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ASSESSMENT OF EFFECTIVENESS OF CITIZEN REGISTRATION SYSTEMS IN KENYA.

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Abstract

Purpose: The study is an assessment of effectiveness of citizen registration systems in Kenya.

Methodology: The study adopted a descriptive research design. The target populations were the Registration officials of the Department of National Registration Bureau and identity card applicants. A total sample size of 384 respondents (284 applicants and 100 officers) was taken from the provinces of Nairobi, Northern Eastern, Central and Coast Regions. Two sets of questionnaires were used for data collection. Descriptive statistics was used to present the findings

Results: The findings from this study indicate that critical several institutional and capacity related factors exist that adversely affect registration of the Kenyan citizen

Unique contribution to theory, practice and policy: The significant recommendation by the study is formulation of a single policy and legal framework to cater for registration of births and identity cards processing under a single Semi-Autonomous Government Agency. This should be complemented with setting up a single comprehensive database and national register

Keywords: capacity related causes, existing policy measures, the legal and institutional related causes

1.1 INTRODUCTION

Birth registration is a state's official recognition of a child's existence enabling the right to a name, a nationality and family relations (UNICEF; 2007). Birth registration involves the official recording of a birth in a register by the relevant government department. At the macro-level, birth registration gives an accurate picture of the scale and growth rate of a population. This enables the government to plan and allocate adequate resources for services such as health and education. As such, the absence of a comprehensive birth registration in the country represents a stumbling block to development and hinders peoples' access to the services they need.

Around 51 million births go unregistered every year in developing countries, which translates to one in three children globally (adb 2007). One out of every three developing countries has a birth registration rate of less than 50 per cent. In South Asia, the region with the largest number of unregistered children, this increases to more than one out of two, or over 24 million children not registered in 2007 (adb 2007). Sub-Saharan Africa has the highest percentage of children under age five who are not registered at birth, with 66 per cent (United Nations Children's Fund, 2007).

Birth registration can also prove to be a valuable source of data for planning services for children, such as planning and implementing immunization programmes and supporting education planning. Children whose births are not registered at birth are not able to claim the services and protection to which they have a right on a full and equal basis with children who are registered at birth (Bos, et al, 2000). Although many developing countries have achieved universal rates of registration, for example, 100 per cent in Bosnia and Herzegovina, Cuba, Ukraine and Uzbekistan, there still are countries with rates of 10 per cent or less (Alarcón, et al. 2007). Nevertheless, some countries have made significant progress in increasing birth registration since 2000, notably Brazil, Cambodia, the Gambia, Haiti, India, Myanmar and Vietnam. The figure below illustrates Cambodia, the Gambia and Vietnam's significant progress in increasing registration levels (Alarcón, et al, 2007).

1.2   Problem Statement

Registration of Births is compulsory for all Kenyans. The Birth and Deaths Registration Act (Cap 149), empowers the Registrar of Births and Deaths to oversee registration of all births and deaths and keep records of the same. This is a continuous process, where the prescribed particulars of every birth and death are required to be notified to the Registrar within 6 months after occurrence. Compulsory registration of births and deaths has encountered problems due to inability by applicants to meet various conditions and requirements such as production of Identity Card for late registration and proof of births occurring at home (Kenya National Human Rights Report, 2008).

Despite the importance of registration of births and registration for Identity Cards in the lives of Kenyans, acquisition of the two documents is shrouded in rigid and cumbersome processes and duplicated legal requirements such as proof of age, citizenship, parentage and location of birth. This has led to some bonafide Kenyan citizens not being issued with the documents and hence ended up being negatively affected as they exercise voting rights and accessing services, such as, operating bank accounts, land transactions and so on. Consequently, registration of births is quite low and stands at 40% of the children eligible for registration (Office of the President Draft Proposal 2003).

Studies on citizen registration are scarce. The reviewed studies (Muzzi, 2010, Fobil et al, 2011 and Kenya National Human Rights Report, 2007) failed to address several conceptual gaps. For instance, the studies were not informed by a strong theoretical background (conceptual gap 1). The studies also failed to cover both births registration and registration of persons (conceptual gap 2). Furthermore, the studies lacked conclusiveness. The lack of conclusiveness of the reviewed studies forms the main research gap. It is on these evident conceptual research gaps that the current study

seeks to bridge. The study focused on two primary registration systems which include births registration and registration of persons (Identity Cards).

The law (cap 149) describes a birth as issuing f… of any child from its mother after expiration of the twenty-eight week of pregnancy. Every person who witness the birth is required to notify the particulars to the registrar to facilitate entering therein in the register. The registration of persons can be described as capturing the particulars in a register of Kenyan citizen who has attained the age of eighteen years upon which an identity card shall be issued.

