

**REPUBLIC OF KENYA**



**PUBLIC SERVICE COMMISSION**

**REPORT TO THE PRESIDENT AND PARLIAMENT  
ON COMPLIANCE WITH VALUES AND PRINCIPLES  
IN THE PUBLIC SERVICE FOR THE PERIOD  
1<sup>ST</sup> JULY 2012 TO 30<sup>TH</sup> JUNE 2013**

**NOVEMBER, 2013**

## TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
LIST OF TABLES.....	iv
LIST OF FIGURES.....	v
ACRONYMS.....	vi
PREFACE.....	1
STATEMENT BY THE CHAIRPERSON.....	1
COMMISSION SECRETARY’S OVERVIEW.....	3
EXECUTIVE SUMMARY.....	4
PART ONE.....	6
INTRODUCTION.....	6
1.1 Background.....	6
1.2 Mandate.....	6
1.3 Functions of the Commission.....	6
1.4 Vision, Mission and Core Values.....	8
1.4.1 Vision.....	8
1.4.2 Mission.....	8
1.4.3 Core Values.....	8
1.5 Organizational Structure.....	8
PART TWO.....	9
2.0 SCOPE OF PROMOTION AND EVALUATION OF VALUES AND PRINCIPLES IN THE PUBLIC SERVICE.....	9
2.2 Values and Principles of Public Service.....	14
2.2.1 High Standards of Professional Ethics.....	14
2.2.2 Efficient, Effective and Economic use of Resources.....	15
2.2.3 Responsive, prompt, effective, impartial & equitable provision of services.....	15
2.2.4 Involvement of the People in the Process of Policy Making.....	15
2.2.5 Accountability for Administrative Acts.....	15
2.2.6 Transparency and provision to the public of timely, accurate information.....	16
2.2.7 Fair competition and merit as the basis of appointments and promotions.....	16
2.2.8 Representation of Kenya’s diverse communities.....	16
2.2.9 Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service.....	16
2.3 Discharge of the Function.....	17
PART THREE.....	18

3.0	BASELINE SURVEY ON THE STATE OF PREPAREDNESS IN THE PUBLIC SERVICE FOR IMPLEMENTATION OF THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND VALUES AND PRINCIPLES OF PUBLIC SERVICE.....	18
3.1	Preamble .....	18
3.2	Objectives of the Survey .....	18
3.3	Scope of the Survey .....	19
3.4	Findings.....	19
3.5	Survey Recommendations.....	22
	PART FOUR.....	23
4.0	THE ROLE OF THE COMMISSION IN PROMOTION OF VALUES AND PRINCIPLES IN THE PUBLIC SERVICE.....	23
4.1	Promotion of Good Governance and Ethical Conduct in the Public Service.....	23
4.2	Development of the Strategic Plan 2013-2018 .....	23
4.3	Sensitization Programmes.....	24
4.4	Issuance of Guidelines and instructions.....	24
	PART FIVE .....	26
5.0	COMPLIANCE WITH THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND VALUES AND PRINCIPLES OF THE PUBLIC SERVICE .....	26
5.1	Equality, Equity and Inclusiveness .....	26
5.2	Good Governance, Integrity, Transparency and Accountability.....	26
5.2.1	Good Governance, Transparency and Accountability .....	26
5.2.2	Integrity and ethical issues.....	26
5.2	Non Discrimination and Protection of the marginalized.....	29
5.3	Human Rights, Social Justice and Human Dignity.....	30
5.4	Patriotism and National Unity.....	30
5.5	Sharing and devolution of power.....	30
5.5.1	The role of the Public Service Commission in the devolved Government .....	30
5.5.2	Delegation of powers and functions.....	30
5.6	High standards of professional ethics .....	31
5.7	Efficient, Effective and Economic use of resources .....	31
5.8	Responsive, prompt, effective, impartial & equitable provision of services .....	32
5.9	Transparency and Provision to the Public of timely, Accurate Information.....	32
5.10	Accountability for Administrative Acts .....	32
5.11	Fair Competition and Merit as the Basis of Appointments and Promotions.....	32
5.12	Representation of Kenya’s Diverse Communities .....	34
5.12.1	Composition by Ethnicity .....	34

5.12.2	Composition of the Civil Service by Gender .....	38
6.0	EMERGING ISSUES, CHALLENGES AND WAY FORWARD .....	39
6.1	Emerging issues on Promotion and Compliance of Values and Principles of the Public Service 39	
6.1.1	Challenges.....	39
6.1.2	Measures to address the Challenges.....	40
6.2	Conclusion and Way Forward.....	40
	Appendices.....	43
	Appendix 1: Number of employees by ethnicity and gender.....	43
	Appendix II: Distribution of officers recruited in the civil service by ethnic community and gender .	45
	Appendix III: Distributions of promotions in the civil service by gender and ethnic community.....	47
	Appendix IV: Analysis of Ethnicity and Gender in the civil service.....	49
	Appendix V: Distribution of national population by ethnic group .....	51

DRAFT

## LIST OF TABLES

Table 1: Number of employees by MDA and gender.....	20
Table 2: Distribution of public servants by ethnic community and gender: .....	21
Table 3: Analysis of compliance levels with financial declarations for the period 2005 to 2011.....	27
Table 4: Analysis of Compliance by category of organizations .....	28
Table 5: Ten (10) ethnic groups with the highest number of officers in the civil service .....	35
Table 6: Ten (10) ethnic groups with the lowest number of officers.....	37
Table 7: Analysis by Gender.....	38

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DRAFT

**LIST OF FIGURES**

*Figure 1: Number of employees by MDA and gender .....21*  
*Figure 2: Distribution of public servants by ethnic Community .....22*  
*Figure 3: Comparative analysis of compliance by officers in public organization .....27*  
*Figure 4: Trend analysis of compliance by officers in public organization.....28*  
*Figure 5: Analysis of compliance level by organizational category for 2007-2009 declaration cycle .....29*

<i>Figure 6: Analysis of compliance level by organizational category for 2009-2011 declaration cycle</i> .....	29
<i>Figure 7: Recruitments</i> .....	33
<i>Figure 8: Promotions</i> .....	33
<i>Figure 9: Distribution of public officers in the civil service by ethnic groups</i> .....	36
<i>Figure 10: Analysis by Gender</i> .....	38

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#### ACRONYMS

- e- ProMIS :** Electronic Project Management Information System  
**IFMIS:** Integrated Financial Management Information System

<b>IPPD:</b>	Integrated Payroll and Personnel Database
<b>JG:</b>	Job Group
<b>KNBS:</b>	Kenya National Bureau of Statistics
<b>KSG:</b>	Kenya School of Government
<b>MDAs:</b>	Ministries Departments and Agencies
<b>POEA:</b>	Public Officers Ethics Act
<b>PSC:</b>	Public Service Commission
<b>PWDs:</b>	Persons with Disabilities
<b>S/No:</b>	Serial Number
<b>SMS:</b>	Short Message Service
<b>UN:</b>	United Nations
<b>UNCAC:</b>	United Nations Convention against Corruption

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## **PREFACE**

### **STATEMENT BY THE CHAIRPERSON**

The Constitution envisages a dynamic, inclusive, efficient and effective public service that is professionally managed to deliver and regularly account for quality services to the citizens. Article 10 sets out the national values and principles of governance while Article 232 provides for the values and principles of public service that will guide and regulate the manner in which the public service operates to meet the expectations of Kenyans as envisaged in the Constitution. The Public Service Commission is mandated under Article 234 2(c) and (h) to promote the values and principles and report to the President and Parliament on the extent to which they are complied with in the Public Service.

The implementation and enforcement of these values and principles is expected to ensure that Kenya achieves the national development agenda; delivers quality and effective services to the citizens; upholds transparent and accountable public administration systems; progressively achieves the Bill of Rights for all Kenyans; attains sustainable development, thereby, improving the quality of life of the citizenry; and entrench constitutionalism and the rule of law in the public service.

Kenyans expect an inclusive, committed and competent public service that upholds high professional standards and delivers high quality and reliable services. For the public service to meet the standards enumerated in the Constitution, it must of necessity, aggressively promote and consistently evaluate the extent of compliance with the values and principles in the public service. This requires MDAs to put in place systems, structures and programmes for promotion and integration of values and principles into their operations.

The successful implementation of the national values and principles of governance and values and principles of public service requires leadership and direction at all levels in the public service. This calls for adoption of modern management principles and approaches to leadership in order to drive innovation, foster integrity, accountability and motivation; and secure coherence and coordination of policies at all levels of government.

In conclusion, it is my sincere hope that all Kenyans will embrace and uphold the National Values and principles of governance and the values and principles of the public service to ensure a prosperous and competitive nation with a high standard of living for all.

Prof. Margaret Kobia, PhD, CBS

Chairperson

**Public Service Commission**

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## **COMMISSION SECRETARY'S OVERVIEW**

The Constitution under Article 249 mandates the constitutional Commissions and independent offices to protect the sovereignty of the people, secure the observance of democratic values and principles, and promote constitutionalism. Article 234(2) (h) specifically mandates the Public Service Commission to evaluate and report to the president and Parliament the extent to which the values and principles in Article 10 and 232 have been complied with in the Public Service. This report is in compliance with this constitutional requirement.

The report outlines the role of the Commission in the promotion of, and evaluation of the extent to which the national values and principles of governance and values and principles of public service have been complied with in the public service. In addition, the report outlines programmes implemented after the promulgation of the Constitution, achievements, challenges encountered and measures taken to address them. It further sets out the way forward and recommendations in the promotion and evaluation of values and principles in the public service.

During the year under review, the Commission carried out a baseline Survey to determine the state of preparedness of the public service for implementation of the national values and principles of governance and values and principles of Public Service. The Commission further embarked on a number of activities in an effort to promote the values and principles referred to in Articles 10 and 232. These included issuance of guidelines and instructions to the service on compliance with constitutional values and principles in the discharge of Commission's delegated powers and functions regarding recruitment, promotions and disciplinary control. The Commission also undertook sensitization programmes on values and principles in the form of induction programmes for principal secretaries, chairpersons, members and secretaries of county public service boards among others.

I wish to thank the Chairperson, Vice Chairperson and Commissioners for their invaluable support and direct involvement in the promotion of values and principles in the public service.

Alice A. Otwala, (Mrs), MBS

Secretary/CEO

**Public Service Commission**

## **EXECUTIVE SUMMARY**

This is the first Commission report to the President and Parliament on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the public service as required under Article 234 (2)(h).

The report is organized into six parts. Part one, the introduction highlights the background, mandate, functions of the Commission, vision, mission and core values and the organization structure. Part two presents the scope of promotion and evaluation of values and principles in the public service and further defines the national values and principles of governance and the values and principles of public service. Part three summarizes the scope, findings and recommendations of the baseline survey on the state of preparedness of the public service for implementation of values and principles. Part four presents the role of the Commission and the activities undertaken in the promotion of values and principles during the period under review. Part five analyses the compliance with the national values and principles of governance and values and principles of the public service, while part six outlines the emerging issues, challenges and the way forward in the promotion and evaluation of values and principles in the public service.

The role of the Commission in the promotion of values and principles entails among others, integrating the values and principles in the regulations, procedures, policies and instruments for delivery of the Commission's powers and functions; educating public service officers and the public on the values and principles; formulating and implementing relevant programmes; overseeing the implementation and effectiveness of the programmes; assessing and reporting on the public bodies' compliance with the values; collaborating with other institutions in promotion of good governance, integrity and anti-corruption issues and reporting or recommending to the President and Parliament effective measures for promotion of the values and principles.

The Commission undertook a number of activities in Promotion of Values and Principles. These included, Baseline Survey on the state of preparedness of the public service for implementation of the national values and principles of governance and values and principles of Public Service; induction and sensitization workshops for principal secretaries; Chairpersons, Secretaries and members of the County Public Service Boards; Chairpersons of human resource management advisory committees and heads of human resource units in

Ministries, State Departments and other government agencies. The objectives of the workshops, among others, were to create awareness on the need to promote and integrate values and principles in the operations of the State Departments and Government agencies.

