

Re: Health CSOs Memorandum for the Public Participation Policy

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Wed 5/22/2024 5:34 PM

To: Director Hennet <director@hennet.or.ke>

This is well received. Thank you.

From: Director <director@hennet.or.ke>
Cc: senatejlahrc <senatejlahrc@parliament.go.ke>
Date: Wednesday, 22 May 2024 4:58 PM EAT
Subject: Health CSOs Memorandum for the Public Participation Policy

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Good afternoon,

Greetings from the Health NGOs' Network (HENNET) secretariate on behalf of member organizations.

Attached please see our submission **Health CSOs Memorandum for the Public Participation Policy**

We hope that our concerns and recommendations will be given attention and addressed.



Dr. Margaret Lubaale | Executive Director

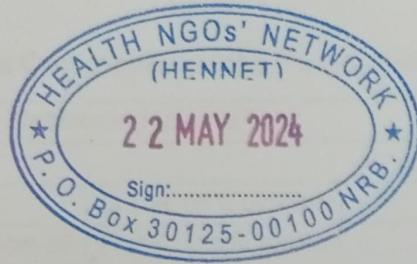
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HENNET CSO Memoranda 2024

Sessional Paper (No. 3 of 2023) of the Public Participation Policy

Presented to:
Clerk.senate@parliament.go.ke
and copied to senate
senatejlahrc@parliament.or.ke

Date: May 22nd 5.00pm.



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HENNET CSOs Comments on the Public Participation Policy, 2023

| Health NGOs Network (HENNET) | | | |
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| Part and title | Issue of Concern | Justification | Recommendation |
| Part 1: Definition of Terms | Public participation | The current definition doesn't put into consideration that it's a two-way interactive process | Public participation is the process where individuals, governmental and non-governmental groups influence decision making in policy, legislation, service delivery, oversight, and development matters. It is a two-way interactive process where the duty bearer communicates information in a transparent and timely manner, engages the public in decision making and is responsive and accountable to their needs. The public gets actively involved in the process when the issue at stake relates directly to them |
| Part 1 | 1.3 Policy Formulation Process | There was a gap in inclusivity whereby some stakeholders like the religious groups, business communities and only 2 CSOs are mentioned to have been involved | There is need to include all the stakeholders and the 47-county representation |
| | 1.4 Rationale | The rationale is not well elaborated and only highlights the challenges in public participation | A rationale typically explains the reasoning behind a decision, project, or proposal, providing a clear and logical explanation for why certain actions are taken or certain conclusions are reached. |
| | 1.5 Policy Objectives | The highlighted objectives do not address the challenges outlined. They put the responsibility of participation on the NSA, yet it is the responsibility of the government as NSA provide support | <ol style="list-style-type: none"> 1. Absence of Standards: Establish clear, uniform standards and guidelines for public participation to ensure consistency and effectiveness across all levels of government and sectors. 2. Ineffective Coordination Mechanisms: Develop and implement effective coordination mechanisms that facilitate seamless collaboration among various government agencies and stakeholders involved in public participation |

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| | | | <p>processes.</p> <ol style="list-style-type: none"> 3. Inadequate Coordination Among Providers: Foster inter-agency and inter-sectoral coordination by creating platforms for regular communication, joint planning, and collaboration among service providers. 4. Ineffective Inclusion of Special Interest Groups: Ensure the inclusive design of public participation processes by actively engaging and accommodating the needs of special interest groups, including marginalized and vulnerable populations. 5. Citizen Apathy: Increase citizen engagement and reduce apathy through awareness campaigns, education, and creating more accessible and meaningful opportunities for public involvement in decision-making processes. <p>Inadequate Funding: Secure adequate funding and allocate resources specifically for public participation initiatives to ensure their sustainability and effectiveness, including training, outreach, and implementation activities.</p> |
| <p>In reference to the public participation Bill 2023</p> | <p>Section 5</p> | <p>The scope of public participation outlined is narrow. Needs to be relooked to inform</p> | <ol style="list-style-type: none"> 1. Policy Formulation 2. Legislative Processes 3. Planning and Budgeting 4. Project Development and Implementation 5. Service Delivery and Monitoring 6. Environmental Management 7. Public Health and Safety 8. Education and Awareness 9. Decision-Making Bodies 10. Digital Participation 11. Feedback and Accountability Mechanisms 12. Conflict Resolution and 13. Consensus Building |