1.3   Purpose of the Study

This study sought to analyze registration and identification processes in Kenya with a view of identifying factors that affect registration of births of persons including requirement for applicants, difficulties faced by applicant; efficiency of production processes and the functions and constraints of the organization. The study is geared to generating recommendations that can enhance efficient and effective identification and registration services to the Kenyan citizenry.   **1.4 Specific Objectives of the Study** The specific objectives are as follows:

a) To identify the legal and institutional related causes of low-registration of eligible Kenyan citizen

b) To determine capacity related causes of low-registration of eligible Kenyan citizen

c) To investigate socio-economic related causes of low-registration of eligible Kenyan citizen

d) To investigate whether the existing policy measures have addressed the low rate of citizen registration

e) To propose interventions to mitigate the causes of low-registration of eligible Kenyan citizen

2.0 LITERATURE REVIEW

2.2.1 Studies on Institutional Related Factors

Okemwa (2010) carried out a study on strengthening the legal protection framework for girls in India, Bangladesh, Kenya and Liberia. The analysis of this study was a desk review of relevant literature, followed by in-depth field research conducted in each of the four target countries. The strategy for ensuring inter-country comparability was to employ the use of closed questions (i.e., questions that give a limited number of predefined responses across each survey). A total of 50 questionnaires were administered in each of the pre-selected rural and peri-urban communities for a total of 250 respondents. The study also conducted in-depth interviews and focus group sessions with survey participants and other relevant stakeholders including staff of service delivery organizations, community leaders, community groups (in particular women's community groups), legal aid organizations, advocacy groups focusing on the rights of women and children, and government agencies involved in both the delivery of legal and protection services. The main finding of the study asserted that the consideration of causal link between 'means of protection' and 'protection risks' is essential in ensuring flow-on protection of girls in all areas of vulnerability, namely birth registration, education, property rights, child labor, child trafficking, commercial sexual exploitation and child marriage. The study recommended that in order to improve the situation of birth registration in Kenya, the compulsory birth registration should be provided for in

legislation, rather than subsidiary instruments. However, one discerns the weaknesses of the study as it addressed legal factors affecting birth registration only and failed to address other factors such as institutional, ca

2.2.2 Studies on Capacity Related Factors

Muzzi (2010) conducted a study between 2000 and 2009 with an objective of finding out the level of integrating birth registration with the health system and promoting the use of information technology as tools for universalizing birth registration and strengthening health services for children. Three country case studies (Bangladesh, Brazil, and the Gambia) and one case study on the Municipality of Delhi, India were chosen. The study was a literature based desk study but primary data was also collected from actors in the field through interviews and email communications with UNICEF staff at country and regional levels, non-governmental organizations (NGOs) and government officials (The study was thereforebased on both documentary and field survey).

In Delhi, the study found out that computerization has also facilitated the process of generating a unique reference number for each child. It has helped in improving data management, sped up the generation of reports and enhanced online monitoring. It has also helped in the monitoring of births by sex and zone. In Gambia, the study revealed extremely low birth registration rates and the obstacles to be overcome to change the situation. In Brazil, the study found out that subnational birth registration rates in poverty stricken northern and northeastern states increased substantially due to the adoption of a comprehensive National plan of action complemented **with public funding, political commitment and monetary incentives** awarded to maternity wards for each registered child. In Bangladesh, the study concluded that a) Campaign-type initiatives can provide very good service because they can clear backlogs and quickly register large numbers of previously unregistered children b) **Legal reform** was essential to improving birth registration rates c) a national plan of action was necessary for the enforcement of laws and regulations on birth registration d) the Government needs to partner with civil society to improve birth registration rates pacity related and socioeconomic factors

