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Public Sector Reforms in Africa: Focus, Challenges and Lessons Learnt

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Public Sector Reforms in Africa: Focus, Challenges and Lessons Learnt

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Abstract: *Several public sector reforms (PSR) have taken place in Africa over the last few decades with varying degrees of success. These range from very excellent performance to limited success and then failure. However, regardless of the evaluation results, they have without a doubt had an impact on the way we understand and shape public management on the African continent. Inevitably, a number of insights and lessons have been gained on the subject matter. In this article, I suggest that a number of lessons have been learnt which should guide reformers to improve on public sector reforms and scholars to seek further explanations for failure and success. There is also the need for students of public sector reforms to question further the prevailing assumptions and theories underpinning these reforms. In the light of the challenges facing public sector reform in Africa, this paper argues that ownership of reform programmes by African governments and other stakeholders is necessary.*

Key words: *Public Sector, Reforms, Africa, New Public Management, Public Administration, Donors*

I. INTRODUCTION

Almost all African countries are carrying out some form of public sector reform. Good governance, efficient public administration, transparency and accountability are all unachievable without public sector reforms. Efficiency, effectiveness and government's responsiveness to the citizenry can only be accomplished through public sector reforms. Following independence, most African countries adopted a one party system that was seen as a way of uniting the nation. This led to marginalization of people based on their ethnic groups and religion amongst others. This led to incessant military coups that continue to date. In the 1990s, there was domestic and external pressure for governments to liberalize political space. Therefore, political, social and economic reforms were introduced. These reforms included increasing efficiency, competence, fairness and quality of services (Economic Commission for Africa, 2004).

The 1980s presented multiple crises for Africa. The crises were as a result of a rise in oil prices, fall in the prices of primary commodities, drought, external debts, internal conflicts and rapid population growth amongst others (Ibid). Structural adjustment reforms were introduced in the mid 1980s by the Bretton Woods institutions with an aim of reducing the role of the state in production and service delivery. This was to enhance macroeconomic stability, lower inflation and reduce the cost of running the government. Although there was some positive results e.g. in the area of privatization, the retreat of the state in the health, housing and education sector had devastating effects. Many people lost their jobs, had no access to healthcare and education because user fees were withdrawn. For example in Kenya, user fees were introduced in hospitals, dispensaries and all health centres. Experience has shown that those countries that had weak institutions suffered the most with the advent of globalization.

Donor agencies supported reforms in Africa mainly based on good governance. The World (1992) stated that good governance should be pegged on the following four elements i.e. effective financial and human resource management in the public sector, accountability in public services, a predictable legal framework and transparency that would reduce corruption. Many countries therefore shifted from the traditional public administration to the New Public Management (NPM) (World Public Sector Report, 2005). The traditional public administration offered security of tenure, promotion was based on the length of time served in the public sector rather than on an appraisal and in many cases the high profile jobs were distributed as tokens to those who had supported the incumbent. Others include, delivery of public services based on a bureaucratic hierarchy, direct control and self sufficiency (Economic Commission for Africa, 2004).

New Public Management had to be adopted in order to bring in the aspect of 'managerialism' in the public sector. According to Hood (1991), NPM was premised on:

- Cutting public sector costs and raising labour discipline to improve resource use.
- Management in a private-sector-style that increases flexibility in decision making
- Increase competition in the public sector through term contracts and tendering
- Disaggregation and decentralization of the public sector to enhance management
- Stress results rather than procedures
- Have explicit standards and performance measures which would increase efficiency and accountability.
- Professional management of the public sector.

The following discussion looks at examples of different African countries that have been able to adopt different aspects of the NPM.

II. MAIN DISCUSSION

Selected Applications of NPM in African countries

▪ **Decentralized Management**

Decentralization is meant to break bureaucracies and devolve funds to the lower tier governments so that these governments can have increased control over their resources. This includes the right to hire and fire in return for greater accountability. The primary objective of decentralization has been to improve government's responsiveness to the public, limiting bureaucracy as well as increasing efficiency amongst others (Economic Commission for Africa, 2004). Countries that have adopted decentralized management include Ghana, Uganda, Kenya and Botswana, Ethiopia, Mali, Nigeria and Senegal amongst others. This has had its own challenges in the different countries. In the case of Botswana, the government has had no commitment to the decentralization process and this is evident in the absence of a comprehensive decentralization policy (BIDPA Briefing, 2004). The local government councils were still constrained by their dependence on the central government and the centralized financial management. The human resources were also highly dominated by the central government. It appeared that the process of decentralization was incomplete in relation to financial management and personnel administration. These challenges can be seen in the other countries because elites are never willing to relinquish power to the local governments. Success stories can only be seen in certain areas e.g in the decentralization of the decision making process from Uganda Wildlife Authority headquarters to the field (Economic Commission for Africa, 2004). For decentralized management to work, it must be wholesome and not piecemeal.

