendance were a total of 35 youth, where 12 (7 Male 5 female) were offline while 23 (11 female and 24 male) online. 521 viewed the proceeding through live on Facebook (on Appendix). Participants also included NARC Kenya party leader Hon. Martha Karua and representatives of some media houses including Inoro TV.

Organized in partnership with local youth organizations including Baricho Bodaboda Youth Group, Kirinyaga Youth Group, Narc Kenya, Creative Youth Group, Girls Empowerment Group, Pambazuko Foundation, Wamumu Youth Forum, Kangware Empowerment Group and Kangai Youth Forum.

The session was moderated by Rosa Wangu from Narc Kenya. She started the forum with a brief introduction of BBI and participants online and offline gave views on issues. The meeting proceeded to plenary where the following issues were discussed:

1. Youth employment - since March 2020 when the first COVID 19 victim was identified in the country, the fear of getting infected, most companies and institutions closed business and encouraged their employees to work from home and others were laid off. Employees have been laid off and the majority are the youth. The informal sector was severely affected and the majority of the youth are at home and others have moved back to their parents houses in the rural areas. The lack of an income has caused some youth into mental instability and engage in drugs. The youth also don't understand how the recruitment to KAZI MTAANI was done, they say it was done unfairly. Others say that the work done by youth in the KAZI MTAANI is work that is already allocated for by the county government to specific personnel and have a monthly income.
2. Corruption in the Kirinyaga County Government - the misappropriation of county funds has led to some projects stalling. Others businesses have also been affected because of low circulation which used to support most of the youth who were in the informal sectors. Even though a lot of youth groups have come out to exhibit their talent, county have not supported them. Hospitals are poorly managed leading to majority of residents going to seek treatment in Embu.

3. The need to re-look at qualifications of County Assembly members - The Kirinyaga youth are worried about the kind of county assembly leaders they have. Majority of MCAs have failed the standards set by Chapter 6 of the Constitution of Kenya 2010. The county assembly is driven by money and not by the people's interests. The assembly is yet to pass law that resonate with the local needs like agriculture, women and youth empowerment
4. Increase of teenage pregnancies and intake of abusive substances- the youth were concerned about the increase of teenage pregnancies and what this would mean for the girls after becoming parents. The chances of these girls going back to school is unlikely and their progress in education is affected. There's need to have forums with both girls and boys on the need of abstaining in sexual activities because despite most of schools in Kirinyaga county performing well but majority of students are from other counties. Children from Kirinyaga got engaged abusive substances (drugs) which has resulted to school dropout.

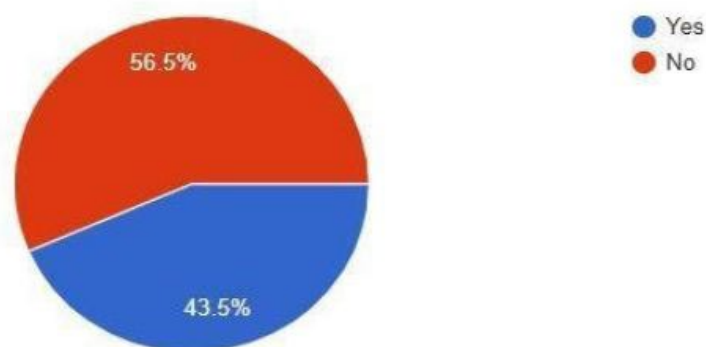
Responses from online participants were:

- As youth, we need to accept that we have also failed ourselves, then act accordingly so that we are taken seriously. The problem is that we are only valued only in times of politics.
- It has been a tremendous moment of confusion since the launching of the BBI report. Politicians have already decided on whether to support the initiative or not.
- Recommendations of BBI have proved to create vacancies for leaders. This will increase the country's wage bill which tax payers will have to cater for.
- Leadership operates with structures that are run by a system. If we vote for corrupt leaders then expect the whole system and structures to be corrupt.
- BBI is clearly a good start for us as a county and as youth.

The poll had the following results:

Do we need the BBI referendum?