2.1 Theoretical Literature Review
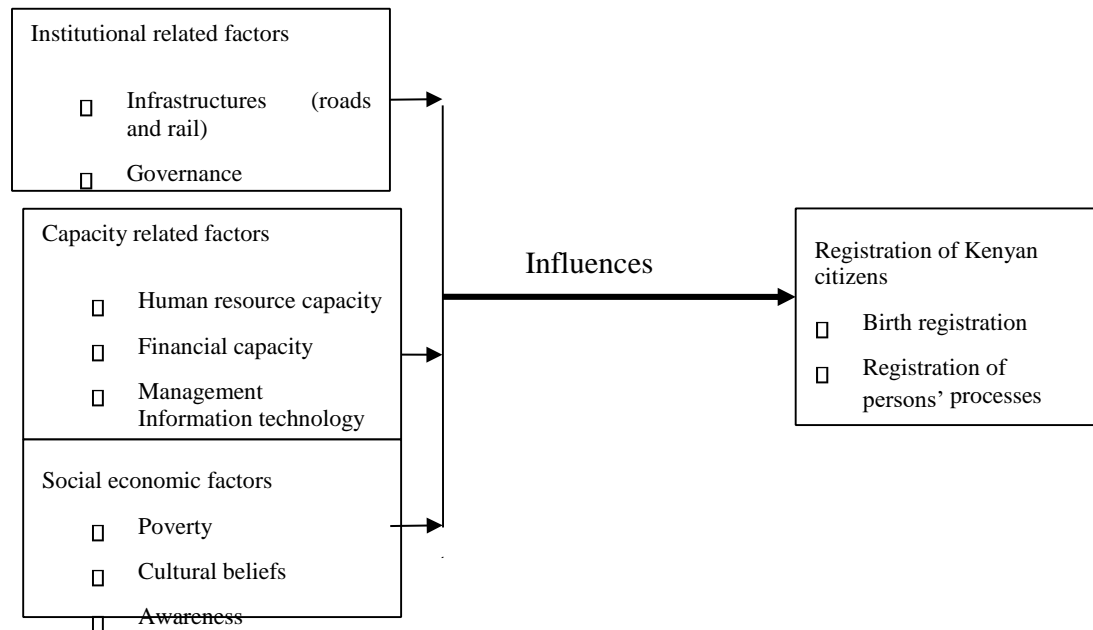
2.1.1 Regulation Theory

The regulation theory account for regulation from the point of view of aiming for public interest. This public interest can be further described as the best possible allocation of scarce resources for individual and collective goods. In western economies, the allocation of scarce resources is to a significant extent coordinated by the market mechanism. In theory, it can even be demonstrated that, under certain circumstances, the allocation of resources by means of the market mechanism is optimal (Arrow, 1985). Because these conditions are frequently not adhered to in practice, the allocation of resources is not optimal and a demand for methods for improving the allocation arises (Bator, 1958). One of the methods of achieving efficiency in the allocation of resources is government regulation (Arrow, 1985). According to public interest theory, government regulation

is the instrument for overcoming the disadvantages of imperfect competition, unbalanced market operation, missing markets and undesirable market results.

Regulation theory may be critical in explaining the existence of legislation that governs the public organizations that are mandated to register Kenyans. Due to the monopolistic nature of the organizations, legislation is necessary in ensuring that their activities are aimed at public interest.

However, regulation theory is insufficient on its own as it does not demonstrate the relationship between availability of resources and the meeting of an organization objectives. Hence, the resource based view of the firm provides a more theoretically sound basis on how to evaluate the achievement of organization objectives given the resources at disposal. The regulation theory also does not provide a clear explanation on resource dependency influences the behaviour of organizations. Hence, the need to introduce the resource dependency theory.

Figure 1: Conceptual framework

Source: Researcher (2011).

3.0 RESEARCH METHODOLOGY

The study adopted a descriptive research design. The target populations were the Registration officials of the Department of National Registration Bureau and identity card applicants. A total sample size of 384 respondents (284 applicants and 100 officers) was taken from the provinces of Nairobi, Northern Eastern, Central and Coast Regions. Two sets of questionnaires were used for data collection.

4.0: DATAPRESENTATION, ANALYSIS AND INTERPRETATION

4.1.1: Institutional Factors and Citizen Registration

A majority region registrars disagreed that the lack of transparency in the national registration office is responsible for low registration of Kenya citizens (64%), that the lack of accountability in the national registration office is responsible for low registration of Kenya citizen (54%), that the current legal framework is not supportive of registration Kenyan citizen (60%), that poor health facilities have been responsible for low registration of Kenya citizens (60%). The findings are inconsistent with those of Kenya Human Rights Commission (2009) report which showed that individuals may be at risk of becoming stateless as a result of the faulty operation or underregulated nature of Kenya's administrative practices concerning citizenship. The findings are also inconsistent with Okemwa (2010) who concluded that in order to improve the situation of birth registration in Kenya, the compulsory and free nature of birth registration should be provided for in legislation, rather than subsidiary instruments.