▪ **Performance Contracting**

Another key element in NPM is performance contracting which refers to the standards or quantifiable targets which the government requires the public officials or ministries or management of public agencies to meet over a stated period of time (Hope, 2002). The objective is mainly to enhance performance based on results rather than bureaucratic rules and regulations. The shift in emphasis is from procedure to results. This helps to improve accountability. This system has been adopted in several African countries such as Nigeria, Ghana, Gambia and Kenya amongst others. In Kenya, the performance contracts were approved in 1990 but implemented in 2003 after the launching of the Performance Contracts Steering Committee (PCSC) which was given the mandate to spearhead the implementation to the entire public sector (Obong'o, 2009). All ministries were lumped together, state corporations in another category and local authorities in the third category. One major challenge has been that the high performers expect to be rewarded financially while the public also expects that the poor performers should be punished (Ibid). Another challenge has been resistance from other groups such as the teachers in Kenya. However, generally, the response has been good.

▪ **Privatization**

One of the structural adjustment conditionalities for donor funding was privatization of public enterprises in order to improve their performance. Privatization is the transfer of control and responsibilities of government functions and services to the private sector (Hope, 2002). It includes joint ventures between government and private entities, commercialization of public services which are contracted out, sale of government services or functions to the private sector, leasing of government assets and granting of concessions to private entities. For example in Guinea, between 1980 and 1991, the government sold over 50 per cent of state owned enterprises while Togo disposed about 38 per cent of its producing assets (ibid). These revenues were meant to close fiscal gaps but this came with a lot of challenges as poverty levels increased due to retrenchments and introduction of user fees.

User fees were introduced in the education sector in Kenya, Ghana, Malawi and Uganda amongst others with the aim of raising additional revenue in the face of increasing demand for services. They were also meant to prevent overuse of services by ensuring that quality is enhanced. Other Reforms that have been undertaken under the NPM include introduction of ICTs in service delivery, pay reforms, introduction of citizens' charter

and accrual accounting, innovation and entrepreneurship amongst others. In conclusion, it can be observed that public sector reforms in Africa have had mixed results with successes in other areas and failures in others. Public sector reforms are mainly driven by the quest for efficiency, effectiveness and responsiveness to public demands. There is also the desire to ensure affordability and sustainability of the sector by reducing the excessive, inefficient and overbearing state of public sector agencies. This is what led to the change from the old bureaucratic model of public administration to New Public Management (NPM).

The challenges of public sector reforms include:

▪ **Institutional capacity**

The political, social and economic development in many developing countries has been declining at an alarming rate. Many countries have registered negative economic growth. Despite a myriad of efforts at the national, subregional, regional and international levels the situation has worsened. Scholars have argued that programmes and strategies for Africa's economic recovery and development cannot be implemented in full because of the public sector institutions that have been afflicted by problems of corruption, nepotism, inefficiency, poor coordination, poor management and institutional capacity, non-existent salary policies and political interference. It is therefore believed that the endurance and viability of the democratic exercise in Africa will be determined by the effectiveness, fairness and public accountability of its political and public sector institutions (Economic Commission for Africa, 2004)

Good political governance entails a clear separation of powers between the legislature, judiciary and executive. Although the legislature is supposed to have adequate constitutional powers to regulate to regulate their own affairs and monitor the activities of the executive, in reality the African legislature provides one of the weakest links in the governance process. In addition, its institutional, technical and administrative capacities are inadequate to support members of parliament to perform their functions efficiently.

The executive on the other hand is usually the most powerful organ in most countries. In most cases it has the constitutional authority to perform its functions but lacks the institutional capacities to efficiently and effectively carry out these functions. The civil servants are supposed to assist in the design and delivery of public services but in most cases they lack the ability to formulate, implement and monitor policies, programmes and strategies. Many lack motivation and are most of the time demoralized due to low salaries, poor working conditions and appointments based on criteria other than merit (Economic Commission for Africa, 2004).