The baseline survey formed the preparatory work for the promotion and evaluation of compliance levels with the values and principles. The survey revealed that over 90% of the MDAs had relevant policies in place for ensuring efficient, effective and economic use of resources; 94% of the MDAs had customer care help desks while 68.7% had help lines or SMS; 57.8% of the MDAs conducted annual Corruption Perception Index surveys; appointments and promotions were done through open advertisement and competitive interviews; and cumulatively, men formed majority of employees in all MDAs compared to women, with men accounting for 70% and women 30%.

In the course of promoting and evaluating the implementation of values and principles in the Public Service, it has emerged that there is need for adequate funding for promotion of values and principles; cooperation and collaboration between the two levels of government in promotion and evaluation of values and principles; review and harmonization of existing legislations on ethics and integrity i.e. (POEA, 2003) and other publications and align them to the Constitution; mainstreaming and integrating values and principles in the operations of the state departments; and development of standard norms in the promotion and evaluation of values and principles throughout the public service.

For effective discharge of this function the Commission will formulate guidelines for identifying minorities and marginalized groups and develop policies on affirmative action to address the plight of the two groups, continue to monitor compliance of MDAs with regard to implementation of ensuring that 5% of members of the public in appointive bodies are persons with disabilities, develop policies to guide how Kenyans of mixed ethnicity and those who have grown up and hired in urban areas can be categorized, review the disciplinary procedures to ensure that they are aligned to the Constitution, code of conduct and the code of regulations and that they provide for fair administrative actions, **review service delivery standards** and benchmarks in the service and ensure compliance.

## **PART ONE**

### **INTRODUCTION**

#### **1.1 Background**

The Public Service Commission was set up in 1954 with the mandate to advise on the appointments of candidates to posts in the Civil Service. The Commission was subsequently enshrined in the Constitution at independence in 1964. Following the promulgation of the Constitution of Kenya 2010, the Commission was reconstituted with an expanded mandate and a lean membership. The reconstituted Commission is established under Article 233 of the Constitution and consists of a chairperson, a vice chairperson and seven other members competitively recruited and appointed by the President with the approval of the National Assembly. The Commission is supported by a secretariat headed by the Commission Secretary. Article 233 (5) empowers the Commission to appoint the Secretary and Article 252 (1) (c) empowers the Commission to recruit other necessary staff.

#### **1.2 Mandate**

The mandate of the Commission is set out in Articles 234, 155 (3) (a), 158 (2) (3) and (4), 171 (2) and 230(2) (b) of the Constitution of Kenya 2010. It entails provision of competent human resource, promotion of good governance and ensuring efficiency and effectiveness in the provision of quality services in the public service as underpinned in Article 232. The objects of the Commission as stipulated in Article 269 gives the Commission powers to protect the sovereignty of the people of Kenya, to secure observance of democratic values and principles, and to promote constitutionalism.

#### **1.3 Functions of the Commission**

The functions of the Commission as set out in Article 234 of the Constitution include the following:-

Subject to the Constitution and legislation,

- (i) establishment and abolition of offices in the public service;
- (ii) appointment of persons to hold or act in those offices, and to confirm appointments;
- (iii) exercise disciplinary control over and remove persons holding or acting in those offices;

- (iv) promotion of national values and principles of governance; and values and principles of public service;
- (v) investigate, monitor and evaluate the organization, administration and personnel practices of the public service;
- (vi) ensuring that the public service is efficient and effective;
- (vii) development of human resources in the public service;
- (viii) reviewing and making recommendations to the national government in respect of conditions of service, code of conduct and qualifications of officers in the public service;
- (ix) evaluating and reporting to the President and Parliament on the extent to which the values and principles mentioned in Articles 10 and 232 are complied with in the public service;
- (x) hearing and determining appeals in respect of county governments' public service;

The discharge of functions (i – x) above shall not apply to:

- State Offices
  - Offices of High Commissioners and Ambassadors
  - Offices subject to Parliamentary Service Commission, Judicial Service Commission, Teachers Service Commission, National Police Service Commission
  - Office in the service of a County Government except hearing and determining of appeals
  - Appointment of personal staff of the President or retired President except with the consent of the President.
- (xi) nominating persons to the Judicial Service Commission and Salaries Remuneration Commission under Articles 171(2) and 230(2){b} respectively;
  - (xii) recommending persons to be appointed as Principal Secretaries under Article 155 (3) (a);
  - (xiii) receiving petitions for the removal of the Director of Public Prosecutions and recommending appointment of a tribunal to investigate the complaints under Article 158(2) (3) and (4);
  - (xiv) protection of public officers against victimization and discrimination while discharging their duties; and
  - (xv) Performing any other functions and exercise any other powers conferred by national legislation.

## **1.4 Vision, Mission and Core Values**

### **1.4.1 Vision**

To be a benchmark for a high performing, dynamic and ethical public service.

### **1.4.2 Mission**

To transform the public service to become professional, efficient and effective for the realization of national development goals.

### **1.4.3 Core Values**

The Commission is guided by the following core values in the discharge of the mandate:

- (i) **Integrity**- Adherence to impeccable and beyond reproach professional and personal standards in the conduct of its affairs.
- (ii) **Professionalism** – undertakes duties without compromising standards and values
- (iii) **Equity and Diversity** - Consistently directs effort to build an all-inclusive public service work force.
- (iv) **Team spirit** - Maintains a high degree of co-operation and team work.
- (v) **Transparency and Accountability** - Upholds openness and takes responsibility for actions in the discharge of the mandate.
- (vi) **Creativity and innovation** - Continuously applies new ideas, methods and technology in the discharge of its mandate.
- (vii) **Continual Improvement** -Embraces continuous learning for performance improvement.

## **1.5 Organizational Structure**

The Commission comprises of Chairperson, vice Chairperson and seven members. It is assisted by a Secretariat which is headed by a Commission Secretary. The secretariat is organized in to the Office of the Secretary and five directorates namely; Finance, Administration and Planning; Establishment & Management Services; Recruitment & Selection; Compliance and Quality Assurance; and Human Resource Management and Development.

## **PART TWO**

### **2.0 SCOPE OF PROMOTION AND EVALUATION OF VALUES AND PRINCIPLES IN THE PUBLIC SERVICE**

Article (4)(2) declares that the Republic of Kenya shall be a multi-party democratic state founded on the National Values and Principles of Governance referred to in Article 10. Further, Article 10(1) states that the National Values and Principles of Governance shall bind all state organs, state officers, public officers and all persons whenever any of them applies or interprets the Constitution; enacts, applies and interprets any law; or makes or implements public policy decisions.

Article 234(2) (c) mandates the Commission to promote values and principles referred to in Articles 10 and 232 throughout the Public service. The Commission is also mandated under Article 234(2) (h) to evaluate and report to the President and Parliament on the extent to which the values and Principles are complied with. However, the discharge of these functions excludes the following offices as provided for under Article 234(3):

- a) State offices;
- b) An office of high commissioner, ambassador or other diplomatic or consular representative of the republic;
- c) An office or position subject to-
  - (i) The Parliamentary Service Commission;
  - (ii) The Judicial Service Commission;
  - (iii) The Teachers Service Commission;
  - (iv) The National Police Service Commission; or
- d) An office in the service of a county government, except as contemplated in clause (2) (i).

The scope of the discharge of the function therefore covers the following: The presidency, ministries and state departments in the National Government as follows;

- a) Presidency
  - Executive Office of the President
  - Deputy President
  - Cabinet Affairs Office
- b) The 18 Ministries including-

1. Interior and Coordination of National Government
2. Devolution and Planning
3. Foreign Affairs
4. Defence
5. Education, Science and Technology
6. The National Treasury
7. Health
8. Transport and Infrastructure
9. Environment, Water and Natural Resources
10. Land, Housing and Urban Development
11. Information, Communication and Technology
12. Sports, Culture and the Arts
13. Labour, Social Security and Services
14. Energy and Petroleum
15. Agriculture, Livestock and Fisheries
16. Industrialization and Enterprise Development
17. East African Affairs, Commerce and Tourism
18. Mining

c) Other institutions, Commissions and independent offices

1. State corporations
2. Commissions and Independent Offices except the ones listed in (c) above.
3. Office of the Attorney General and Department of Justice
4. Independent Electoral and Boundaries Commission
5. Kenya National Audit Office
6. Office of the Controller of Budget
7. Office of the Director of Public Prosecution
8. Commission on Revenue Allocation
9. Salaries and Remuneration Commission
10. Kenya National Commission on Human Rights
11. Ethics and Anti-Corruption Commission
12. Gender and Equality Commission
13. Commission on Administration of Justice
14. National Land Commission

## 15. Commission on Implementation of Constitution

### 2.1 NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

The national values and principles of governance include -

- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (c) good governance, integrity, transparency and accountability; and
- (d) Sustainable development.

#### 2.1.1 *Patriotism*

Patriotism is love, loyalty and devotion shown to one's country. It calls for one's support for their nation despite its existing challenges.

Patriotism encourages service to our country and calls on all of us to be proud of our Kenyan identity and to carry out deeds that advance the collective interests of our country. The Constitution requires every person to respect, uphold and defend the Constitution (**Article 3**). This duty calls upon all Kenyans to be patriotic and loyal to the Constitution.

#### 2.1.2 *National Unity*

National unity represents the deliberate decision to work in concert with others in pursuit of common goals. It is an intentional willingness to allow what binds people together to take priority over what sets them apart. To achieve the goals enshrined in the Constitution, Vision 2030 and other national priorities, there is need for all Kenyan citizens to work together towards realizing peace and stability.

#### 2.1.3 *Sharing and Devolution of Power*

Power sharing refers to a political arrangement in which opposing groups in a society all participate in government. On the other hand, devolution is the transfer of power from the central government to local units. These tenets are encouraged in the Constitution to ensure that all people participate in governance at various levels.

#### 2.1.4 *The Rule of Law*

The rule of law is a legal principle that States no person is above the law and that everyone should be equal before the law, have equal access to the law and equal benefit from the

protection of the law. The rule of law is about every one submitting to obeying and be regulated by law and not arbitrary action by an individual or a group of individuals.

### **2.1.5 Democracy**

Democracy is a system in which all citizens exercise direct and equal participation in running the affairs of their country. Participation is the practice of involving all people of all abilities in making decisions which ensures mutual respect and encourages shared responsibilities.

Based on this principle leaders and representatives of the people should always bear in mind the interests of their constituents and should make decisions that are responsive to them. Democracy is largely practiced through the conduct of regular elections that are managed in a free and fair manner.

### **2.1.6 Human Dignity**

Dignity is a term used to signify that a human being has an inborn right to respect and ethical treatment.

Human dignity requires that all humans to be treated with love and respect simply because they are humans regardless of class, race, gender, nationality, culture,sex, education, religion or any other distinctions.

### **2.1.7 Human Rights**

Human rights are God given entitlements to all men and women. They entitle men and women to live in dignity and promote human development. They are undeniable by any government and belong to everyone irrespective of age, economic status or belief. These rights are all interrelated, interdependent and indivisible.

### **2.1.8 Equality and Equity**

Equality is a social State of affairs in which all people within a specific society, have the same status in a certain respect. Equality implies absence of social class or caste boundaries. It ensures that there is no unjustified discrimination motivated by a person's identity or other considerations such as gender, age, income or property, language, religion, health or disability among others.

Equity is about fairness, impartiality and justice. It is the quality of being impartial, reasonable and fair in all our decisions and actions. Equity is founded on principles of natural justice and fair conduct. Equity rejects bias, favoritism, and unjustified preference.

### **2.1.9 Social Justice and Inclusiveness**

Social justice refers to the idea of creating a society that is based on the principles of equality and solidarity, that understands and values human rights, and also that recognizes the dignity of every human being. Social justice is based on the idea of a society which gives individuals and groups fair treatment and a just share of the benefits of society. Inclusiveness is a practice that encourages people to feel respected, valued and encourages one's sense of belonging. The process of inclusiveness engages each individual and makes people feel valued.