However, the majority agreed that bureaucracy in the national registration office is responsible for low registration of Kenya citizens (62%) with the fact that poor road network has been responsible for low registration of Kenya citizens (60%). The findings are consistent with those of GOK (2011) which asserted that the country's poor infrastructure makes it hard to reach all targeted children for registration. This is made worse by the poor and fluctuating climatic conditions in some areas. According to GOK (2011), most districts in North Eastern, northern parts of Eastern, and Rift Valley provinces are not easily accessible.
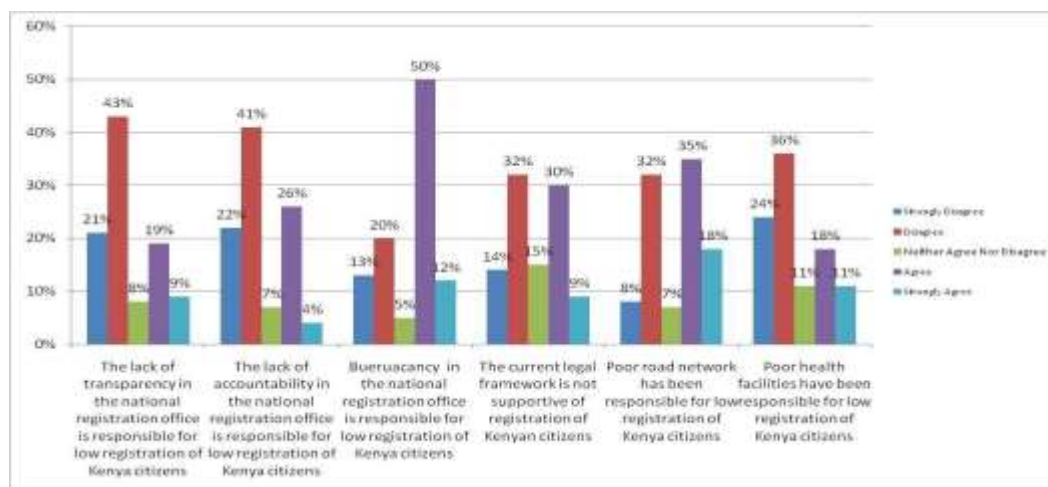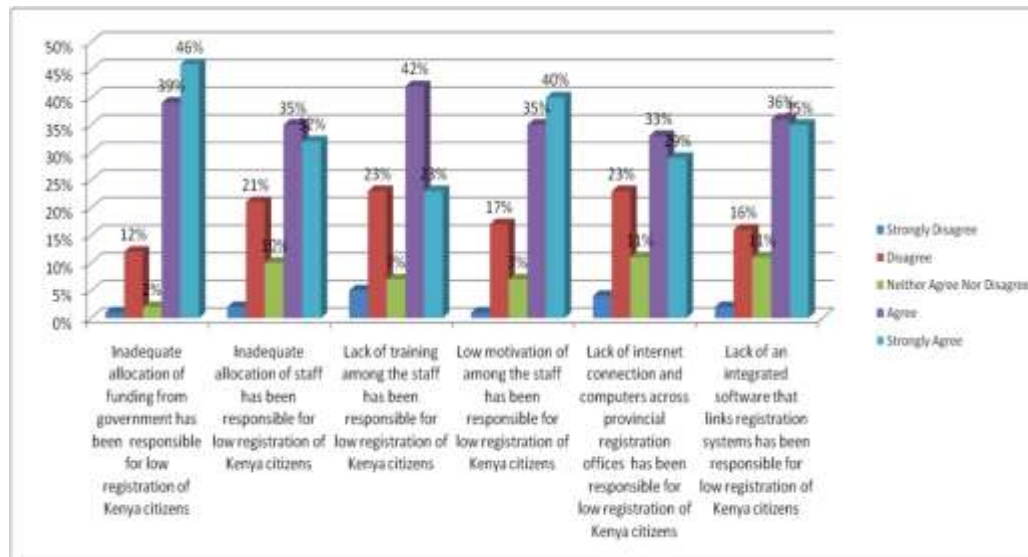

Figure 2: Institutional factors, Source: Researcher (2011)