▪ **Multiple Accountability**

The question of who public servants should be accountable to remains a highly debated one. Heeks (1998) states that there is a broad set of accountabilities which include: managerial accountability to senior managers, political accountability to those that should be held accountable by politicians, financial accountability to institutions that provide financing and public accountability to the citizens. However, there is a lot of duplicity when it comes to the issue of accountability. This means that more often than not accountability process is not as tight as depicted by Heeks (1998). Sometimes it is not clear who should have done what and therefore who should carry the blame for shortcomings. For example in Kenya, there was a case where some of the people who had been appointed to head the parastatals erroneously got two appointments.

▪ **Declining Public Service Ethics**

The public service ethics emphasize equity, probity, integrity, moral conduct and political neutrality. The culture within the public service must be one which enhances employee involvement, rewards teamwork, recognizes individual effort and incorporate the needs of the clients. One of the major challenges in the public sector management reforms is declining social values such as honesty, integrity, impartiality and fairness amongst others. These declining values have encouraged inefficiency and misappropriation of public funds.

The morale among the public servants has also gone down due to fears of being measured and increased possibility of losing the job e.g. the vetting process that is currently going on in Kenya among the judges and police officers, increased workload and fears that one may lack the necessary skills amongst others. Corruption is also one critical ethical issue that continues to incessantly deter public sector reforms. Corruption increases the cost of public service delivery and usually runs from the top management to the lower level cadres of public sector officers. It is pervasive and not easily detected. Anti-corruption initiatives in the past have not been successful because firstly, there has been no commitment by the government to punish ethical violators. For example in Kenya, during Chief Justice Ringeera's time at the Kenya Anti-Corruption Commission, he promised to catch both the big fish and the small fish. Unfortunately, the big 'fish' behind major scandals are yet to be caught and prosecuted. Secondly, many anti-corruption institutions lack the finances, impartiality and public support necessary to steer the process ahead.

▪ **Access to ICTs**

Most developing countries do not have the resources to ensure that ICT is fully intergrated into the public sector reforms. This is due to the fact that most rural areas have no access to electricity and therefore no access to reliable telecommunications. This has affected the introduction of the e-government in many developing countries such as Kenya.

▪ **Overreliance on Donor Funding**

Most reform initiatives in Africa and other developing countries are normally funded by donors. The power of the purse, plus some quite definite ideas regarding what sort of reforms are desirable has led donor agencies to take centre stage in the selection and definition of reform projects (Polidano and Hulme, 1999). Instead of donors responding to the needs of the client governments, they often identify the client needs. Therefore governments end up adopting initiatives that are likely to bring in the most aid money rather than those that are urgently needed (Polidano, 2001). These initiatives lack local ownership because governments simply pick up the pet ideas of the donor agencies without involving the citizenry.

▪ **The Reform of the Leadership**

Achieving effective reforms will require effective coordination between all the different bodies involved with the public service. Different scholars argue differently in terms of whether reforms should be carried out within the central agencies or a different docket should be created to spearhead reforms. The most important thing is to have the national government supporting the reform process and helping to distil the reform process to other related agencies. For example, the line ministries and other agencies such as the public service commission. Various scholars have observed that there is generally distrust between the ministries of finance and public service (Polidano, 2001). This implies that if the reforms are emanating from one ministry, the leadership of the other will not be supportive.

The same would happen if the reforms were emanating from the prime minister's office and not that of the president. For public service reforms to work there must be a reform of the leadership. Political leaders must back the reform process.

The past challenges must not be used in squashing the reform process. However, various lessons can be learnt and these include:

- A genuine reform process begins with the reform of the minds of the leaders (Fatile and Adejuwon, 2010). Leaders who believe that whatever comes from the developed countries and the donor agencies is perfect need a re-orientation.
- There is need to evolve a public service culture which is based on universal public values such as trust, transparency, impartiality and equity amongst others.
- There is also need to put the reform process in social and cultural context of the people whom reform is meant for. Local technocrats and policy makers must give their input and this necessitates the use of indigenous knowledge.
- There is need for accountability by the managers both upwards and downwards whereby the reform managers are not only accountable to the administrators and politicians but also to the populace down to the grassroots level. The civil society must also be allowed to put pressure on the government to carry out the reforms. All relevant key stakeholders should be involved.
- Civil service reforms should be linked to decentralization, financial management and other sector-wide approaches.