Where there is inclusiveness, individuals function at full capacity and equally feel included in the general mission of their country.

### **2.1.10 Non-discrimination and Protection of the Marginalized**

Non-discrimination refers to fairness in treating people without prejudice irrespective of their gender, ethnic, class, religious, race, geographical or even generational differences.

Marginalization is the social process of becoming or being relegated or confined to a lower social standing. It refers to being separated from the rest of the society. Marginalized people are usually the vulnerable members of the society such as children, persons with disabilities, youth, minorities and older members of the society. The Constitution provides for their protection and provides that they should not be subjected to any formal discrimination.

### **2.1.11 Good Governance, Transparency and Accountability**

Good governance requires that public institutions conduct public affairs and manage public resources in a manner that guarantees the realization of human rights and efficient service delivery. The Constitution encourages the practice of good governance by all persons including State and public officers.

Transparency is associated with openness and conditions accompanied by availability of full information required for collaboration, cooperation, and collective decision-making. All actions undertaken by State organs and their officers should be conducted in an open manner that allows for all to understand the implementation or decision making process.

Public accountability on the other hand means that persons/authorities entrusted with public resources report accurately on the management of such resources. The Constitution has provided various mechanisms and institutions that promote public accountability.

### **2.1.12 Integrity**

Integrity is the strength and firmness of character. It provides the will to refuse to engage in behaviour that is dishonourable or morally questionable. Integrity calls for transparency and accountability in the conduct of our affairs.

### **2.1.13 Sustainable Development.**

Sustainable development refers to a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for generations to come. It is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

## **2.2 Values and Principles of Public Service**

The values and principles of public service include -

- (a) high standards of professional ethics;
- (b) efficient, effective and economic use of resources;
- (c) responsive, prompt, effective, impartial and equitable provision of services;
- (d) involvement of the people in the process of policy making;
- (e) accountability for administrative acts;
- (f) transparency and provision to the public of timely, accurate information;
- (g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
- (h) representation of Kenya's diverse communities; and
- (i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of -
  - 1. men and women;
  - 2. the members of all ethnic groups; and
  - 3. persons with disabilities.

### **2.2.1 High Standards of Professional Ethics**

Professional ethics is defined as the personal and corporate rules that govern behavior within the context of a particular profession. It encompasses the personal, organizational and corporate standards of behaviour expected of professionals including effective utilization of

knowledge, skills and training in the respective profession. Besides the professional ethics public servants are expected to uphold the code of conduct and ethics.

### **2.2.2 Efficient, Effective and Economic use of Resources**

The term economic efficiency refers to the use of resources so as to maximize the production of goods and services. An economic system is said to be more efficient than another if it can provide more goods and services for society without using more resources. In the face of increasing financial constraints and the burden of the public debt, public institutions are required to do more with less resources.

### **2.2.3 Responsive, prompt, effective, impartial & equitable provision of services**

Citizens desire services that are more accessible, timely and better adapted to their needs and realities. They expect neutrality, fairness and non-discrimination in provision of services.

### **2.2.4 Involvement of the People in the Process of Policy Making**

This is participatory approach to development and implementation of government policies. The overall goal, is to facilitate the inclusion, via consultative or participative means, of individuals or groups in the design of policies, and to achieve accountability, transparency and active citizenship.

Public participation is a major theme in the Constitution of Kenya and appears as a national value and principle of governance in *Article 10* and a public service value in *Article 232*. Public servants are expected to engage the public in all fora and activities as way of mainstreaming their perspective in policy making and execution.

### **2.2.5 Accountability for Administrative Acts**

Public servants occupy positions of trust and are therefore required to offer selfless service based solely on the public interest, to demonstrate honesty in the execution of public duties, to submit the declaration of any personal interest that may conflict with public duties and to be accountable to the public for decisions and actions.

### **2.2.6 Transparency and provision to the public of timely, accurate information**

The constitution requires the government to be more transparent by providing citizens with greater access to information. In addition, it provides every citizen with the right of access to information held by the State; and information held by another person and required for the exercise or protection of any right or fundamental freedom. It is viewed as the most cost effective method of promoting good governance.

The State is further, required to publish and publicize any important information affecting the nation. These rights present potentially vital weaponry for the fight against corruption. The right to access information will ensure that the public is aware of the actions and decisions of the public servants and will therefore hold their leaders accountable for their actions thereby strengthening the fight against corruption.

### **2.2.7 Fair competition and merit as the basis of appointments and promotions**

Fair means there is no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently. It is about applying the same general criteria of assessment to everyone while taking account of the different experience and expertise that candidates possess.

Merit means the appointment of the best available person: no one should be appointed to a job unless they are competent to do it and the job must be offered to the person who would do it best.

### **2.2.8 Representation of Kenya's diverse communities**

The constitution envisages that in distributing opportunities in the public service all Kenyan communities should be considered.

### **2.2.9 Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service**

The Constitution requires that men and women, members of allethnic groups and persons with disabilities will be afforded adequate and equal opportunities in appontment, training and advancement at all levels of the public service.

### **2.3 Discharge of the Function**

The Commission shall promote national values and principles of governance in Article 10 and values and principles of public service in Article 232 (1) of the Constitution as required under Article 234(2) (c) by–

- (a) integrating the values and principles in the regulations, procedures, policies and instruments for delivery of the Commission’s powers and functions;
- (b) informing and educating public service officers and the public about the values and principles for the purpose of practicing them;
- (c) formulating and implementing programmes intended to inculcate in the public service officers and citizens awareness of their civic responsibilities and appreciation of their right and duty to uphold the values and principles;
- (d) overseeing the implementation and effectiveness of the programmes in (c) above;
- (e) assessing and reporting on the public bodies’ compliance with their obligations under international treaties and conventions on good governance, integrity and anti-corruption in the public service; and
- (f) collaborating with other institutions working in the field of good governance, integrity and anti-corruption for the purpose of promoting and protecting the values and principles in public service.
- (g) reporting and recommending to the President and Parliament on action taken or effective measures for promotion of the values and principles;

## **PART THREE**

### **3.0 BASELINE SURVEY ON THE STATE OF PREPAREDNESS IN THE PUBLIC SERVICE FOR IMPLEMENTATION OF THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND VALUES AND PRINCIPLES OF PUBLIC SERVICE**

#### **3.1 Preamble**

In order for the Commission to effectively discharge the function of promoting values and principles of governance in Article 10 and values and principles of the public service in Article 232 the Commission undertook a baseline survey on the status of the public service between September, 2012 and June, 2013. The survey formed the preparatory work for the promotion and evaluation of compliance levels with the values and principles.

#### **3.2 Objectives of the Survey**

The survey was conducted to determine the state of preparedness in the public service for the purpose of implementing the constitutional values and principles as spelt out in the Constitution of Kenya 2010. Specifically, the survey was meant to establish the baseline data, to:

- a) determine the number of public officers falling within the scope of the Commission's mandate;
- b) determine the number of public officers with disabilities;
- c) determine the gender balance of public service;
- d) determine the ages of public officers;
- e) establish the county representation of public officers in the service;
- f) establish the number of officers of the different ethnicities of Kenya represented in the public service;
- g) establish racial representation in the public service;
- h) establish religious representation in the public service;
- i) determine marital status of officers in the service; and
- j) determine qualifications of officers in the service.

### 3.3 Scope of the Survey

The survey covered 335 out of 411 MDAs with the biggest category being state corporations (140) followed by County Councils (64), Town Councils (56), Municipal Council (45), Ministries (27) and two Government Departments. It was undertaken through desk review of secondary data, data collection and analysis.

### 3.4 Findings

The survey revealed that:

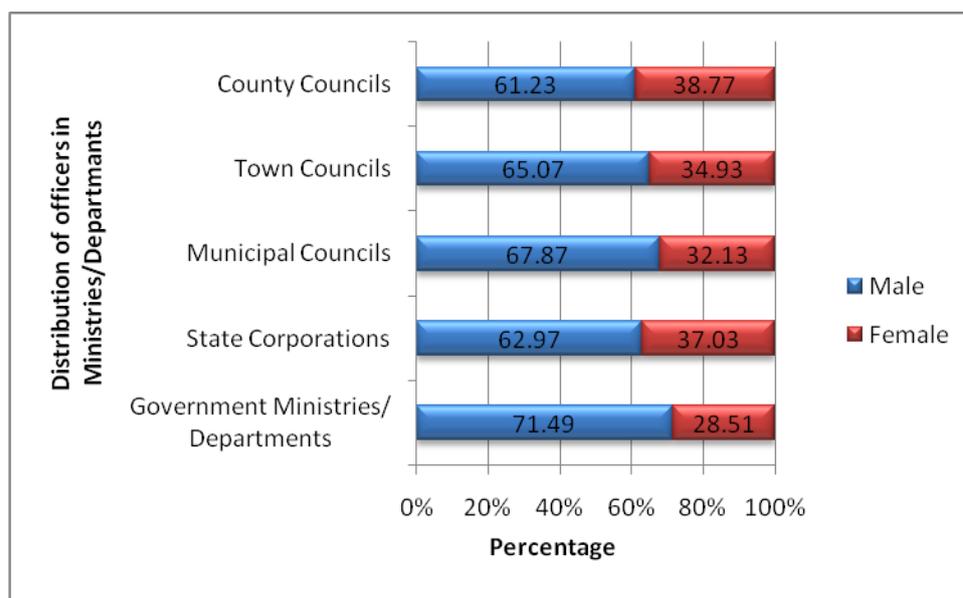
- 1) 99.1% of the MDAs had relevant policies in place for ensuring efficient, effective and economic use of resources while only 0.9% indicated lack of these policies.
- 2) majority of the MDAs had implemented effective checks and controls to ensure efficient, effective and economic use of resources. The checks included operational tender and procurement committees, functional departmental audits and Training Committees. Only 79.4% of the MDAs had Training Committees in place.
- 3) 98.5% of the MDAs had Strategic Plans aligned to the Vision 2030.
- 4) 85.6% of MDAs had implemented and cascaded performance contracting to the employees.
- 5) Majority (96.4%) of the MDAs confirmed existence of audit reports and grievance handling mechanisms within their organizations, while 97.3% confirmed existence of Client Service Delivery Charters.
- 6) 80.4% of MDAs indicated that they adhered to set Budgetary ceiling for expenditure and funds disbursement as confirmation of efficiency, effectiveness and economic use of resources.
- 7) 95.5% of the MDAs conducted annual Customer Satisfaction Surveys while 93.7% carried out Employees Satisfaction Surveys.
- 8) 94% of the MDAs had customer care help desks and while 68.7% had help lines or SMS.
- 9) 57.8% of the MDAs conducted annual Corruption Perception Index surveys.
- 10) 82.9% of the MDAs held regular public open days while 78.9% have interactive websites and online services.
- 11) 67.8% of the MDAs had regular publications like brochures and magazines.
- 12) Appointments of public servants were found to be undertaken in a fair and transparent manner.

- 13) Appointments and promotions were noted to be done mostly through open advertisement (92.8%) and through competitive interviews (93.4%) respectively.
- 14) Regarding disability mainstreaming;
- 13.9% of the MDAs indicated Braille was available
  - 17.4% of the MDAs had Kenyan Sign Language,
  - 66.0% of the MDAs had ramps for use by PWDs,
  - 28.9% of the MDAs had Customized toilets,
  - 21.6% of the MDAs had Lifts,
  - 14.7% of the MDAs had wheel chairs availed and 48.6% had parking bays for use by PWDs.
- 15) 66.2% of the MDAs confirmed setting up of receptions within their MDAs,
- 16) 76.6% of the 251 MDAs had conducted awareness trainings on service provision to PWDs.
- 17) A good number of MDAs had also fully implemented other measures including Gender Policy whereby 78.4% of the MDAs had done so, 68.2% of the MDAs had fully implemented Access to Information Policy, Disability Policy (64.7%), Equity and Inclusiveness Policy (59.9%) and Language Policy (53.9%).
- 18) 92.4% of the MDAs had Monitoring and Evaluation Frameworks while 64.2% had fairly adequate budgets for the activity, 8.9% had no budgetary allocation.
- 19) Cumulatively, men form the majority of employees in all MDAs, with men accounting for 70% and women 30% as shown in table 1 below.