23 responses



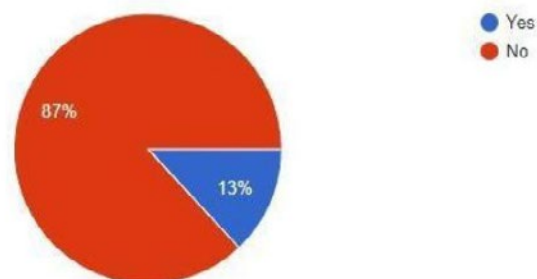
Age

23 responses



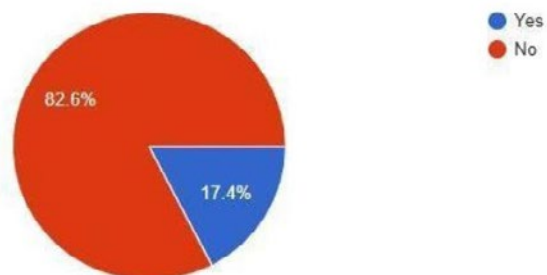
Do you think the government has fully implemented and protected your rights as stated in Chapter 4 of Constitution of Kenya(CoK) 2010?

23 responses



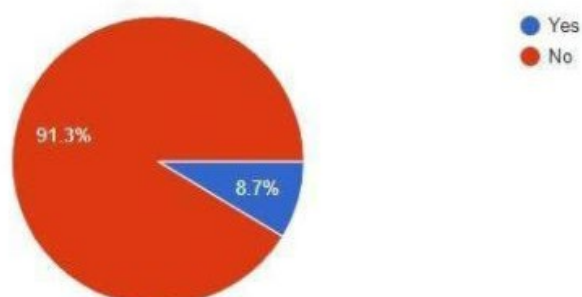
Chapter 6 of CoK 2010 focuses on leadership. Do you think the government has implemented it?

23 responses



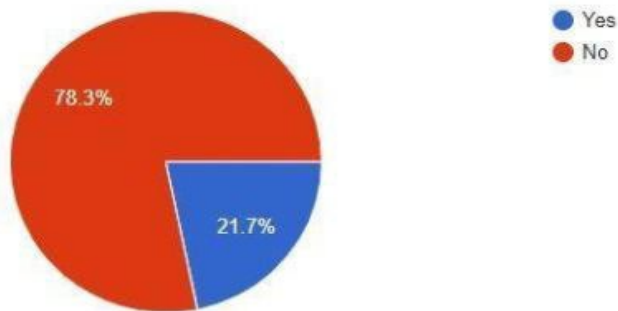
Article 55 of the CoK 2010 focuses on youth. Do you think the government has implemented it?

23 responses



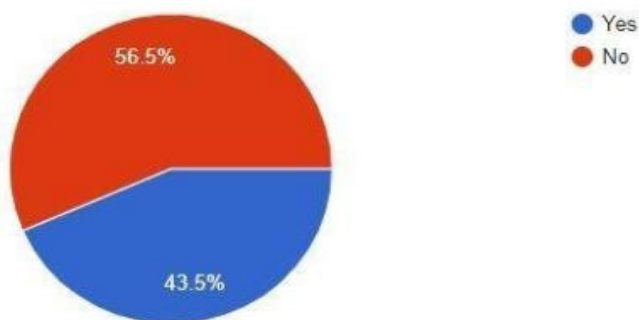
Do you think we have done enough to implement the CoK 2010?

23 responses



Do we need the BBI referendum?

23 responses



We also asked participants give views on BBI on the poll. Below are the responses:

- BBI does not accommodate common mwananchi. It's like a song that's stuck on repeat. They collect views from youth but plans are never implemented. If the BBI is the solution, it needs to start from the grass-root level upwards.
- It's important to implement the current constitution first. If the current one hasn't been fully implemented, what is the point of having BBI?
- Youth need to be included in leadership and governance because they have the ability and capacity if they're well mentored.
- BBI is a good document that will help unite Kenyans.
- BBI is a mere tool used by politicians to advance their political interests.
- Youth need to read and clearly understand what BBI is about.



Nairobi

Siasa place organized the baraza in collaboration with various Nairobi based youth organizations including; Social Justice Movement, Footprints for Change, Activista, Taifa Teule, Youth coalition for Environmental advocacy, Tumaini youth Group, Community Action Group, KANU Youth league, Nivalishe Pad Initiative, University of Nairobi Students, Center for Multiparty Democracy(CMD-Kenya), Activista, Mathare Big Dreamers CBO, Mathare Mashimoni Youth Group, Youth and Success Association(YASA), Badili Africa, Centre for Minority Rights & Strategic Litigation, Sauti Sasa. A total of 136 attended where 38 (22 male and 16 female) attended physically and 98 (55 male and 43 female) through online. The session was also live on Facebook to enable others to follow and gained 537 views.