Despite the challenges and lessons learnt, it is still possible to score gains in a meaningful manner. In order to sustain the reform process the following measure should be taken into account:

- The reform process should emphasize on a 'good fit' rather than one-size-fits-all practice.
- The reforms should focus on not only on the management but also the leadership. This is because if there is no political goodwill the reform process will not progress.
- Reforming the incentive system is also important as this would stem the flight of workers to the private sector and reduce corruption.
- African countries should move toward the New Public Service that is built on helping the citizens to articulate their interests and thereby being the core in as far as service delivery is concerned. This implies a customer driven government.
- There is also need for African countries to develop benchmarks for innovations and best practices. This will foster competition and attract private investors in countries that are performing well.
- Performance based management needs to be encouraged in order to increase efficiency, accountability, effectiveness and low levels of public trust amongst others.

The public sector refers to the machinery of government that deals with all services under the government's authority. This includes the civil service, the legislature and judiciary, parastatals, security forces, local governments and professional regulatory bodies (Economic Commission for Africa, 2010). Innovation refers to the processes of change in an organization whereby new ideas are injected into the implementation process (ibid). Entrepreneurship in this context highly relates to innovation as it involves running public enterprises with creativity and innovation.

Many public sectors especially in developing countries are characterized by a bloated civil service and by extension a bloated wage bill, recruitment and promotion based on ethnicity and political affiliation, misuse of state resources coupled by corruption, weak systems of accountability, bureaucracy in decision making, inability to hire and retain competent officials and poor diagnosis and prognosis of the problems facing the public sector (Economic Commission for Africa, 2004, 2010). These challenges and realities led to the need for countries to reform.

One of the most influential drivers of public sector reforms in Africa is the New Public Management (NPM). The main components of NPM reform include privatization and regulation, civil service reforms, improved service delivery, decentralization, human resource management and development, information and communication technology, contracting and market mechanisms, sustainable development and good governance (Economic Commission for Africa, 2010). In essence, NPM seeks to promote de-bureaucratization, de-regulation, downsizing and innovation and entrepreneurship.

Examples of Innovations and Best practices in selected countries (Economic Commission for Africa, 2010)

Ghana

Some of the innovations and best practices in Ghana include:

- The design of the Civil Service Code of Conduct
- Introduction of high flyer scheme in 1996 that aims at identifying young officers for specialized training
- Beneficiary surveys geared towards customer orientation.
- Computerization of personnel records
- Introduction of performance improvement plans and agreements.
- The introduction of Medium Term Expenditure Framework (MTEF)
- Separation of policy formulation from implementation e.g. the creation of Internal Revenue Service which is the first of its kind in Africa

Nigeria

Some innovations and best practices in Nigeria include:

- The introduction of Medium Term Expenditure Framework (MTEF)
- Setting up of the Bureau of Public Sector Reforms (BPSR) for sustaining the reform.
- Setting up of anti-corruption units linked to the Independent Corrupt Practices and Other Related Offenses Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC).

Kenya

Kenya is categorized as a committed reformer in as far as civil service reforms are concerned (Ibid). Other countries in this category include: Ghana, Tanzania, Mauritania, Uganda, Zambia and Ethiopia amongst others. Advanced reformers include: South Africa, Botswana, Mauritius and Namibia. Some of the innovations and best practices in Kenya include:

- Computerization of personnel records
- The establishment of a 'dream team' in July 1999 to clean the civil service of its inefficiencies and corruption and implement an economic recovery program for preparing retirees.
- The design of a code of conduct
- The publication of a resource book on Entrepreneurship and Small Scale Enterprises

Measures that can be put in place towards an entrepreneurial and innovative government in Kenya

- Participatory decision making in the public sector will help diffuse ideas together thereby encouraging new innovations rather than using a bureaucratic approach in decision making.
- This necessitates that the power structure should be less hierarchical and more fluid to allow for participations in decision making.
- There is need to recognize, promote and reward entrepreneurial ideas. This will encourage others to also come up with innovative ideas. This will help to develop an entrepreneurial culture. This can be achieved

through giving scholarship priorities to those who have been innovative like the case of Ghana where they have the high flyer scheme.

- Competition between organizations with similar goals can also lead to innovation e.g. competition between different parastatals doing similar activities.
- Contract appointments should be adopted whereby complacent performers are released while the innovative ones are retained as was the case in South Africa

While discussing public sector reforms, it is imperative that the concept of rights of the general citizenry are not ignored. Rights have become an important in many constitutions in the world. A right presupposes that the only way to earn this right is to be human. Indeed rights need to be recognized, promoted and protected. The repealed constitution had a set of rights which were limited to the traditional civil and political rights but did not include socio-economic rights, women's and children's rights, rights of persons with disabilities and discrimination of persons with HIV/AIDS.