4.1.2: Capacity Related Factors

A majority of registrars agreed that inadequate allocation of funding from government has been responsible for low registration of Kenya citizens (46%), inadequate allocation of staff has been responsible for low registration of Kenya citizens (35%), Low motivation among the staff has been responsible for low registration of Kenya citizens (40%), Lack of integrated software that links registration systems has been responsible for low registration of Kenya citizens (36%). In addition, majority agreed with the statement that lack of training among the staff (42%) and   lack of internet connection and computers across provincial registration offices (33%) has been responsible for low registration of Kenya citizens.
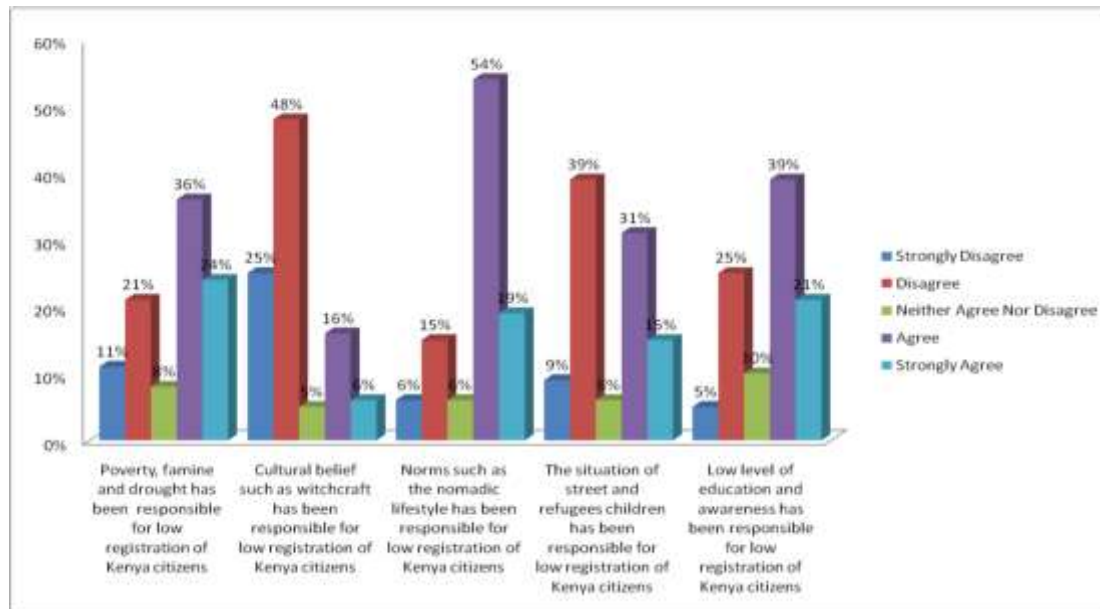
Source: Researcher (2011).

Figure 3: Capacity Related Factors

4.1.3: Socio Economic Factors and Citizen Registration

A majority of registrars agreed that poverty, famine and drought has been responsible for low registration of Kenya citizens (36%), Norms such as the nomadic lifestyle has been responsible for low registration of Kenya citizens (54%) Low level of education and awareness has been responsible for low registrations of Kenya citizens (39%).The findings are consistent with those of GOK(2011) which assert that Some cultural beliefs, norms and values do not encourage registration. The nomadic life styles in many different ethnic groups also impede registration. Famine and drought in most areas has kept people moving in search of food and water. It is not easy to reach such people for registration. Low level of education also account for the poor level of registration. In such areas there is a high level of ignorance of the law, the registration process, and its relevance and importance. Since there is no tangible benefit attached to registration, many people do not see the need to register births.

However, majority of respondents disagreed with the statement that cultural belief such as witchcraft has been responsible for low registration of Kenya citizens (48%) while another majority (39%) disagreed with the situation of street and refugees children has been responsible for low registration of Kenya citizens. The findings are inconsistent with the Kenya Government Report (2011) which argues that some communities' fear revealing the birth of new babies to strangers because they fear either witchcraft or breaching a taboo that children should not be counted and the situation of destitute and refugee children poses a major challenge for registration (GOK,2011). Most of these children do not reveal their identity. This makes it hard to identify their parents, or to know whether they are registered.

Source: Researcher (2011).

Figure 4: Socio Economic Factors

4.1.4 Qualitative references

The Registrars from the four regions of Coast, North Eastern, Nairobi and Central were asked to state which challenges they had noted in the registration process. Registrars from the four regions pointed out lack of funds, transport and staff to carry out mobile registration has been a major challenge. They also commented about delay in processing identity cards and receiving rejection forms late from headquarters as a major challenge. Poor public relations between the registration staff and members of the public also emanated as a challenge from the four regions. Other challenges from the four regions were that there is inadequate and demotivated staff and lack of reliable communication between headquarters and the districts.

Registrars from two regions of North Eastern and the Coast alluded to challenges of poor road network and problems in registering over age cases as an impediment. The two regions also alluded to the problem of foreigners trying to register as Kenyan through influence of corruption as a major problem.

Registrars from the four regions were asked to give recommendations in improving the registration process. All the four regions recommended that production of identity cards be decentralized by procuring production machines for each of the region. They all recommended for a review of the current laws to ease registration. There was unanimity in recommending for recruitment of more staff, motivation of staff and electronic leakages between districts and headquarters. There were also recommendations for more funding and provisions of vehicles.

The registrars for Central and Nairobi recommended for integrated software which integrates registration systems across all stations.

In summary, the main thematic recommendations were agreed towards faster and effectively in identity cards production, allocation of adequate funding, improvement in communication between field and headquarters, integration of registration systems and review of the current legal frameworks.