**Table 1: Number of employees by MDA and gender**

Name of Institution	No. of Employees	Male	Female	Proportion (%)	
				Male	Female
Government Ministries/ Departments	246,183	176,000	70,183	71.49	28.51
State Corporations	57,675	36,317	21,358	62.97	37.03
Municipal Councils	8,860	6,013	2,847	67.87	32.13
Town Councils	2,084	1,356	728	65.07	34.93
County Councils	5,866	3,592	2,274	61.23	38.77
<b>Total</b>	<b>320,668</b>	<b>223,278</b>	<b>97,390</b>	<b>69.63</b>	<b>30.37</b>

*Source: Baseline survey 2012*



**Figure 1: Number of employees by MDA and gender**

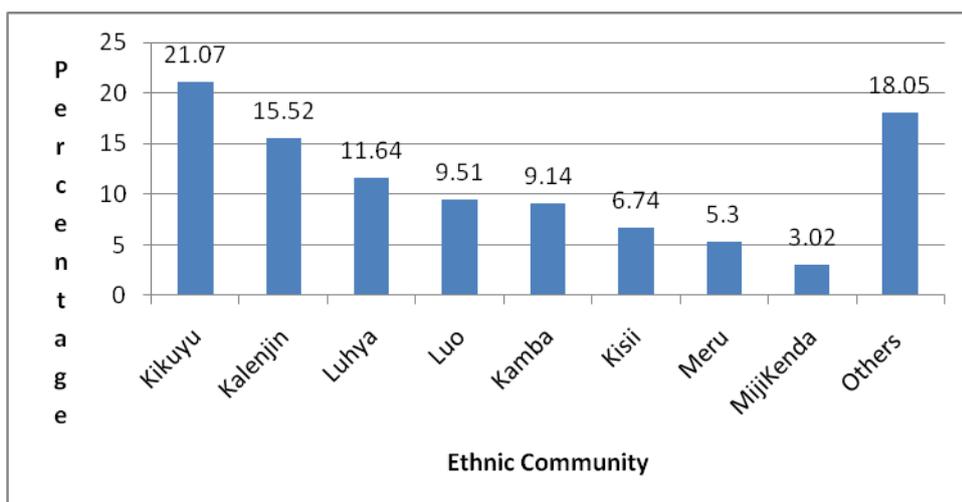
Source: Baseline survey 2012

- 20) Majority of employees across all MDAs were Kikuyu (67,576), followed by Kalenjin (49,772) and Luhya (37,319). Out of the 54 ethnic communities, the 8 ethnic communities shown on the table below had the majority officers in the Civil Service (ranging from 9000 employees and above) as shown in table 2, figure 2 and Appendix 1.
- 21) The ethnic communities with highest number of women are Kikuyu (39%), followed by Meru (38% and Luhya 33%) as shown in table 2 below.

**Table 2: Distribution of public servants by ethnic community and gender:**

Ethnic Community	Proportion of employees		Proportion %		Proportion %	
	No. of employees	% of total	Male	Female	Male	Female
1. Kikuyu	67,576	21.07	41,286	26,290	61.1	38.9
2. Kalenjin	49,772	15.52	36,847	12,925	74.03	25.97
3. Luhya	37,319	11.64	24,988	12,331	66.96	33.04
4. Luo	30,503	9.51	21,451	9,052	70.32	29.68
5. Kamba	29,314	9.14	20,609	8,705	70.3	29.7
6. Kisii	21,614	6.74	15,212	6,402	70.38	29.62
7. Meru	17,002	5.30	10,965	6,037	64.49	35.51
8. MijiKenda	9,690	3.02	7,599	2,091	78.42	21.58
9. Others	57,878	18.05	44,321	13,557		
<b>Total</b>	<b>262,790</b>	<b>100</b>	<b>223,278</b>	<b>97,390</b>		

Source: Baseline survey 2012



**Figure 2: Distribution of public servants by ethnic Community**

### 3.5 Survey Recommendations

The survey recommended:

- i. further sensitization of public officers within the MDAs on the Values and Principles be undertaken;
- ii. monitoring and evaluation frameworks within MDAs be strengthened for effective delivery of outputs and monitoring implementation of projects;
- iii. standardized parameters be introduced to MDAs with the aim of ensuring that variables are level and indices can be compared across all MDAs annually especially in regard to employee satisfaction survey, customer satisfaction survey, corruption surveys, work environment survey and gender mainstreaming;
- iv. a policy position on gender mainstreaming be adopted, institutionalized and systematically be implemented and monitored in the public service;
- v. monitoring and evaluating the implementation of the provisions of the Persons with Disabilities Act, in particular the requirement that at least 5% of employees be persons with disabilities;
- vi. adoption of a clear definition of ethnicity by for example formulating a clear policy on how to categorize public servants on the basis of their ethnicity;
- vii. a policy based on promotion of equal opportunity and promotion of equitable representation of persons of all ethnicities within the public service be adopted;
- viii. adopt a policy for provision of equal opportunities to members of minorities and marginalized groups be adopted and shared with the public service; and
- ix. implementation of affirmative action programmes in the Public Service be effectively monitored.

## **PART FOUR**

### **4.0 THE ROLE OF THE COMMISSION IN PROMOTION OF VALUES AND PRINCIPLES IN THE PUBLIC SERVICE**

#### **4.1 Promotion of Good Governance and Ethical Conduct in the Public Service**

Kenya is a signatory to the United Nations Convention against Corruption (UNCAC), during in the eleventh UN conference held in Seoul Korea in 2003. Amongst other things, state parties were required to introduce financial disclosures by public officers serving in the public services and to prescribe a Code of Conduct and Ethics for their public services. This was in realization that it was more important to prevent rather than undo corruption. These requirements were domesticated by the Kenya Government through enactment of the Public Officer Ethics Act, 2003 which came into force on 2<sup>nd</sup> May 2003.

The Act places on the Commission the responsibility for the setting and enforcement of ethical standards in the Public Service. This includes the issuance of the code of conduct and ethics for public officers and the administration of financial disclosures. The Act further requires all responsible commissions to issue a specific Code of Conduct and Ethics for the officers they are responsible for. Towards this end, the Commission issued a Code of Conduct and Ethics for the officers under its jurisdiction in 2003 (Legal notice No 123 of 2003). The Code of Conduct and Ethics provide the ethical framework that underpins the operations of the public service as well as work place relationships. It establishes the professional and personal behaviour of the employees and guides the daily decision-making and behaviour of the public servants. In order to streamline the declaration process the Commission developed a declaration guide and administrative procedures to enable public officers comply better with the requirements under the Act (legal notice number 76 of 2009).

#### **4.2 Development of the Strategic Plan 2013-2018**

The Commission has developed a strategic plan 2013-2018 in which it has committed to promote constitutionalism by upholding the objects and authority of constitutional commissions as provided for in Article 249 of the Constitution. In doing so, the Commission will give priority to the promotion of good governance, transparency and accountability in the Public Service during the plan period. This will be achieved through the promotion of national values and principles of governance and values and principles of the public service

and implementation of the Public Officer Ethics Act, 2003. In this respect the plan sets out clear strategies, programmes and activities for promotion and evaluation of the values and principles.

These include:-

- i. improvement of governance in the public service;
- ii. establishment of systems, structures and procedures for collaboration with strategic partners;
- iii. establishment of compliance levels on the values and principles and enhance compliance; and
- iv. promotion of public participation in policy making and implementation.

#### **4.3 Sensitization Programmes**

The Commission undertook sensitization programmes on promotion of values and principles of public service and the provisions of Public Officers Ethics Act, 2003. The workshops included:-

- i. induction of principal secretaries in July, 2013;
- ii. induction of chairpersons, Secretaries and members of the County Public Service Boards in 46 Counties in September, 2013;
- iii. Sensitization of Chairpersons of Human Resource Management Advisory Committees and Head of Human Resource Units in Ministries and State Departments in October, 2013; and
- iv. Sensitization of Heads of Human Resource Units in Ministries and Parastatals in September/October, 2013.

The objectives of the workshops, among others, were to create awareness on the need to promote and integrate values and principles in the operations of the State departments.

#### **4.4 Issuance of Guidelines and instructions**

The Commission has over the years issued guidelines and instructions to the service on compliance with constitutional values and principles in the discharge of Commission's delegated powers and functions. These include guidelines on the following functions:-

- i. recruitment, promotions and appointments – the guidelines emphasize the need to advertise posts, consider merit, fairness, gender, disability, inclusiveness, ethnic and regional balance. The Commission may stop or suspend the recruitment process under

delegated powers at any stage if it is discovered that the guidelines have been not adhered to;

- ii. high standards of professional ethics- the guidelines advice the authorized officers to ensure that both academic and professional certificates are authenticated before an officer is recruited, promoted to a higher post or re-designated to another cadre;
- iii. establishment and abolition of offices - the instructions to the authorized officer are that request for establishment and or abolition of offices should be based on a thorough organizational study or workload analysis;
- iv. training and development–the guidelines harmonizes requirements for promotional courses in respective levels of management. The requirement for strategic leadership development course has been pegged at Job Group “Q”, Masters at Job Group “P” while senior management course at Job Group “N”; and
- v. disciplinary control – the guidelines emphasize the need for thorough investigations and speedy finalization of discipline cases.

Other instructions and guidelines include:

- Guidelines on management of public officers seconded to county government, 2012.
- Guidelines on mainstreaming the rights of persons with disability, 2011.
- Guidelines on administrative procedures for compliance with financial declarations (legal notice number 76 of 2009).

In addition to instructions and guidelines the Commission has issued manuals to the service on the discharge of various human Resource functions. The manuals guide on how the functions should be performed. They include;

- vi. Grievance and procedure manual
- vii. Discipline manual, 2008.
- viii. Human Resource Audit Manual, 2006.

## **PART FIVE**

### **5.0 COMPLIANCE WITH THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND VALUES AND PRINCIPLES OF THE PUBLIC SERVICE**

During the year under review, the Commission and the public service complied with the values and principles as set out in Articles 10 and 232 as enumerated below:

#### **5.1 Equality, Equity and Inclusiveness**

In the discharge of the mandate the Commission was guided by values such as Equality, Equity and Inclusiveness. This was evident in appointments, promotions and availing of training opportunities. In appointments the Commission ensured that all ethnic groups, marginalized and minority groups, persons with disability and gender were considered. To further facilitate compliance with these values the Commission is in the process of reviewing the appointment, training, disciplinary control tools and procedures to align them to the Constitution.

#### **5.2 Good Governance, Integrity, Transparency and Accountability**

##### **5.2.1 Good Governance, Transparency and Accountability**

In the discharge of Commission's function integrity, transparency and accountability were the key guiding principles. This was evident in the process of appointment of principal secretaries in June, 2013 and recruitment of state counsels for State Law Office and Directorate of Public Prosecution among other key appointments in the service. To ensure that the process was transparent advertisements, list of applicants, shortlisted candidates and successful candidates were placed in the print media and the Commission's website. The public participated in the process through submission of comments and recommendations on the applicants.