The Bill of Rights under the 2010 constitution is unique in that it has "a near exhaustive list of entitlements, contains the different genres of human rights, provides for an expansive non-discrimination clause, expresses regard for substantive equality (affirmative action), reserves certain rights from derogation, carries special regulation of emergencies, espouses a conservative strain of moral philosophy, opts for a centralized limitation clause as opposed to multiple internal limitation clauses, and has both vertical and horizontal implications" (Mbodenyi and Ambani, 2012:160).

The Bill of rights contains the right to life, equality and freedom from discrimination, human dignity, freedom and security of the person, slavery, servitude and forced labour, privacy, freedom of conscience, religion, belief and opinion, Freedom of expression, freedom of media, access to information, freedom of association, assembly, demonstration, picketing and petition. Others include political rights, freedom of movement and residence, protection of the right to property, labour relations, environment, economic and social rights, language and culture, family and consumer rights, fair administrative action and access to justice. In addition, the Bill of Rights has rights for arrested persons, right to fair hearing, and rights of persons detained, held in custody or imprisoned. There are also rights for children, persons with disabilities, youth, minorities and marginalized groups together with the older members of society.

Right to life

This is the most fundamental right and a person cannot claim any other right if the right to life has been violated. It acknowledges that life begins at conception and prohibits arbitrary deprivation of life. Abortion is prohibited unless in the opinion of a trained health professional there is need for an emergency (Article 26). Although the constitution prohibits extra-judicial killings i.e. Article (3), it does not outlaw the death penalty which can be justified by other written law.

Equality and freedom from discrimination

The constitution allows for every person to enjoy the rights and freedoms without any discrimination based on race, sex, marital status, pregnancy, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth (Article 27 (4)). Discrimination in this case implies a differentiation based on the criteria above. Whoever, this does not include affirmative action or 'positive discrimination' which should redress past imbalances as stated in Article 27(6). The principal of not more than two thirds of members of elective or appointive bodies shall be of the same gender as in Article 27(8), seeks to reverse the trend on discrimination against women which is based on socio-cultural beliefs and practices.

Human Dignity

The essence of human rights is to secure an individual's human dignity. Article 28 provides that every person has a right to have that dignity respected and protected. This implies that one has a right to freely develop his or her personality (Mbodenyi and Ambani, 2012).

Freedom and security of the person

Article 29 guarantees liberty by prohibiting arbitrary deprivation of freedom, detention without trial, subjection to any form of violence, torture, corporal punishment, cruel, inhuman or degrading treatment. Article 29(a) suggests that freedom can be deprived if there is just cause to do so. Also detention without trial is permissible in the case of a state of emergency. All forms of torture are outlawed and they include corporal punishment for convicted prisoners, sexual abuse, neglect or maltreatment. Section 25A of the Evidence Act states that any confessions that would prove a person is guilty should be done in court as opposed to before police officers. This prevents the police from extracting evidence from the accused using torture. Cases of violence in Kenya

include children who are beaten up unreasonably, taken through painful circumcision rights and cases of violence against women.

Slavery, servitude and forced labour

Article 30 of the 2010 constitution guarantees one protection from slavery or servitude and forced labour. Contemporary forms of slavery include human trafficking, forced marriages in exchange for dowry, pledging of young girls for debts, use of domestic servants for extremely low pay, child labour and forced labour (Ankumah,1996).

Privacy

The 2010 Constitution also provides for a right to determine the extent to which one's personal affairs can be relayed to others. Article 31 of the 2010 constitution stipulates three types of privacy rights i.e. bodily which protects against procedures such as drug testing and cavity searches, territorial which includes intrusion into ones domestic or work environment and informational which includes the collection and handling of personal data such as credit information and health status.

Freedom of conscience, religion, belief and opinion

Article 32 of the 2010 constitution gives rights to freedom of conscience, religion, thought, belief and opinion. This means that one is allowed to have a thought or belief that is independent of a state's or other entity's control. Freedom of o implies the right to profess and practice one's religion. Article 32 (4) states that no one should be denied access to a job or facility because of their religion or belief. In addition, nobody should be compelled to act in a manner that is contrary to ones belief or religion. However, participating in ones religion should not be at the expense of the overall good of the society. A case in point is the members of the Kavonokya Sect in Ukambani who were refusing to have their children immunized against polio. The children were forcefully immunized and their parents arraigned in court for denying children their right to health care as in Article 53 (c).