4.3: Analysis of Responses from Applicants (Members of the public)

4.3.1: Gender of members of the public from coast region

The majority of respondents of more than half (62 percent) from the members of the public category were male while the remainder (38 percent) was female. This implies that there is gender imbalance in the application of Identity cards. The gender balance is in favour of male applicants.
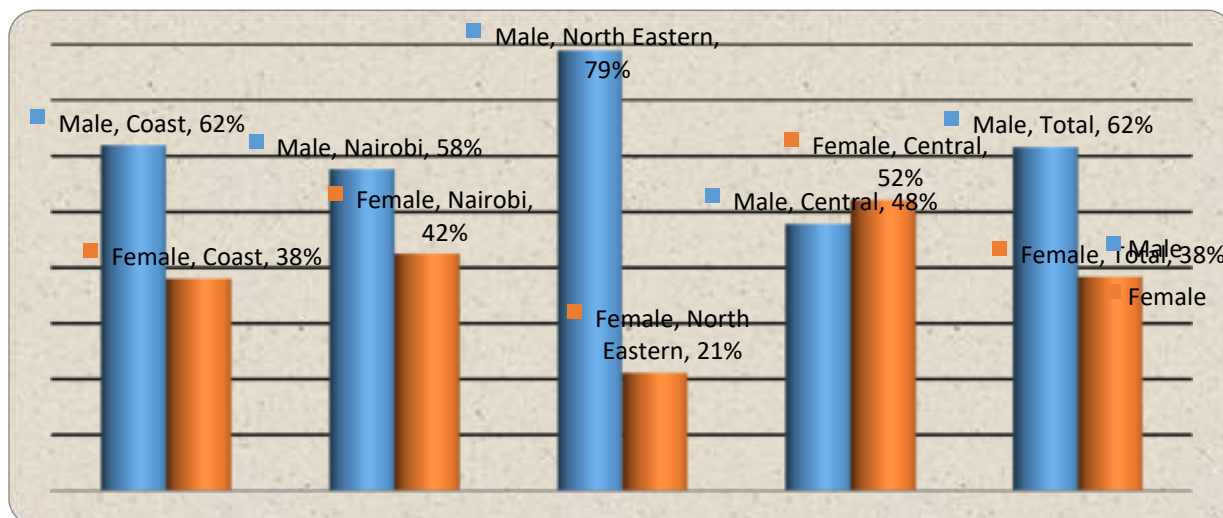

Figure 5: Gender

Source: Researcher (2011).

4.3.2: Age Bracket of Members of the public

The majority of respondents in the category of members of public (42 percent) were 21-30 years. 23 percent were aged between 18-20 years ,19 percent were aged between 31-40 years, 7 percent were over 50 years and 9 percent were 41-50 years respectively. The finding implies that majority of the respondents who participated in the current study were youths. The finding further implies that late registration is prevalent since registration is supposed to be strictly at the age of 18.
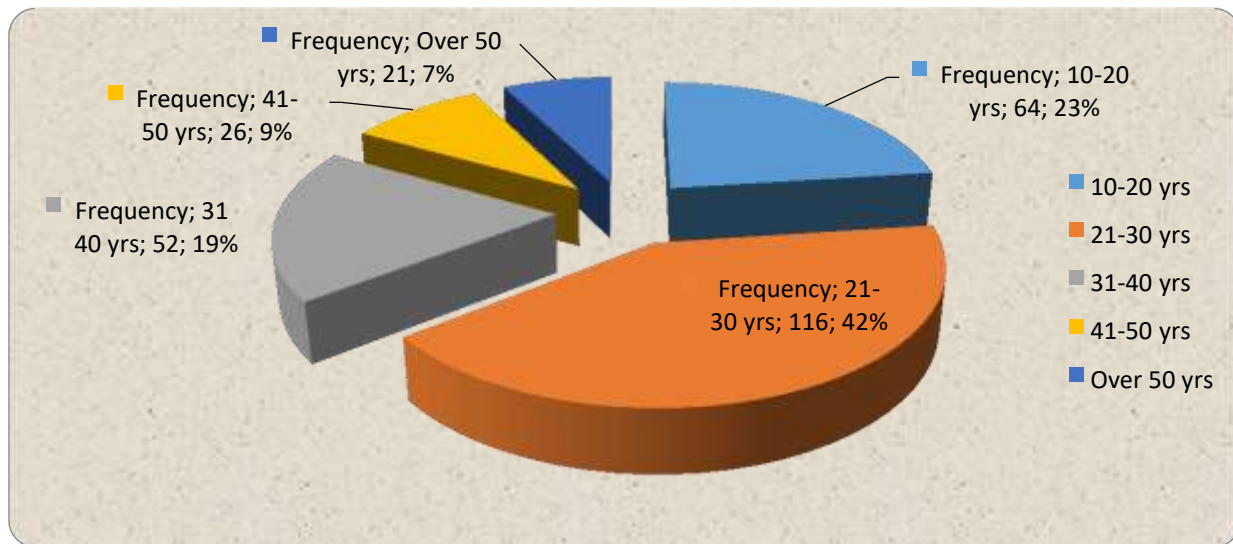
Figure 6: Age Bracket

Source: Researcher (2011).