##### **5.2.2 Integrity and ethical issues**

The service also embraced annual "Corruption Surveys" in order to gauge the corruption perception index for the respective public bodies and this requirement has been integrated in the performance contract. In order to further address integrity and ethical issues, the

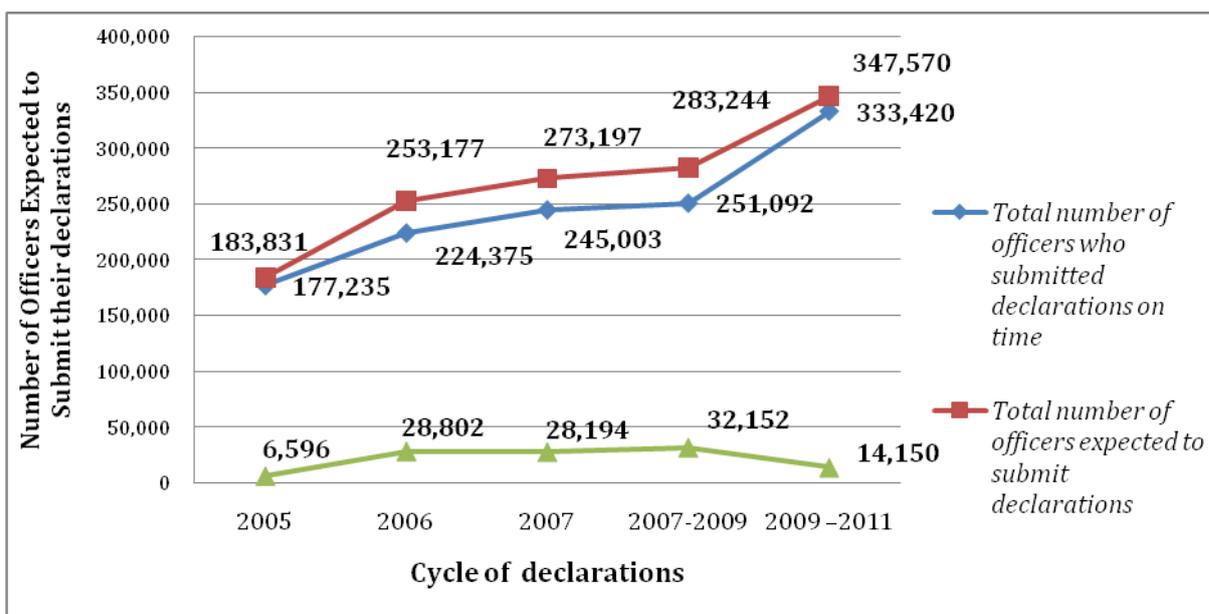
Commission has streamlined the financial declaration process by developing a declaration guide and administrative procedures to enable public officers comply better with the requirements under the Act (legal notice number 76 of 2009). Since 2003, the Commission has successfully administered financial declaration for public officers which were administered annually until 2007 when the Act was amended for the declarations to be administered every two years. Efforts by the Commission to improve the process have resulted in progressive increase in compliance levels from 88.6 % in 2006 to 95.9 % in 2011. An analysis of financial declarations for 2005 to 2011 indicate an increase in compliance levels as shown in table 3, figures 3 and 4 below.

**Table 3: Analysis of compliance levels with financial declarations for the period 2005 to 2011**

Declaration Cycle	Total no. of Officers Expected to Comply	No. of Compliant Officers	%	No. of Non Compliant Officers	%
2009 -2011	347,570	333,420	95.9	14,150	4.1
2007-2009	283,244	251,092	88.6	32,152	11.4
2007	273,197	245,003	89.7	28,194	10.3
2006	253,177	224,375	88.6	28,802	11.4
2005	183,831	177,235	96.4	6,596	3.6



**Figure 3: Comparative analysis of compliance by officers in public organization**



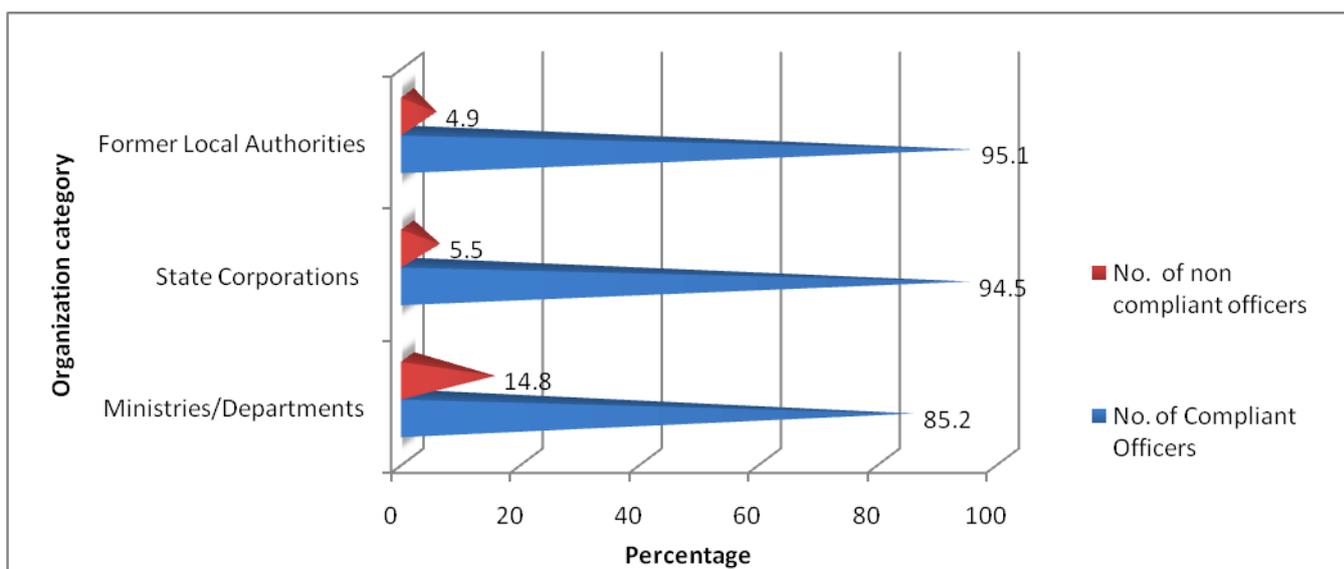
**Figure 4: Trend analysis of compliance by officers in public organization**

*Note: Declaration on time means submission of declaration by 31<sup>st</sup> December of a declaration year*

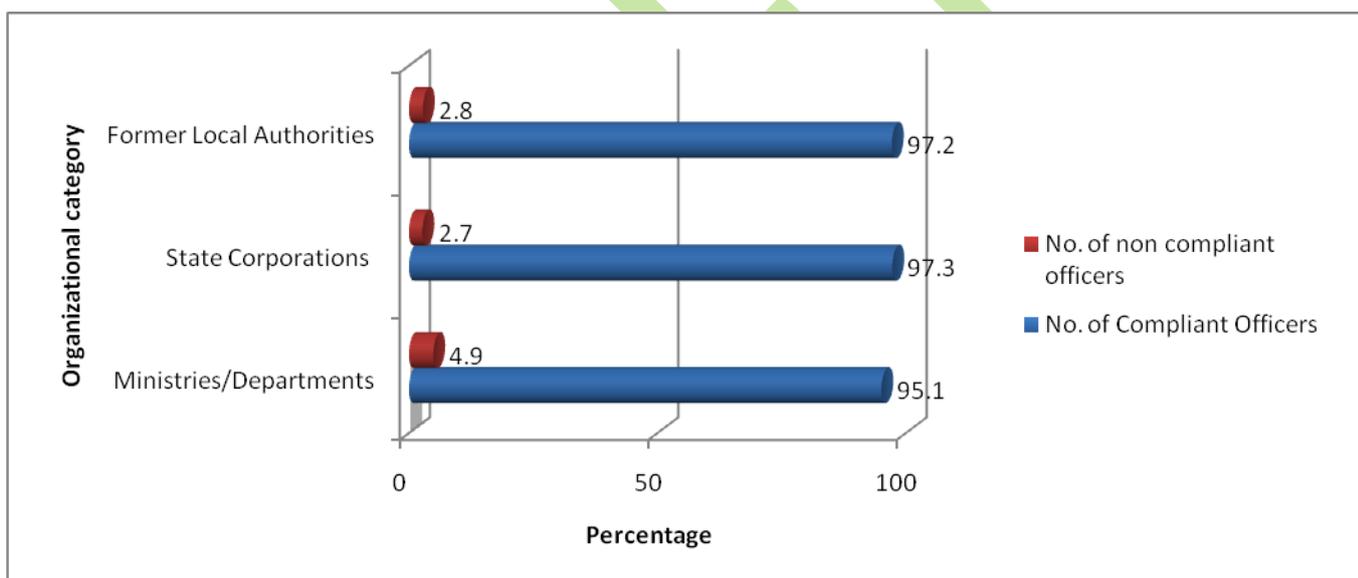
A comparative analysis of compliance levels with the financial declarations for the periods 2007-2009 and 2009-2011 shows a progressive increase in compliance in the Civil Service, State Corporations and former Local Authorities as reflected in table 4 and figures 5 and 6 below.

**Table 4: Analysis of Compliance by category of organizations**

Organization Category	2007-2009		2009-2011	
	No. of Compliant Officers	No. of non compliant officers	No. of Compliant Officers	No. of non compliant officers
Ministries/Departments	153,500 (85.2%)	26,648 (14.8%)	209,240 (95.1%)	10,681 (4.9%)
State Corporations	67,662 (94.5%)	3,961 (5.5%)	92,489 (97.3%)	2,549 (2.7%)
Former Local Authorities	29,930 (95.1%)	1,543 (4.9%)	31,691 (97.2%)	920 (2.8%)
<b>Totals</b>	<b>251,092 (88.6%)</b>	<b>32,152 (11.4%)</b>	<b>333,420 (95.9%)</b>	<b>14,150 (4.1%)</b>



**Figure 5: Analysis of compliance level by organizational category for 2007-2009 declaration cycle**



**Figure 6: Analysis of compliance level by organizational category for 2009-2011 declaration cycle**

## 5.2 Non Discrimination and Protection of the marginalized

In discharging its functions the Commission ensured that there was non-discrimination and that the marginalized were protected. This was made possible through observance of service regulations, recruitment and selection policies, constitutional provision with regard to the two thirds ( $\frac{2}{3}$ ) principle gender balance, the five per cent (5%) principle on recruitment of persons with disabilities, regional and county balancing.

### **5.3 Human Rights, Social Justice and Human Dignity**

The Commission accorded officers an opportunity for fair hearing and ensured the expeditious and effective disposal of disciplinary cases, requests for promotions, appointments, secondment and other related human resources issues.

### **5.4 Patriotism and National Unity**

The Commission has integrated patriotism and national unity issues in the recruitment process. This is geared towards appointment of public servants who have commitment, loyalty and interest of the country at heart.

### **5.5 Sharing and devolution of power**

#### **5.5.1 The role of the Public Service Commission in the devolved Government**

The Constitution mandates the Commission to hear and determine appeals in respect of county government's public service. The appeals cover the discharge of the human resource function including recruitment, selection, appointment, promotion, re-designation, deployment, and qualifications attached to any office, disciplinary control, national values and principles of governance under Article 10 of the Constitution, and, values and principles of public service under Article 232 of the Constitution, the removal from the public service other than by disciplinary process and any other decision that the Commission considers to fall within its constitutional competence to hear and determine an appeal.

Under the fourth schedule the Commission as part of the National Government is mandated to undertake capacity building and technical assistance to the counties. In this regard and pursuant to the provisions of section 138(3) of the County Government Act, 2012, the Commission, in the exercise of its constitutional powers and in liaison with Transition Authority, seconded 447 public officers to county governments. The officers were seconded with effect from 12<sup>th</sup> February, 2013

#### **5.5.2 Delegation of powers and functions**

In line with Article 234 (5) the Commission has delegated the powers and functions in respect of officers in Job Group "P" and below to the Authorized Officers. The functions include appointment, including acting appointment, re-designation, promotion and transfer

(but excluding the power of initial appointment or re-designation of public officers; extension or termination of the probationary period; removal of public officers other than by disciplinary process; confirmation in appointment; deployment; disciplinary control and administration of Public Officer Ethics Act, 2003.