Freedom of expression

Article 33 of the 2010 constitution guarantees everyone the right to freedom of expression. Freedom of expression is the cornerstone for democracy. This right includes the freedom to seek, receive or impart information or ideas, freedom of artistic creativity, academic freedom and freedom of scientific research. However, this right can only be enjoyed subject to the rights of others. Therefore it precludes hate speech, incitement to violence and propaganda for war.

Freedom of the media

Article 34 guarantees freedom of the media. A free press contributes towards enhancing democracy. The media has also served as a watchdog in the fight against corruption and other social vices. Unfortunately, in many developing countries, freedom of the media is a myth rather than a reality.

Freedom of association

The right to free association is enshrined in Article 36 which includes the freedom of individuals to come together for protection of their interests which may be political, economic, religious, social, cultural, professional or labour union. This clause implies that one can be compelled to join or be denied the right to join an association without infringing on their rights to freedom of association. This right is important because in the past people have been arrested because of their political stance and also some political parties have been denied assembly as was the case in Kenya before the 1992 elections when multipartism was allowed.

Assembly, demonstration, picketing and petition

This right is highly associated to the one on the freedom of association. Article 37 allows individuals the right to engage in meetings, picketing, protest marches and demonstrations as long as the assemblers are peaceful and unarmed. However, when the police engage in shooting of peaceful demonstrators, this is a violation of this right.

Political Rights

Article 38 gives a wide array of political rights which include: the right to form and participate in a political party, the right to recruit and campaign for a political party, the right to free and fair elections and the right to be a registered voter, to vote and to be a candidate for a public office. This article therefore allows an individual the right to participate in periodic elections and participate in public affairs either directly or through chosen representatives.

Freedom of movement and residence

Article 39 (1) and (2) stipulates that every person has a right to leave Kenya but the right to enter and reside is a preserve of the citizens. This clause could be trying to avert a scenario where one is expelled or exiled or political or other reasons.

Right to property

Article 40 (1) states that every person has a right either individually or in association with others to acquire and own property of any description in any part of the country. This does not extend to land that has been unlawfully acquired. However, the state has the right to deprive a person of property under exceptional circumstances if it is for public purpose or in public interest as enshrined in Article 40 (3) (b). This also includes intellectual property. Unfortunately land grabbing in Kenya continues unabated.

Labour relations rights

Article 41 protects the rights of both the employees and employers together with the trade unions and the employer organizations. For the employee they include the right to fair remuneration, to form, join or participate in a trade union and the right to strike. The employer has a right to form, join and participate in the activities of an employers' organization. Unfortunately, in some instances workers continue being victimized and sacked for participating in trade union activities in Kenya.

Right to clean and healthy environment

Article 42 states that every person has a right to a clean and healthy environment. This responsibility lies with both the government and the individuals. Any violations of this right can be taken to court.

Economic, social and cultural rights

Articles 43 and 44 give credence to economic, social and cultural rights. They include the right to highest attainable standard of health, housing, food, water, social security and education. The contention is on how these rights will be enforced however there may be need for progressive realization of these rights which will require huge resources.

Family Related Rights

Article 45 recognizes the family as the fundamental unit of society and the necessary basis of social order. Marriage is recognized as a preserve of persons of the opposite sex and therefore the 2010 constitution does not allow homosexual marriages. However, it is not clear how the family will enjoy the protection of the state.

Consumer Rights

Article 46 states that the consumer has a right the right goods and services, the necessary information, protection of their health and safety and compensation for loss or injury arising from defects in goods and services. Unfortunately many times consumers are not aware of their rights.

Justice related rights

Articles 47 to 52 guarantees justice related rights which include the right to fair administrative action, access to justice, rights of arrested persons, right to fair hearing and rights of persons detained, held in custody or imprisoned. The most important part is the fact that justice ought to be accessible, expeditious, efficient and fair.

Rights of special groups

Articles 53 to 57 are tailored to protect the rights of children, persons with disabilities, youth, minorities and marginalized groups and older members of the society. It recognizes that these are vulnerable groups that need special attention and protection from neglect, forced marriages, forced labour and detention amongst others. The disabled have for a long time been limited because public offices have not been designed for people on wheel chairs. This means that their right of movement has been violated.

III. CONCLUSION

In conclusion, it can be observed that a cultural change is important for entrepreneurship and innovation in the public sector. A lack of commitment to this process results into lapses. The public sector employees must be committed to the reform process. Besides, it can also be observed that although the bill of rights enshrined in the 2010 constitution may not be palatable to everyone, the clauses reflect Kenya's commitment to uphold human rights at least in letter.

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