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| | Section 7 | The rights highlighted are not all inclusive | <ol style="list-style-type: none"> 1. Right to Information: Access information held by public authorities. 2. Right to Be Consulted: Be consulted on matters affecting them. 3. Right to Public Hearings and Meetings: Attend and participate in public hearings and meetings. 4. Right to Submit Proposals and Feedback: Submit proposals, comments, and feedback. 5. Right to Petition: Petition government bodies on public concerns. 6. Right to Participation in Elections and Referenda: Vote in elections and referenda. 7. Right to Association and Assembly: Form and join associations and assemble peacefully. 8. Right to Judicial Review: Challenge government decisions and actions through judicial review. 9. Right to Equitable Participation: Ensure all citizens, including marginalized groups, have opportunities to participate. 10. Right to Education and Capacity Building: Access education and capacity-building opportunities to enhance participation. |
| 2.2 Kenya's experience with Public Participation | | | Include experiences in the budget-making process as guided by the PFM ACT and County Government ACT as well as public participation experience from CSOs and NSA |
| 3.2.1 Access to Information | The vagueness of 'timely' information to be specified. | Article 10, Article 174 & article 201 of the constitution on principles of national values, principles of devolved government and principles of public finance and national values | Insert on a Quarterly basis for progressive reporting and ensure accountability |
| 3.2.2 Civic education | <p>Role of both National and County government not well defined</p> <p>No budgetary allocation</p> | Article 1 and 232(1) of the constitution. The County Government Act 2012, Public Finance Management Act 2012, Urban Areas and Cites Act 2011 | Clearly define the roles and responsibilities of actors at national and county level. |

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| | Lack of accountability for the resources | | Have budgetary allocation for civic education at national and county and this needs to have accountability structures in place. Standardization of civic education materials to take care of illiterate, young, old citizens and PWD |
| 3.2.3 Capacity Building | Definition of capacity building is lacking. | To empower citizens for effective participation | To be inserted in the interpretation section To develop a national capacity building framework |
| 3.2.4 Planning, Budgeting, and Implementation | Aadequate notification for public participation to take place to be specific | Promote effective participatory engagement of citizens | 21 days is sufficient notice |
| 3.2.5 Inclusion of minorities and marginalized groups | -Definition of minorities and marginalised is missing - Framework of children participation missing | Article 53, 54,55,56,57, 100 of the constitution | -To be included in the Interpretation section of the policy. -Set up of children participation frameworks and operationalize them. |
| 3.2.6 Funding | Timely reports on funding allocation and expenditure reports to be made available to the public | Article 10, Article 201 of the constitution, Public Finance & Management Act | -To provide framework and guidelines on funding |
| 3.2.7 & Monitoring, Evaluation and Learning | 3.2.8 Repetition of issues | To ensure achievable and clear performance indicators | 3.2.8. and 3.2.7 MEL and Feedback & reporting mechanisms should be captured under the MEL |
| Part IV Institutional Framework for Policy Implementation | There should be clarity between the bill and the policy needs to be clarified. | | This would recommend having a consistent, well-functioning implementation of the policy. |
| 4.3 The Coordinating | Feedback and Reporting Issues. | It's not clearly indicated which body is relevant for reporting of the overall public participation. | The policy needs to provide a clear reporting body. |