### **5.6 High standards of professional ethics**

The Commission upheld high standards of professional ethics in the performance of its functions by involvement of professional bodies in the recruitment process, adhering to constitutional provisions, issuing guidelines on training and authentication of certificates in the public service. The Commission further, made it mandatory for officers to acquire additional qualifications such as Masters Degree, Strategic Leadership and Development Course and Senior Management Course before appointment to senior positions. The Commission also encouraged public servants to join professional bodies in their respective professions. In addition, the Commission approved 11 schemes of service in a bid to professionalize recruitment and career progression in the service.

### **5.7 Efficient, Effective and Economic use of resources**

The public service is embracing reforms geared towards efficient, effective and economic use of resources. In particular, The National Treasury has undertaken reforms to ensure prudent management of public finances. This includes the application and improvement of IFMIS to include components on reporting on financial accounts, tracking expenditures and providing audit trails in MDAs for effective and efficient financial management; and e-ProMIS for monitoring and evaluation of projects undertaken country wide. The internal audit function has also been strengthened to ensure economic use of resources.

The public service has also embraced performance management initiatives like strategic planning, performance contracting, rapid results initiatives and staff performance appraisal systems to ensure efficient and effective service delivery to the citizens. Audits of State departments revealed that Training Committees, Ministerial Human Resource Management and Advisory Committees and Tender Committees were in place and operating efficiently and effectively.

### **5.8 Responsive, prompt, effective, impartial & equitable provision of services**

The public service had embraced Service Delivery Charters that guide both the internal and external customers on the types and timeliness of services offered by respective ministries and state departments. The service charters have helped to ensure consistency in service delivery. The service has adopted grievance handling mechanisms, customer help desks and help lines. In addition, the service had adopted a culture of carrying out annual customer satisfaction surveys to gauge the level of satisfaction of both the internal and external customers.

### **5.9 Transparency and Provision to the Public of timely, Accurate Information**

In order to give effect to this value the service had embraced various mechanisms to provide the public with timely and accurate information. Such mechanisms included interactive websites and online services, public service week, regular publications of brochures, magazines, help lines and Short Message Services (SMS). However, there is need to address the needs of the visually impaired, the deaf and those who do not understand Kiswahili by embracing use of sign language, translation of documents into Braille and Kiswahili.

### **5.10 Accountability for Administrative Acts**

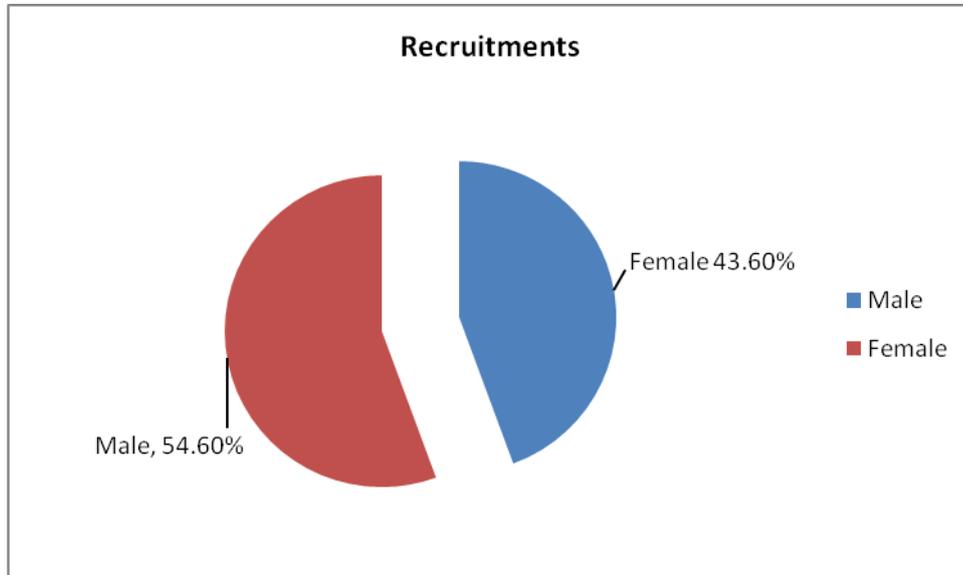
In line with the constitutional requirement, the Commission assigns reasons to all its decisions in the discharge of its mandate. This applies to appointments, promotions, dismissals, removals from office other than disciplinary process and any other decisions on human resource matters. With regard to disciplinary controls, the Commission emphasizes the need for fairness and thorough investigations in processing cases.

The Commission receives complaints from public officers and member of the public on the performance of various functions within its mandate. The complaints are investigated and feedback given to the complainants.

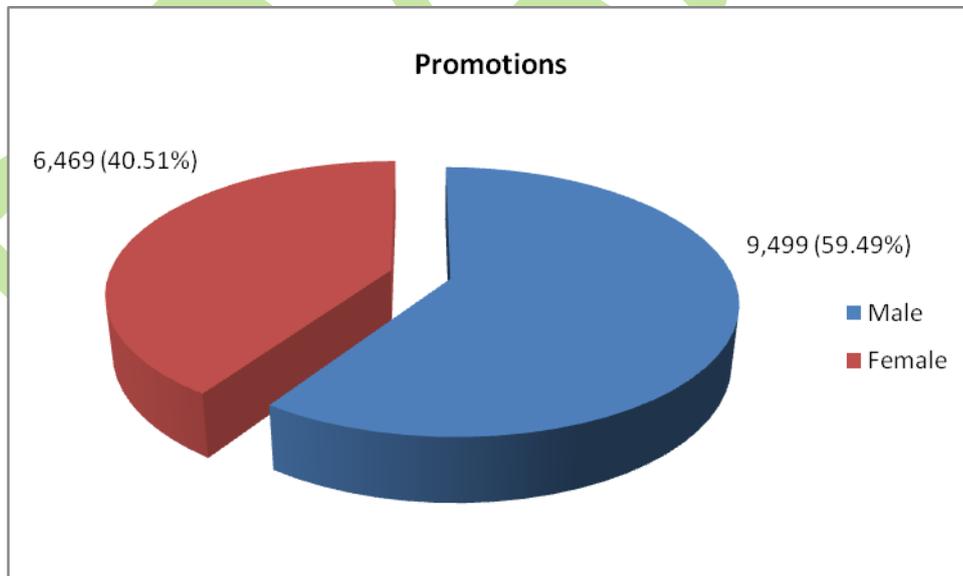
### **5.11 Fair Competition and Merit as the Basis of Appointments and Promotions**

In the period under review, appointments and promotions in the public service were undertaken in a fair and transparent manner. This was achieved through open advertisements of posts in both print and electronic media and competitive interviews. A total of 808 officers from various ethnic communities were recruited of which 352

(43.6%) were male while 456 (56.4 %) were female. A total of 15,968 officers from various ethnic communities were promoted of which 9,499 (59.49%) were male while 6,469 (40.51%) were female as shown in figures 7 and 8; and Appendices II and III respectively.



**Figure 7: Recruitments**



**Figure 8: Promotions**

## **5.12 Representation of Kenya's Diverse Communities**

### **5.12.1 Composition by Ethnicity**

The ethnic composition of the civil service as at 30<sup>th</sup> June 2013 is as shown in Appendix IV. The ten (10) ethnic groups with the highest number of officers in the civil service were as shown in table 5 and figure 9.

The kikuyu, kalenjin, Luhya, Kamba and Luo ethnic groups in that order had the highest number of officers in the civil service while the Elmolo, Gosha, Dasnach-Shangil, Kenyan European and Hawiyah had the lowest.

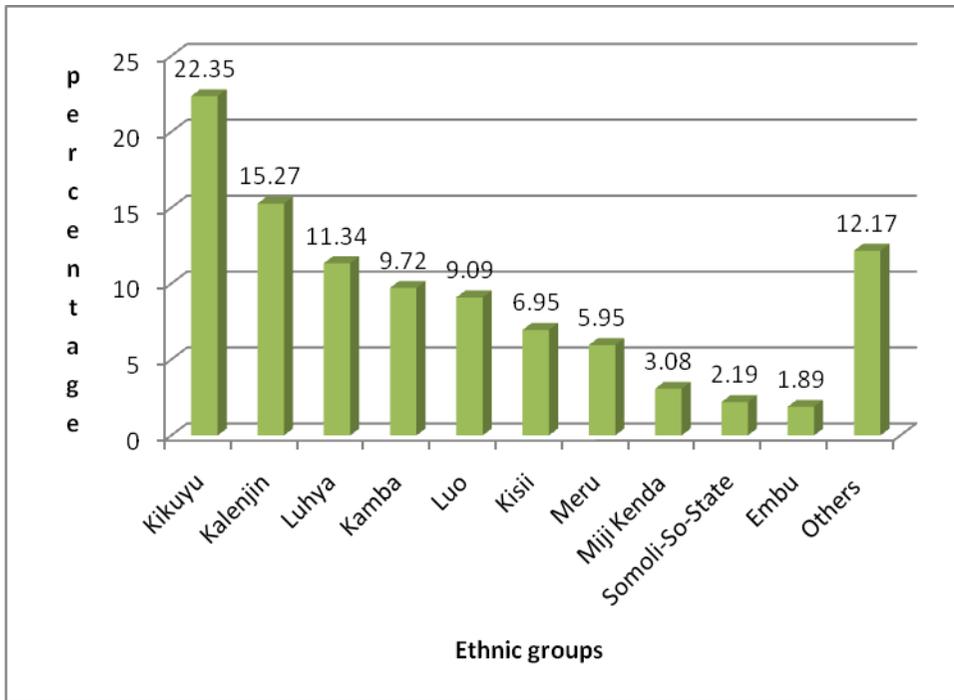
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**Table 5: Ten (10) ethnic groups with the highest number of officers in the civil service**

S/No	Ethnic Group	Total Population as per 2009 census	Other Designations	LEVEL III	LEVEL II		LEVEL I		Grand Total	Proportion %
				A-F:- Lower Support	G-J:- Middle Support	K-N:- Technical Staff	P-R:- Senior Managers	S-V:- Policy Managers		
1	Kikuyu	6,622,576	8	17868	18108	15357	1321	125	52,787	22.35
2	Kalenjin	4,967,328	5	16857	12122	6751	295	39	36,069	15.27
3	Luhya	5,338,666	8	9118	9450	7546	591	64	26,777	11.34
4	Kamba	3,893,157	4	9126	8240	5162	392	37	22,961	9.72
5	Luo	4,044,440	4	7880	7367	5651	511	59	21,472	9.09
6	Kisii	2,205,669	3	6127	6035	3877	337	28	16,407	6.95
7	Meru	1,658,108	1	5514	5053	3250	218	21	14,057	5.95
8	MijiKenda	1,960,574	1	3457	2274	1469	68	4	7,273	3.08
9	Somoli-So-State	*2,385,572	0	2836	1557	713	61	13	5,180	2.19
10	Embu	324,092	0	1503	1641	1254	63	8	4,469	1.89
	Others	5,209,915							28,779	12.17
	<b>Total</b>	<b>38,610,097</b>							<b>236,231</b>	<b>100</b>

Source: IPPD Data June, 2013

\*KENYAN SOMALI 2,385,572-query as per population census



Source IPPD as at June, 2013

Figure 9: Distribution of public officers in the civil service by ethnic groups

The ethnic group with the lowest representation was the Hawiyah having only one officer in the service. The ten (10) ethnic groups with the lowest number of officers in the service were as shown in table 6.