4.3.3: Level of education of Members of the public

Findings in this study indicated that 50% respondents in the category of members of public had below college level of education as their highest level of education.34% respondents had college level of education. The finding can be interpreted to mean that the respondents in the study were not highly educated. The findings are consistent with those of GOK (2011) which asserts that low level of education account for the poor level of registration.
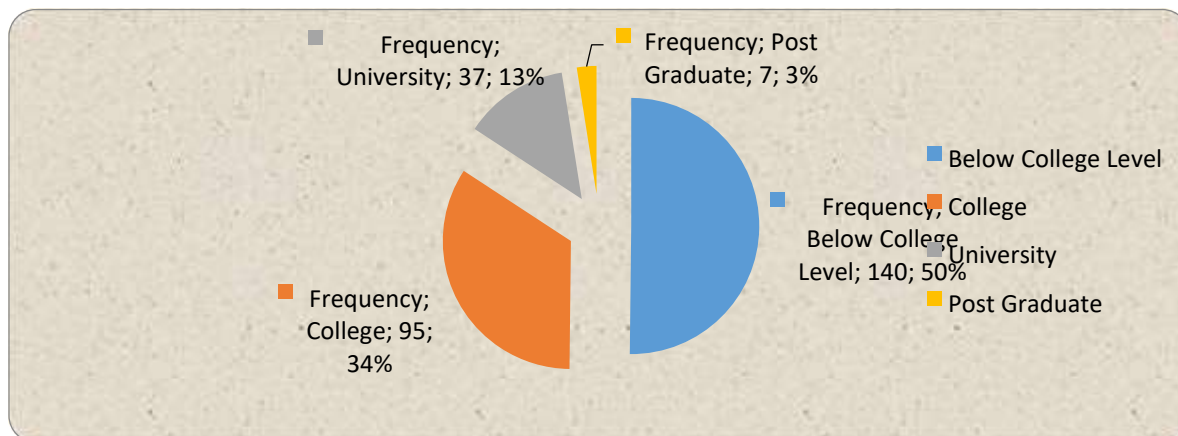

Figure 7: Level of education

Source: Researcher (2011).

The majority of the members of public agreed that they have a birth certificate (70%) while another (30%) said they did not have. These imply that there is still a significant proportion of applicants

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who don't have birth certificate hence complicating the process of being registered for an ID. Those who responded that they did not have a birth certificate advanced the following reasons; That they were not born in a health centre or their parents did not register the birth due to ignorance nomadic etc.

Majority of members of public (88%) indicated that they understood the process required to get an ID. Only (12%) indicated that they did not understand the process required to get an ID.

Majority of members of public (63%) indicated that they had not faced any challenges during registration. Meanwhile, a significant proportion of (37%) indicated that they faced challenges during registration. Those who indicated that they faced challenges had the following to say;

That they were asked to produce many documents, and that their identity cards delayed for a long period. Others pointed out that staff were rude and lazy while others also gave challenges as lack of materials and photographs. Some others alluded to discrimination doing vetting based on tribe.

Majority of members of public (90%) indicated that they were not asked for a bribe. However significant proportion of (10%) indicated that they had been requested for a bribe. This implies that the bad vice of asking for bribes still hinder registration of persons in Kenya. Majority of members of public (61%) rated the speed by which the officers address their concerns as fast. However (24%) indicated "slow" while another (15%) indicated "too slow". The finding is consistent with those responses provided by applicants in relation to challenges faced in procuring IDs.

Majority of members of public (89%) indicated that the officers were helpful. However a significant portion (11%) indicated that the officers were not helpful. Overall the majority of applicants (87%) were satisfied with the help they got which implies that the officers were doing a good job at delivering the much needed service of National registration.

Some recommended decentralization of production from Nairobi to the counties. Others recommended for more staff to be hired. There was also a recommendation to reduce paperwork and documents required.

There was also a general recommendation for acquisition of more computers for faster data processing. Others recommended for training of officers in customer relations,

Table 1: Responses of Members of Public

	Response	Count	Frequency
Do you have a birth certificate	Yes	196	70%
	No	83	30%
Do you understand the process required to get an ID?	Yes	246	88%
	No	33	12%
Have you faced any	Yes	103	37%

challenges during registration?	No	176	63%
were you asked for a bribe	Yes	27	10%
	No	252	90%
How would you rate the speed by which the officers address your concerns?	fast	170	61%
	slow	68	24%
	too slow	41	15%
Would you say the officers were helpful?	Yes	248	89%
	No	31	11%

Overall were you satisfied Yes 242 87% with the help that you got ? No 37 13%

Source: Researcher (2011).