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| Government Agency | It needs to have a clear legal implication. | The policy mentions a coordinating agency but there's no clarity on who they're and there mandate. | Formation of the relevant committee that will supporting the participation. |
| 4.4 The Role of Agencies. Non-State Actors | Promotion of accountability and good governance. | Eliminate the word "Collaborate" rst | The role of non-state actors will be to mobilize citizens and resources, disseminate the policy and participate in capacity building for both citizens and duty bearers. They will also engage with the government in public participation processes including civic education and mobilizing the citizens to participate in diverse aspects of public governance and also focus majorly on promotion of accountability and good governance. |
| 4.6 Development of People's Participation Charters | Risk of lack of standardizing. | The charter might lack the aspect of standardizing with the ingredients of when and how. | The policy and the proposed legislation need to provide bare minimum standardization of the when (specific timelines) and the how (threshold, where e.tc.) for public participation. The lack of standardization will result in development of equivocal people's participation charters. |
| 4.7 Development of Public Participation Guidelines | Standard Guideline on Public Participation | <p>"Each arm of government shall prepare guidelines on public participation indicating how they will engage with the public" this statement contradicts the aspects of a National Standard Guideline on Public Participation that will be adopted by the County Government.</p> <p>Add "Publish and/or make it available to the public through their appropriate accessible channels "</p> <p><i>"Further, both National and County governments will prepare an Annual Public Participation Report and publish and/or make available to the public through their</i></p> | We recommend that each public participation report (that captures recommendations, justifications and any other concerns deemed necessary) shall be made publicly available through appropriate accessible channels within 21 days after the activity. |

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| | | <i>official websites detailing the level of public participation in each level of government and the challenges experienced"</i> | |
| 4.8 Monitoring, Evaluation and Learning. | For effective learning and knowledge management. | | <ol style="list-style-type: none"> 1. Recommend the addition of the Following: 2. Summary of all parties that participated in the said notice for public participation. 3. Summary of feedback collected and report on what was considered, what was not considered and reasons for not consideration. 4. Demographic analysis of the number of people engaged. 5. Summary engagement methods used; barriers of participation encountered. 6. The call for public participation and the responses on the same by public including matters raised which were outside the focus area. |
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General Comments

1. The inclusion of PFM ACT and County Government ACT to be included in BOX 1 (The Constitutional & Legal Foundations for Public Participation in Kenya) These 2 laws have been in use for more than 10 years and have guided public participation including in the national and County budget making processes.
2. There is need for the inclusion of HENNET as a member of the IGRTC, due to the representative role that HENNET, coordinating Health CSOs in Kenya.
3. Section on Feedback & Reporting Mechanism: The role of CSOs and NSAs in providing a platform for feedback is important and should be captured. Also, the policy should include feedback schedules at all levels and target sectors.
4. We can propose for a clear framework for public participation including harmonization of public participation and civic education plans and activities at all levels and the key drivers (include social and academic calendars)- Population targeting should be described in the policy for

example for education reforms can include targeted mobilization of children, parents, caregivers, and teachers as the key target in addition to the general population. This can be informed of a fraction of the whole respondents should be from specific target groups.

5. Compliance aspects including the legal aspects eg PSEAH and Data protection should be included
6. The policy should also indicate adherence to human rights principles in addition to the proposed inclusivity.

Conclusion

As stated in the policy, we shall anticipate a published report of this exercise on the same.

Yours faithfully,



Dr. Margaret Lubaale

Executive Director, ED

Health NGO's Network (HENNET)

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This memo is submitted on behalf of Registered HENNET Member Organizations

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| 1 | Health NGOs Network Secretariat |
| 2 | Amref-Health Africa |
| 3 | Ace Africa |
| 4 | ACHESEREM |
| 5 | Action Aid International |
| 6 | AFIDEP |
| 7 | Afri Afya |
| 8 | Africa institute for health and development- AIHD |
| 9 | Aga Khan Foundation |
| 10 | Ageing Concern Foundation (ACF) |
| 11 | AIDS Healthcare Foundation Kenya (AHF) |
| 12 | ADEO |
| 13 | APDK- Association for the Physically Disabled of Kenya |
| 14 | APHRC- Africa population and health research centre |
| 15 | Basic Needs UK in Kenya |
| 16 | Beacon of HOPE |
| 17 | CARE International |
| 18 | Center for Public Health and Development (CPHD) |
| 19 | Centre For the Study of Adolescence (CSA) |
| 20 | Christian Aid |
| 21 | Christoffel Blinden Mission (CBM) |
| 22 | COEC |
| 23 | COECSA |
| 24 | Community capacity Building Initiative |
| 25 | Consortium for National Health and Research (CNHR) |