**Table 6: Ten (10) ethnic groups with the lowest number of officers**

S/no	Ethnic Name	Level III	Level II		Level I		Grand Total	Proportion percentage
		A-F:- Lower Support	G-J:- Middle Support	K-N:- Technical Staff	P-R:- Senior Managers	S-V:- Policy Managers		
1	Kenyan Asian	1	4	86	12	1	104	0.04
2	Sakuye	46	23	7	0	0	76	0.03
3	Murulle	24	32	16	0	0	72	0.03
4	**Not Defined	0	55	16	0	0	71	0.03
5	Boni-Sanye	30	15	2	0	0	47	0.02
6	Elmolo	20	6	1	0	0	27	0.01
7	Gosha	17	1	0	1	0	19	0.01
8	Dasnach-Shangil	8	3	0	0	0	11	0.01
9	Kenyan European	0	0	2	0	0	2	0.01
10	Hawiyah	0	0	1	0	0	1	0.00

Source: IPPD Data June, 2013

*\*\*Not defined: This refers to officers who did not indicate their ethnic group.*

There were notable variations in the numbers of civil servants from the respective ethnic groups due to historical reasons. However, since the promulgation of the constitution in August 2010 deliberate measures had been instituted to ensure that the service reflects the face of Kenya. Such measures include issuance of guidelines on recruitment, career progression and monitoring of the discharge of human resource function to ensure compliance.

### 5.12.2 Composition of the Civil Service by Gender

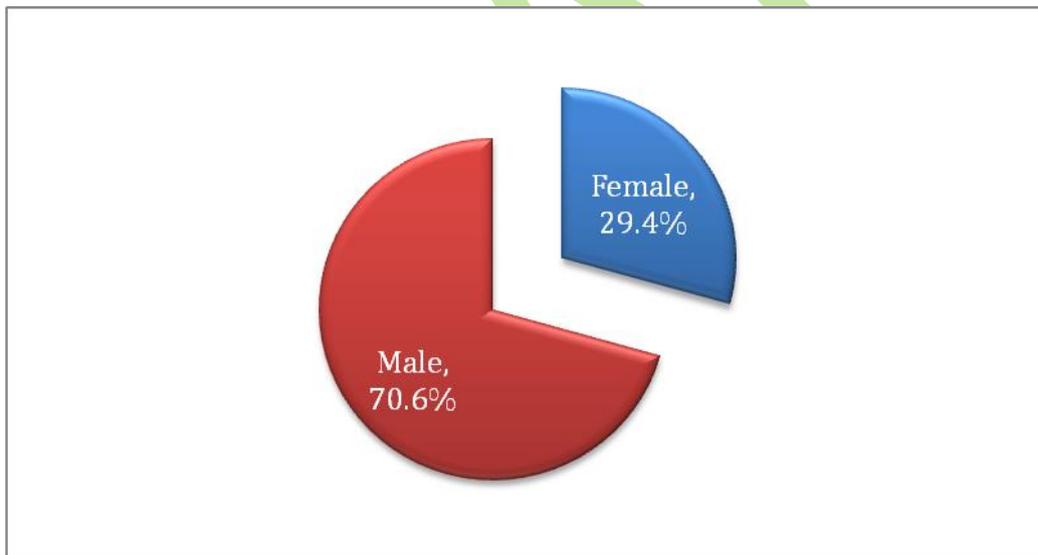
According to an analysis of the civil service undertaken by the Commission as at June 30<sup>th</sup> 2013, the entire civil service had an in post of two hundred and thirty six thousand, two hundred and thirty one (236,231) officers as per the IPPD data of which 69,334 (29.4%) were female while 166,897 (70.6%) were male.

During the period under review, deliberate measures were taken to ensure gender parity and fulfill the Constitutional requirement that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. The distribution of officers in the civil service by gender is as shown in table 7 and figure 10 below.

**Table 7: Analysis by Gender**

Female	%	Male	%	Grand Total
69,334	29.4	166,897	70.6	236,231

*Source: IPPD Data June, 2013*



*Figure 10: Analysis by Gender*

*Source: IPPD Data June, 2013*

## **PART SIX**

### **6.0 EMERGING ISSUES, CHALLENGES AND WAY FORWARD**

#### **6.1 Emerging issues on Promotion and Compliance of Values and Principles of the Public Service**

In the promotion and evaluation of compliance with values and principles it was found that there is need for:-

- i. adequate funding for promotion of Values and Principles in the state departments;
- ii. further awareness creation on values and principles;
- iii. cooperation and collaboration on promotion and evaluation of values and principles between the two levels of government;
- iv. capacity building on values and principles;
- v. review and harmonization of existing legislations on ethics and integrity i.e. (POEA, 2003) and other legislations and align them to the Constitution;
- vi. mainstreaming and integrating values and principles in to the functions and operations of the state departments;
- vii. standard norms in the promotion and evaluation of values and principles;
- viii. monitoring and evaluating the implementation of values and principles in the public service; and
- ix. digitalization of forms for declaration of Incomes, Assets and Liabilities.

##### **6.1.1 Challenges**

The following challenges were encountered in the promotion and evaluation of compliance with values and principles in the public service:-

- i. attitude change among public officers towards wealth declaration and embracing of values and principles of the Public Service;
- ii. institutionalizing a value driven culture that demands fairness, equity and integrity and promotes transparency and accountability;
- iii. inadequate budgetary allocation to cater for cost of activities related to promotion of values and principles; and mainstreaming and implementation of the Code of Conduct and Ethics as spelt out in POEA, 2003;

- iv. inadequate knowledge and understanding of the values and principles among public servants and the public;

### **6.1.2 Measures to address the Challenges**

- (i) Awareness creation on values and principles and linkage with service delivery
- (ii) Enforcement of compliance with the Public Officer Code of Conduct and Ethics and the legally stipulated deadlines for submitting wealth declaration by the public officers to be enforced strictly by the PSC(K) and other relevant stakeholders;
- (iii) Provision of a budget line for promotion of values and principles in the state departments and other government agencies;
- (iv) Review and harmonize existing legislation on ethics and integrity to align them to the Constitution; and
- (v) Digitalization of the wealth declaration forms to address the problem of storage of the completed forms.

## **6.2 Conclusion and Way Forward**

### **6.2.1 Conclusion**

During the year the Commission has undertaken a number of preparatory activities to facilitate compliance and evaluation of Values and principles in Articles 10 and 232. One of the major activities is the baseline survey which has provided the baseline information on the implementation status of the national values and principles of governance in Article 10 and the values of public service in Article 232.

Promotion and evaluation of values and principles calls for elaborate programmes.

On the basis of the survey the Commission has developed strategies and programmes for promotion and ensuring compliance with the values. It is therefore important that the Commission and state departments are adequately funded to institutionalize the values and principles in the public service.

To address the challenges that the Commission has faced with implementation of the POEA, 2003, it is recommended that the Act be reviewed to allow for digitalization of the

financial declarations and harmonization of the Act with the various legislations on ethics and integrity.

### **6.2.2 Way Forward**

- a) Article 56 of the Constitution requires that the state shall put in place affirmative action programmes to ensure the minorities and marginalized groups are provided with special opportunities for access to employment. In line with this provision the Commission will formulate guidelines for identifying minorities and marginalized groups and also develop an affirmative action policy to address the plight of the two groups.
- b) Article 54 mandates the state to ensure the progressive implementation of the principle of at least 5% of the members of the public in appointive bodies are persons with disabilities. To give effect to this provision the Commission will -
  - (i) Continue to monitor compliance of MDAs with regard to implementation of ensuring 5% of members of the public in appointive bodies are persons with disabilities.
  - (ii) Encourage ministries to undertake an audit of buildings to ascertain the extent to which access to persons with disabilities is provided and report on the measures put in place to remedy the deficiencies identified.
- c) Article 234 (2) (e) mandates the Commission to ensure that the public service is efficient and effective. In order to effectively discharge this function the Commission will -
  - (i) Review service delivery standards and benchmarks in the service and ensure compliance; and
  - (i) In liaison with the Ministry of Planning and Devolution (Department of Public Service Management) review performance contract guidelines with a view to integrate the values and principles of public service.
- d) develop policies to guide how Kenyans of mixed ethnicity and those who have grown up and hired in urban areas can be categorized. The policy will also address the criteria and benchmarks for determining ethnicity and ethnic diversity and affirmative action to redress diversity gaps in the public service.
- e) review the disciplinary procedures to ensure that they are aligned to the Constitution, code of conduct and the code of regulations and that they provide for fair administrative actions.

- f) Develop policies for further engagement with citizens and other non-state actors in the monitoring and evaluating of compliance with the values and principles in the public service.
- g) Develop policies to guide public institutions implement a participatory monitoring, evaluation and reporting framework for the realization of responsive, prompt and effective public service delivery.
- h) Spearhead the finalization of the draft policy on public service values that will provide a clear vision of commitment to ethics and corresponding accountability by all public officers. The policy will provide guidelines on the moral conduct of public officers in the public service and the minimum standards that each public officer should respect when acting in ways that affect the well-being of citizens.
- i) Develop policies that will foster a culture of creativity, innovation and competitiveness by establishing mechanisms for recognizing, rewarding and celebrating public officers who demonstrate excellence and innovation in service delivery
- j) Develop policies and guidelines that will require public institutions to align their service charters to the values and principles of the public service.
- k) Develop and implement awareness creation programmes on the national values and principles of governance and values and principles of public service.
- l) Collaborate with learning institutions and develop a strategy for mainstream values in their operations and curricula.
- m) Develop policies and guidelines to hold public officers accountable for violating National Values and principles of Governance and Values and Principles of Public Service.
- n) The functions of the County Public Service Board are a replica of the functions of the Public Service Commission and as such the Commission will spearhead the development of uniform norms and standards in human resource management to guide the public service.

## Appendices

**Appendix 1: Number of employees by ethnicity and gender**

Ethnic Community	No. of Employees	Proportion % of the Total	Proportion (%)			
			Male	Female	Male	Female
<b>Bajun</b>	1,113	0.35	929	184	83.47	16.53
<b>Embu</b>	5,519	1.72	3,442	2,077	62.37	37.63
<b>Kamba</b>	29,314	9.14	20,609	8,705	70.30	29.70
<b>Kikuyu</b>	67,576	21.07	41,286	26,290	61.10	38.90
<b>Mbere</b>	1,420	0.44	998	422	70.28	29.72
<b>Meru</b>	17,002	5.30	10,965	6,037	64.49	35.51
<b>Tharaka</b>	471	0.15	383	88	81.32	18.68
<b>Kisii</b>	21,614	6.74	15,212	6,402	70.38	29.62
<b>Pokot</b>	3,218	1.00	2,717	501	84.43	15.57
<b>Kuria</b>	1,883	0.59	1,479	404	78.54	21.46
<b>Luhya</b>	37,319	11.64	24,988	12,331	66.96	33.04
<b>Boni</b>	87	0.03	72	15	82.76	17.24
<b>MijiKenda</b>	9,690	3.02	7,599	2,091	78.42	21.58
<b>Pokomo</b>	1,796	0.56	1,325	471	73.78	26.22
<b>Swahili</b>	590	0.18	382	208	64.75	35.25
<b>Taita</b>	4,234	1.32	2,807	1,427	66.30	33.70
<b>Taveta</b>	493	0.15	345	148	69.98	30.02
<b>Suba</b>	873	0.27	735	138	84.19	15.81
<b>Luo</b>	30,503	9.51	21,451	9,052	70.32	29.68
<b>Kalenjin</b>	49,772	15.52	36,847	12,925	74.03	25.97
<b>Teso</b>	2,771	0.86	2,174	597	78.46	21.54
<b>Maasai</b>	5,426	1.69	4,421	1,005	81.48	18.52
<b>Dorobo</b>	138	0.04	130	8	94.20	5.80
<b>Njemps</b>	222	0.07	205	17	92.34	7.66
<b>Samburu</b>	2,112	0.66	1,762	350	83.43	16.57
<b>Turkana</b>	2,832	0.88	2,380	452	84.04	15.96
<b>Elmolo</b>	50	0.02	41	9	82.00	18.00
<b>Boran</b>	3,393	1.06	2,770	623	81.64	18.36
<b>Gabra</b>	739	0.23	635	104	85.93	14.07
<b>Orma</b>	438	0.14	396	42	90.41	9.59
<b>Rendille</b>	480	0.15	403	77	83.96	16.04
<b>Sakuye</b>	94	0.03	72	22	76.60	23.40
<b>Burji</b>	339	0.11	262	77	77.29	22.71
<b>Dasnach-Shangil</b>	11	0.00	11	0	100.00	0.00