5.0: SUMMARY, CONCLUSION AND RECOMENDATIONS

A majority of registrars and members of the public from the four regions identified several institutional factors that constrain the registration of Kenya citizens. They agreed that the bureaucracy in the national registration office, the current legal framework is not supportive of registration Kenyan citizen , and that poor health facilities has been responsible for low registration of Kenya citizens . In addition, some respondents agreed with the fact that the lack of transparency in the national registration office, lack of accountability in the national registration office, and the poor road network has been responsible for low registration of Kenya citizens.

Registrars and members of the public from the four regions also identified several capacity related factors that constrain registration of citizens in Kenya. A majority of registrars from the four regions agreed that inadequate allocation of funding from government, inadequate allocation of staff, low motivation among the staff, lack of integrated software that links registration systems has been responsible for low registration of Kenya citizens. The majority also agreed with the statement that lack of training among the staff and lack of internet connection and computers across provincial registration offices has been responsible for low registration of Kenya citizens. The findings are consistent with the resource dependency theory. The theory may be important in explaining the dependency of the organizations towards government budgetary allocations. Inadequate allocations of financial and non financial resources may therefore lead to poor delivery of the registration services.

Registrars and members of the public from the four regions also identified various socioeconomic factors affecting registration of Kenyan Citizens. A majority of registrars agreed that poverty, famine and drought has been responsible for low registration of Kenya citizens, Norms such as the nomadic lifestyle has been responsible for low registration of Kenya citizens , the situation of street

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and refugees children has been responsible for low registration of Kenya citizens, Low level of education and awareness has been responsible for low registrations of Kenya citizens. The findings are consisted with those of KNHRC (2007) which identified poverty as a constraint when levying fees from mobile registration to poor nomadic pastoralists.

It was possible to conclude that several factors contribute to the low registration of citizens in Kenya. The main conclusion of the study is that factors responsible for the slow registration of citizens can be attributed to lack of human and financial resource disjointed legal and policy framework and low level of integration amongst registration agencies.

Specifically lack of transparency, accountability and bureaucracy in the national registration office is responsible for low registration of Kenya citizens. In addition, the poor road network and poor health facilities has been responsible for low registration of Kenya citizens and semi and parts of the country.

Other Conclusions which emerge are that, the inadequate allocation of funding and staffing from government, Lack of integrated software that links registration systems, Lack of internet connection and computers across staff. Low motivation of among staff and lack of training among the staff the staff contributed to low registration of Kenya citizens'external factors such as Poverty, famine and drought, cultural belief such as witchcraft, Norms such as the nomadic lifestyle, has been responsible for low registration of Kenya Citizens. The study also concluded that street children have uncounted problems in registering as Kenya Citizens.

5.1: Recommendations

The study recommendations are informed by recommendations from the researcher, applicants and officers from the four regions that is Coast, Nairobi, North Eastern and Central. The following were the recommendations: - More vehicles need to be allocated to field offices. Adequate staffing, adequate registration materials such as photocopiers, electronic machines need to be provided to regional officers. The most significant recommendation for both applicants and officers were that the production of IDs should be decentralize to the districts to ensure fast and efficient production of IDs. In addition staff training and morale mechanism should be put in place. The integration of the registration system and computerization should put in place. In some areas such as North Eastern, modern office equipped with fans and generators should be built to protect the registration officers from the hot climate. In addition, the vetting committees and the required documentation should be reduced. In Central, the duplicate fees of 300ksh.required to get an ID may be reduced. Furthermore, the incidence of bribery should be discouraged.

In line with the above recommendations' from study respondents further recommendations were given by the researcher. This included;

a) A single policy to cater for registration of births and deaths, identity cards, and refugees. This may be done through and after review of the existing policy framework. This will further remove bureaucracy and duplication of roles.

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b) Harmonize and integrate institution framework for registration of births and issuance of identity cards. This will remove bureaucracy, duplication of roles and operations, proper utilization of equipment and manpower.

c) A single comprehensive database and national register to take care of registrations on births, issuance of identity cards. This will enhance efficiency and faster services and eliminate corruption.

d) Make birth registration a corner stone for ID card registration. In other words, all the other requirements leave room for arbitrariness, misuse and confusion.

e) Secure identity cards by introducing smart cards with a chip so that lost IDs are traced.

f) A semiautonomous government agency to oversee registration process

g) Revenue generating activities to fund and improve services for example sale of services to banks and other institutions to enable provision of vehicles equipment and improve staff morale through better pay and training. **5.3 Areas for further research**

The study recommends that an empirical study on the factors contributing to the gender imbalance in registration of Kenyan citizens should be conducted. A technical feasibility study should be undertaken on requirements for integrations of registration processes. In addition a review of the current legal framework should be done in order to identify specific legal clauses that hinder the registration of citizens in Kenya.

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