Mr. Josiah Adiema from Kenya National Debate Council started by reflecting on the Kenyan democratic journey from the 1990s through to the promulgation of 2010 constitution. The following issues discussed were:

- The Constitution brought about freedom of expression and choice and also delivered Kenya from the bondage of one-party state. However, it has not been fully implemented because elections are not free and fair. Constitutional changes do not mean anything if there is no implementation by the people in power. Things have not changed but the designs of dictatorship have mutated.
- A participant also felt that there was a lot of blame game which was not making things better either as she said 'You cannot blame an institution for problems of an individual. Call out the individual not the institution. It is like saying government is corrupt. No. Government is not corrupt. It is the individuals in government. Government will always be there.'
- Devolution is a major win for the country even though corruption has taken the better part of the country and even resources allocated to counties are not being well utilized. The constitution was good although this animal called BBI is somebody's agenda.

Participants were asked what they thought about the constitution and here were some of the thoughts:

- We have failed miserably in the implementation of the constitution. The new constitution guaranteed social, economic and political participation but this has not been clear in the past.
- There is a leadership problem making it difficult to realize the positive effects of the constitution
- The problem affecting the youth of this country is poor reading culture. The youth do not take time to read important documents that have issues affecting the country

Participants were also asked what they thought about BBI and here were the responses?

- A participant thought BBI was going to entrench Kenya back to ethnicity. It is not a question of nationalism or Kenyan people. It is about certain tribes being in certain position. The leaders are showing that some tribes are fighting for a certain position
- There was also a feeling that BBI looks good from outside but critically looking at it, it is not even good. Many youth have not read the BBI because even the 2010 constitution has not been fully implemented.
- BBI has not addressed insecurity in the country. A lot of forceful disappearance and youth being arrested without a reason
- BBI is promoting poverty. Any reform should help young people make money
- The gains in the constitution has not been realized because the people entrusted with it never wanted to implement it as it was
- There is need to reform the kind of people elected into leadership because the gains that would have been realized were killed by the elected leaders
- Kenya is not short of policies and laws, there is only need for visionary people who can implement things well.
- Youth are not passionate about the future generation and should take personal responsibility for what they do in life
- Majority of the people in decision making are above 70 years making it difficult for the youth views to be considered. Those in leadership whether youth or old only focus on personal interest
- There is fear that BBI cannot deal with corruption because the people behind it all have been implicated in corruption cases as was said by a participant 'How can the corrupt fight corruption?
- Part of Kenya's problem is high wage bill and BBI is also promoting creation of additional position hence making it a bad idea for the country
- BBI is not talking about parastatals that are being sold making it difficult to create employment for the youth which is the main Kenyan problem
- BBI is not addressing lack of public participation. There is need to improve public participation
- BBI is not addressing critical issues like lack of basic commodities such as clean water, food and medicine and instead promote rewarding which is likely to drain taxes from the

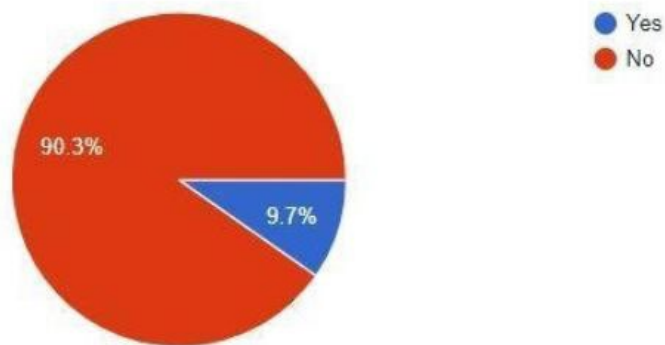
struggling workers

- There is a problem with information sharing. Government are hardly giving information which is already provided in the constitution.
- Youth need to embrace a culture of asking for information. Most of the youth are not aware of the importance of their participation. Government needs to embrace alternative communication
- To address youth employment, government needs to start employing youth and stop recycling old people