Ethnic Community	No. of Employees	Proportion % of the Total	Male	Female	Proportion (%)	
					Male	Female
Ajuran	231	0.07	211	20	91.34	8.66
Gosha	21	0.01	17	4	80.95	19.05
Gureeh	402	0.13	373	29	92.79	7.21
Hawiyah	2	0.00	2	0	100.00	0.00
Ogaden	539	0.17	503	36	93.32	6.68
Degodia	365	0.11	336	29	92.05	7.95
Somali-So-State	5,318	1.66	4,605	713	86.59	13.41
Murulle	98	0.03	95	3	96.94	3.06
Other Kenyan	530	0.17	331	199	62.45	37.55
Kenyan Asian	103	0.03	53	50	51.46	48.54
Kenyan European	2	0.00	1	1	50.00	50.00
Kenya Arab	209	0.07	107	102	51.20	48.80
Somali	815	0.25	613	202	75.21	24.79
Kore	2	0.00	2	0	100.00	0.00
Ogiek	7	0.00	7	0	100.00	0.00
Oromo	34	0.01	34	0	100.00	0.00
Nubian	25	0.01	13	12	52.00	48.00
Jomvu	1	0.00	1	0	100.00	0.00
Non-Kenyan	58	0.02	39	19	67.24	32.76
Not Identified	8,374	2.61	5,702	2,672	68.09	31.91
<b>TOTAL</b>	<b>320,668</b>	<b>100.00</b>	<b>223,278</b>	<b>97,390</b>	<b>69.63</b>	<b>30.37</b>

Source: Baseline survey 2012

**Appendix II: Distribution of officers recruited in the civil service by ethnic community and gender**

S/No	Ethnic Community	F	%	M	%	Grand Total
1	Ajuran	0		0		
2	Bajun	1	50	1	50	2
3	Basuba	0		0		0
4	Boni-Sanye	0		0		0
5	Boran	4	80	1	20	5
6	Burji	0		0		
7	Dasnach-Shangil	0		0		
8	Degodia	0		0		
9	Dorobo	0		0		
10	Elmolo	0		0		
11	Embu	10	47.6	11	52.4	21
12	Gabra	0	0	1	100	1
13	Gosha	0		0		
14	Gureeh	0		0		
15	Hawiyah	0		0		
16	Kalenjin	35	38.9	55	61.1	90
17	Kamba	32	40.5	47	59.5	79
18	Kenya Arab	0	0	4	100	4
19	Kenyan Asian	3	50	3	50	6
20	Kenyan European	0		0		
21	Kikuyu	80	50.3	79	49.7	159
22	Kisii	37	46.8	42	53.2	79
23	Kuria	4	57.1	3	42.9	7
24	Luhya	52	41.6	73	58.4	125
25	Luo	36	39.6	55	60.4	91
26	Masai	5	33.3	10	66.7	15
27	Mbere	0	0	1	100	1
28	Meru	14	50	14	50	28
29	MijiKenda	17	45.9	20	54.1	37
30	Murulle	0		0		
31	Njemps	0		0		
32	Ogaden	0	0	1	100	1
33	Orma	0		0		0
34	Other Kenyan	1	50	1	50	2
35	Pokomo	2	40	3	60	5
36	Pokot	5	55.6	4	44.4	9
37	Rendille	1	50	1	50	2
38	Sakuye	0		0		
39	Samburu	5	50	5	50	10
40	Somoli-So-State	2	22.2	7	77.8	9
41	Swahili-Shirazi	1	25	3	75	4

42	Taita	3	42.9	4	57.1	7
43	Taveta	1	33.3	2	66.7	3
44	Teso	1	33.3	2	66.7	3
45	Tharaka	0		0		0
46	Turkana	0	0	3	100	3
47	Not Defined	0		0		0
	<b>Grand Total</b>	<b>352</b>	<b>43.6</b>	<b>456</b>	<b>56.4</b>	<b>808</b>

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**Appendix III: Distributions of promotions in the civil service by gender and ethnic community**

S/No	Ethnic Community	F	%	M	%	Grand Total
1	Ajuran	1	10.0	9	90.0	10
2	Bajun	17	45.9	20	54.1	37
3	Basuba	2	75.0	1	25.0	3
4	Boni-Sanye	2	40.0	3	60.0	5
5	Boran	59	43.4	77	56.6	136
6	Burji	10	55.6	8	44.4	18
7	Dasnach-Shangil	0		0		0
8	Degodia	15	38.5	24	61.5	39
9	Dorobo	1	25.0	3	75.0	4
10	Elmolo	1	25.0	3	75.0	4
11	Embu	159	47.7	174	52.3	333
12	Gabra	10	38.5	16	61.5	26
13	Gosha	0		0		0
14	Gureeh	1	5.0	19	95.0	20
15	Hawiyah	1	100.0	0	0.0	1
16	Kalenjin	873	33.5	1733	66.5	2606
17	Kamba	608	28.2	1545	71.8	2153
18	Kenya Arab	8	44.4	10	55.6	18
19	Kenyan Asian	0	0.0	1	100.0	1
20	Kenyan European	1	100.0	0	0.0	1
21	Kikuyu	1589	48.5	1688	51.5	3277
22	Kisii	482	49.5	491	50.5	973
23	Kuria	21	36.2	37	63.8	58
24	Luhya	981	54.0	836	46.0	1817
25	Luo	565	38.7	896	61.3	1461
26	Masai	60	19.6	246	80.4	306
27	Mbere	35	32.4	73	67.6	108
28	Meru	463	46.5	532	53.5	995
29	MijiKenda	125	33.0	254	67.0	379
30	Murulle	1	7.1	13	92.9	14
31	Njemps	1	16.7	5	83.3	6

32	Non-Kenyan (from Public Health)	7	100.0	0	0.0	7
33	Ogaden	0	0.0	15	100.0	15
34	Orma	5	18.5	22	81.5	27
35	Other Kenyan	16	44.4	20	55.6	36
36	Pokomo	16	23.5	52	76.5	68
37	Pokot	40	23.5	130	76.5	170
38	Rendille	7	50.0	7	50.0	14
39	Sakuye	3	75.0	1	25.0	4
40	Samburu	22	27.8	57	72.2	79
41	Somoli-So-State	73	34.9	136	65.1	209
42	Swahili-Shirazi	8	53.3	7	46.7	15
43	Taita	90	47.6	99	52.4	189
44	Taveta	6	25	18	75	24
45	Teso	38	35.2	70	64.8	108
46	Tharaka	9	20.5	35	79.5	44
47	Turkana	37	24.7	113	75.3	150
48	Not Defined					
	<b>Grand Total</b>	<b>6469</b>	<b>40.51</b>	<b>9499</b>	<b>59.49</b>	<b>15968</b>

#### Appendix IV: Analysis of Ethnicity and Gender in the civil service

S/No	Ethnic Community	F	%	M	%	Grand Total	Proportion % of the total
1	Ajuran	20	0.0	177	0.1	197	0.083
2	Bajun	135	0.2	497	0.3	632	0.268
3	Basuba	54	0.1	389	0.2	443	0.188
4	Boni-Sanye	9	0.0	38	0.0	47	0.020
5	Boran	546	0.8	2374	1.4	2920	1.236
6	Burji	68	0.1	244	0.1	312	0.132
7	Dasnach-Shangil		0.0	11	0.0	11	0.005
8	Degodia	27	0.0	269	0.2	296	0.125
9	Dorobo	8	0.0	118	0.1	126	0.053
10	Elmolo	3	0.0	24	0.0	27	0.011
11	Embu	1663	2.4	2806	1.7	4469	1.892
12	Gabra	91	0.1	594	0.4	685	0.290
13	Gosha	2	0.0	17	0.0	19	0.008
14	Gureeh	27	0.0	325	0.2	352	0.149
15	Hawiyah		0.0	1	0.0	1	0.000
16	Kalenjin	8263	11.9	27806	16.7	36069	15.269
17	Kamba	6519	9.4	16442	9.9	22961	9.720
18	Kenya Arab	70	0.1	69	0.0	139	0.059
19	Kenyan Asian	57	0.1	47	0.0	104	0.044
20	Kenyan European	1	0.0	1	0.0	2	0.001
21	Kikuyu	19960	28.8	32827	19.7	52,787	22.346
22	Kisii	4776	6.9	11631	7.0	16407	6.945
23	Kuria	236	0.3	1113	0.7	1349	0.571
24	Luhya	8798	12.7	17979	10.8	26777	11.335
25	Luo	6165	8.9	15307	9.2	21472	9.089
26	Maasai	630	0.9	2819	1.7	3449	1.460
27	Mbeere	363	0.5	873	0.5	1236	0.523
28	Meru	4917	7.1	9140	5.5	14057	5.951
29	MijiKenda	1573	2.3	5700	3.4	7273	3.079
30	Murulle	3	0.0	69	0.0	72	0.030
31	Njemps	18	0.0	196	0.1	214	0.091
32	Ogaden	32	0.0	386	0.2	418	0.177
33	Orma	36	0.1	342	0.2	378	0.160
34	Other Kenyan	167	0.2	304	0.2	471	0.199
35	Pokomo	365	0.5	1047	0.6	1412	0.598
36	Pokot	413	0.6	2238	1.3	2651	1.122
37	Rendille	41	0.1	298	0.2	339	0.144
38	Sakuye	14	0.0	62	0.0	76	0.032

S/No	Ethnic Community	F	%	M	%	Grand Total	Proportion % of the total
39	Samburu	257	0.4	1357	0.8	1614	0.683
40	Somoli-So-State	752	1.1	4428	2.7	5180	2.193
41	Swahili-Shirazi	75	0.1	120	0.1	195	0.083
42	Taita	1108	1.6	2236	1.3	3344	1.416
43	Taveta	62	0.1	192	0.1	254	0.108
44	Teso	478	0.7	1707	1.0	2185	0.925
45	Tharaka	83	0.1	326	0.2	409	0.173
46	Turkana	394	0.6	1935	1.2	2329	0.986
47	Not Defined	55	0.1	16	0.0	71	0.030
	Grand Total	69,334	100.0	166,897	100.0	236,231	100.000

Source: IPPD Data June, 2013

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**Appendix V: Distribution of national population by ethnic group**

S/No	Tribe	Population
1	Kikuyu	6,622,576
2	Luhya	5,338,666
3	Kalenjin	4,967,328
4	Luo	4,044,440
5	Kamba	3,893,157
6	Kenyan Somali	2,385,572
7	Kisii	2,205,669
8	Mijikenda	1,960,574
9	Meru	1,658,108
10	Turkana	988,592
11	Maasai	841,622
12	Kenyan	610,122
13	Teso	338,833
14	Embu	324,092
15	Taita	273,519
16	Kuria	260,401
17	Other Africans	244,866
18	Samburu	237,179
19	Tharaka	175,905
20	Mbeere	168,155
21	Borana	161,399
22	Basuba	139,271
23	Swahili	110,614
24	Gabra	89,515
25	East Africa	75,073
26	Orma	66,275
27	Rendile	60,437
28	Kenyan Asians	46,782
29	Kenyan Arabs	40,760
30	Asians	35,009
31	Ilchamus	27,288
32	Europeans	27,172
33	Sakuye	26,784

S/No	Tribe	Population
34	Burji	23,735
35	Gosha	21,864
36	Taveta	20,828
37	Walwana	16,803
38	Nubi	15,463
39	Dasenach	12,530
40	Galla	8,146
41	Galjeel	7,553
42	Waat	6,900
43	Americans	6,014
44	Leysan	5,941
45	Njemps	5,228
46	kenyaneuropeans	5,166
47	Isaak	3,160
48	Kenyan Americans	2,422
49	Konso	1,758
50	Australians	719
51	Carribeans	112
		<b>38,610,097</b>

Source: KNBS 2009 Census Data