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| 26 | CPDA- Christian Partners Development |
| 27 | Deaf Aid |
| 28 | Don Amolo, Memorial Kids Ark (DAMKA), |
| 29 | DSW |
| 30 | Elizabeth Glaser Pediatric Aids Foundation (EGPAF) |
| 31 | Emayian organization |
| 32 | Engender Health |
| 33 | Family Support Initiative |
| 34 | FHI - Family Health International |
| 35 | Food for the Hungry |
| 36 | Fred Hollows Foundation Kenya |
| 37 | Global Communities(formerly CHF) |
| 38 | HAIA Health Action International Africa |
| 39 | Health Rights Advocacy Forum(HERAF) |
| 40 | Healthrights International Kenya |
| 41 | Hellen Keller International |
| 42 | Helpage Kenya |
| 43 | HOPE <i>worldwide</i> Kenya |
| 44 | ICL- I Choose Life |
| 45 | IMA WORLD HEALTH |
| 46 | International Centre for Reproductive Health (ICRHK) |
| 47 | International Committee For Development of people (CISP) |
| 48 | International Plan Parenthood Africa |
| 49 | Internews in Kenya |
| 50 | Intrahealth International |

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| 51 | JHPIEGO |
| 52 | Johnstone Kenya |
| 53 | KANCO- Kenya AIDS NGOs Consortium |
| 54 | KCDF |
| 55 | KENAAM- Kenya NGOs Alliance against Malaria |
| 56 | KENCANSA |
| 57 | Kenya Association for the Welfare of people with Epilepsy- KAWE |
| 58 | Kenya Association of Muslim Medical Professionals |
| 59 | Kenya Association of Professional Counsellors |
| 60 | Kenya Consortium to Fight AIDS TB and Malaria |
| 61 | Kenya Episcopal Conference |
| 62 | Kenya Medical Education Trust (KMET) |
| 63 | Kenya Society for the blind |
| 64 | Kenya Women Living with AIDS- KENWA |
| 65 | Kibera Integrated Community Self-Help Programme KICOSHEP |
| 66 | KRCS- Kenya Red Cross Society |
| 67 | Life Care and Support Centre - LICASU |
| 68 | Living Goods |
| 69 | LVCT Health |
| 70 | M Health Kenya |
| 71 | Malteser |
| 72 | Marie Stopes International Kenya (MSK) |
| 73 | Medecins Sans Frontieres- MSF |

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| 74 | META Kenya |
| 75 | Micronutrient Initiative |
| 76 | Mildmay International LTD |
| 77 | Morris Moses Foundation |
| 78 | Mothers2Mothers |
| 79 | Movement of Men against AIDS in Kenya (MMAAK) |
| 80 | NEPHAK- National Empowerment Network of People Living with HIV/AIDS in Kenya. |
| 81 | Next-Gen Lawyers |
| 82 | NOPE - National Organisation of peer Educators |
| 83 | Nyamira post HIV Test CBO (NYAPOHTE) |
| 84 | Nyanza Reproductive Health Society |
| 85 | Operation Eyesight |
| 86 | Options Consultancy Services Kenya Limited |
| 87 | Organization of African Youth (OAY) |
| 88 | PATH |
| 89 | Pathfinder International |
| 90 | Peoples Health Movement |
| 91 | Provide International |
| 92 | PS Kenya |
| 93 | Ripples International |
| 94 | Rural AIDS Prevention and development Organisation (RAPADO) |
| 95 | Samaritans Purse International Relief |
| 96 | Save The Children |

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| 7 | Sight Savers International |
| 98 | Smile Train |
| 99 | SOS Children's Villages |
| 100 | SOWED Kenya |
| 101 | St. Hemmingsway CBO |
| 102 | SWAP- Safe Water and AIDS project |
| 103 | The Youth Cafe |
| 104 | VSO K |
| 105 | Waci Health |
| 106 | WEMIHS- Wem Intergrated Health Services |
| 107 | White Ribbon Alliance Kenya |
| 108 | Women fighting Aids in Kenya |
| 109 | World Friends |
| 110 | World Neighbours |
| 111 | World Relief |
| 112 | World Vision |
| 113 | KP Consortium |
| 114 | NTBC-K |
| 115 | COPHED |
| 116 | YPD |

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