During the meeting, the virtual participants also took part in a poll during the session, below is the details of results:

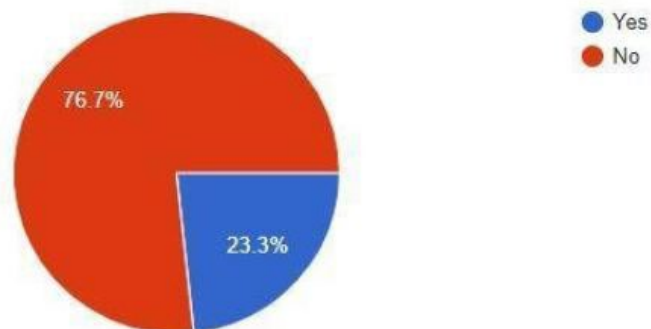
Article 55 of the CoK 2010 focuses on youth. Do you think the government has fully implemented?

103 responses



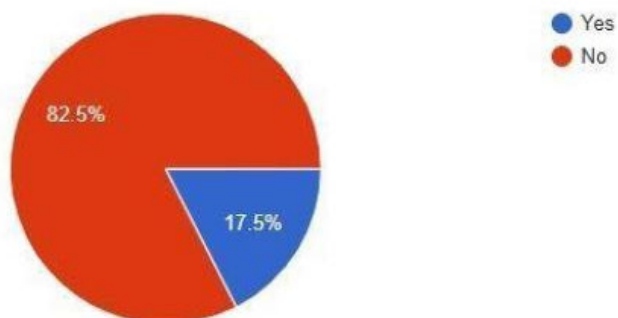
Chapter 6 of CoK 2010 focuses on leadership. Do you think the government has implemented it?

103 responses



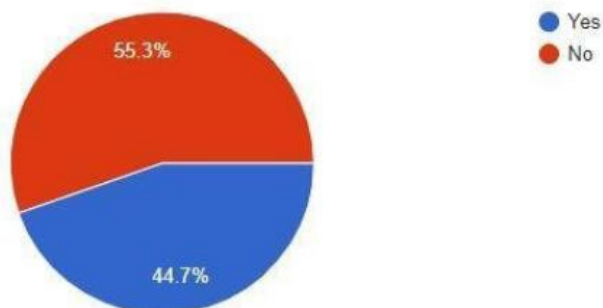
Do you think we have done enough to implement the CoK 2010?

103 responses



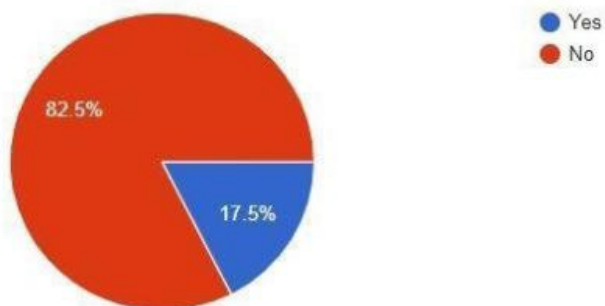
Do we need the BBI referendum?

103 responses



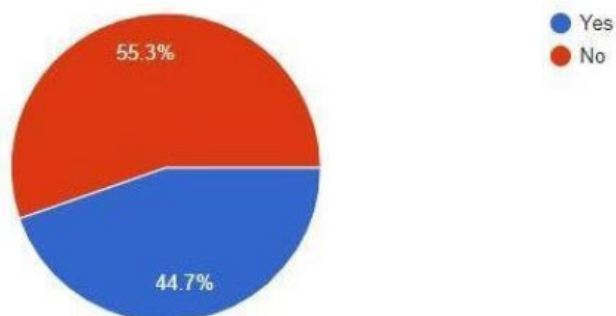
Do you think the government has fully implemented and protected your rights as stated in Chapter 4 of Constitution of Kenya(CoK) 2010?

103 responses



Do we need the BBI referendum?

103 responses



Recommendations

- There are current policies that exist that do support young people and can go in hand in supporting the Constitution, specifically article 55. eg. Emphasis of collaboratively supporting for the implementation of the Kenya Youth Development Policy 2019. Because youth are not devolved, there are gaps when it comes to the support of youth initiatives. Youth activities at the grass-root level are difficult to map, so youth are difficult to reach due to lack of organization. The state youth voice is the National Youth Council but many youths mentioned that they did not feel their representation. The need to devolve to the village level so that every young person can be meaningfully engaged will be key.
- Increase sources of factual information. The identification of influencers that support the constitution to encourage constant engagement on the same, utilizing mechanisms such as social media for purposes of education.
- Challenge cultural norms and encourage more engagements on the constitution through intergenerational engagements

Conclusion

All counties that were part of this report agreed that the constitution is not implemented adequately. They also admitted that they were unaware of the rights within the constitution. Many also admitted to not reading the BBI report. Some do rely on information that they receive from politicians to tell them what is contained in the document. Our politicians are technically treated as celebrities or influencers and this is because social media usage has increased their influence greatly. The increase of fake news and youth relying less on mainstream media for their sources of information and more often on individuals, has made it difficult to decipher between fact and fiction. Today, an individual can be a media house and sharing information through their pages which youth depend on for information. There need to be avenues to encourage up and coming constitutional influencers, which will be key, public figures that support constitutionalism, and intentionality on how we consider these public figures.

Limited civic education on the constitution is having a massive negative ripple effect on the community, especially on marginalized youth. Young people do not understand and do not know the direct role they are to play according to the constitution which gives them power to participate. If the country is to remain in the same trajectory, where ownership of the constitution is not treated as essential, there will continue to be a lack of implementation. We cannot ignore that negotiated democracy also plays a major role on how decisions are made. Council of elders still influence our politics greatly, locking out young people and especially young women. Because of their influence on political decisions, culture becomes an obstacle to meaningful youth engagement. Youth often feel out of place participating in community decisions and are often over looked and not invited to forums.

When it came to supporting a referendum or not, local politics plays a major role as to whether youth will support it or not during that time. Each of the responses over 90% of the respondents were below the age of 35, one particular question was, “do we need a referendum?” 79.4% (Yes) – Kisumu, 82% (Yes)- Busia, 55.3% (Yes) -Nairobi, and 65.5% (No) Mombasa. Majority youth formed their opinion based on political leaders that they follow and the influence that they have over their lives. As much as many thought that the process excluded young people, there was a sense of hope that there was still room for intervention to have their issues put on the table. Some do feel that it doesn't quite matter what they do, because the decision has already been made, making it too difficult for them to organize if they wanted to oppose, an almost 'let live' attitude.

Covid – 19 has definitely affected their well-being. Conversations on mental health and access to health care kept coming to the fore. Youth feeling that a lot more needed to be done in the aspect of stabilizing the economy, access to basic needs and health care services. The youth demand better facilitation and equipment of the health sector to avoid extra expenses traveling to other counties looking for better health care services.

Additionally, the impact it has made on the economy continues to take a downturn and the increase of corruption scandals, youth are having less hope in the rule of law and respecting the rule of law.

There is a limited adaptability when it comes to civic education. Some civil society organizations struggle to connect with the majority population. Adapting to using technology, through whatsapp or social media. Sharing information in formats such as perhaps video and music often underrated and youth think they are engaged rarely and often late. A hybrid system, where the few youth with access to smart phones, being focal persons to relay this information during their physical engagements is key.

Because the constitution is not currently consistently taught, youth hardly interact with it, so it is disconnected from their everyday life. The fact that youth is not devolved, youth offices and representation are different based on County. Which brings about lack of synergy when it comes to youth engagement, as well as difficulty mapping existing youth groups that currently exist.

Appendix

- Kisumu Facebook Live event:
<https://www.facebook.com/watch/live/?v=586207385616911>
- Busia Facebook live event:
<https://www.facebook.com/siasaplace/videos/210788840370660/>
- Kirinyaga Facebook live event:
<https://www.facebook.com/watch/?v=297116838392152>
- (Kirinyaga) The forum was also highlighted on Inooro TV during the 9pm prime time news
<https://www.youtube.com/watch?v=16AbSn9uWYM&feature=youtu.be>
- (Nairobi) Facebook live event:
<https://www.facebook.com/watch/live/?v=309792350224079>
- (Mombasa) The session was live on Facebook which has attracted 162 views as at 21/08/2020
<https://www.facebook.com/siasaplace/videos/995250870934693/>

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