

FOR IMMEDIATE RELEASE

ELOG PRESS RELEASE ON ITS LONG TERM OBSERVATION MISSION IN THE MONTH OF APRIL 2017

NAIROBI, Friday 05th May, 2017. ELOG today released its report on its long term observation mission and commentary on the prevailing electoral environment ahead of the August, 2017 general elections.

Introduction

ELOG recognizes that elections are more than just Election Day and employs monitoring methodologies that seek to evaluate election-related processes throughout the electoral cycle. For the 2017 general elections, ELOG's observation strategy will incorporate critical aspects of the pre-election, Election Day and post-election periods. As part of this effort, ELOG has trained and deployed 290 Long-Term Observers (LTOs) to every constituency in Kenya to monitor activities and developments leading up to Election Day. ELOG will also be conducting systematic monitoring of hate speech in print, radio and television media in advance of the elections. On Election Day, ELOG plans to deploy 1700 observers to a representative nationwide sample of polling stations, as well as an additional 6,000 general observers to observe throughout the country. With these activities, ELOG will endeavor to increase the integrity of the electoral processes; increase public/voter confidence in the processes; deter irregularities, malpractices, violence and intimidation; and provide a basis for assessing and reporting on the fairness of the election.

This is the second report of a series of regular pre-election observation statements ELOG will release informed by the bi-weekly reports submitted by its LTOs. The findings below are based on data from bi-weekly reports submitted by all 290 LTOs, covering the time period of April 1 to April 27, 2017.

Pre-Election Observation Methodology

ELOG has deployed a total of 290 LTOs each assigned to a constituency to observe and report on the pre-election environment in their respective constituencies. ELOG Long Term Observers are drawn from the broad ELOG membership and reside in their assigned constituencies. The LTOs were trained and deployed in early March 2017 and will observe and report until 4 August 2017, just before Election Day.

In order to observe and document their observations, ELOG LTOs have been equipped with a standardized checklist which includes questions about IEBC preparations, civic education,

and campaign conduct and environment, the political participation of women, youth, and persons with disabilities, voter list inspection, political party primaries, hate speech, and electoral security and violence. LTOs send reports every two weeks on this checklist, for a total of twelve bi-weekly reports over the course of their deployment. Additionally, LTOs use a critical incident form to report serious incidents that could undermine the electoral process immediately as they occur to assist other electoral actors to rapidly mitigate and respond to such incidents. LTOs communicate all their findings using coded text messages to a central ELOG database located in Nairobi.

LTOs are asked to characterize their observations as those they observed directly (events personally witnessed) and those that they observed indirectly or heard of (events that were conveyed by a credible third party). These third parties may include credible media outlets or other members of the community. Before reporting any observation from a third party, LTOs must first seek to verify the event or incident.

Summary of Findings and Recommendations

During the second reporting period long-term observers indicated a continued open and competitive political environment with minimal government interference. However, despite efforts to promote participation of women, observers reported an increase in harassment of women especially during party primary campaigns. During the reporting period, reports indicate low voter outreach efforts across the country. The reports also show more voter outreach efforts targeted towards women and youth and much less efforts targeting people living with disabilities. Observers also noted continued violations to the Elections Act 2011, including voter bribery, candidates participating in Harambees less than 3 months to the election and campaigning by public officials. Finally, ELOG is concerned by the political violence and intolerance observed in certain areas as well as historical and resource-based conflicts. These are indicators of heightening tensions, which need to be addressed urgently to enhance citizen participation in the forthcoming General Elections.

ELOG therefore recommends the following;

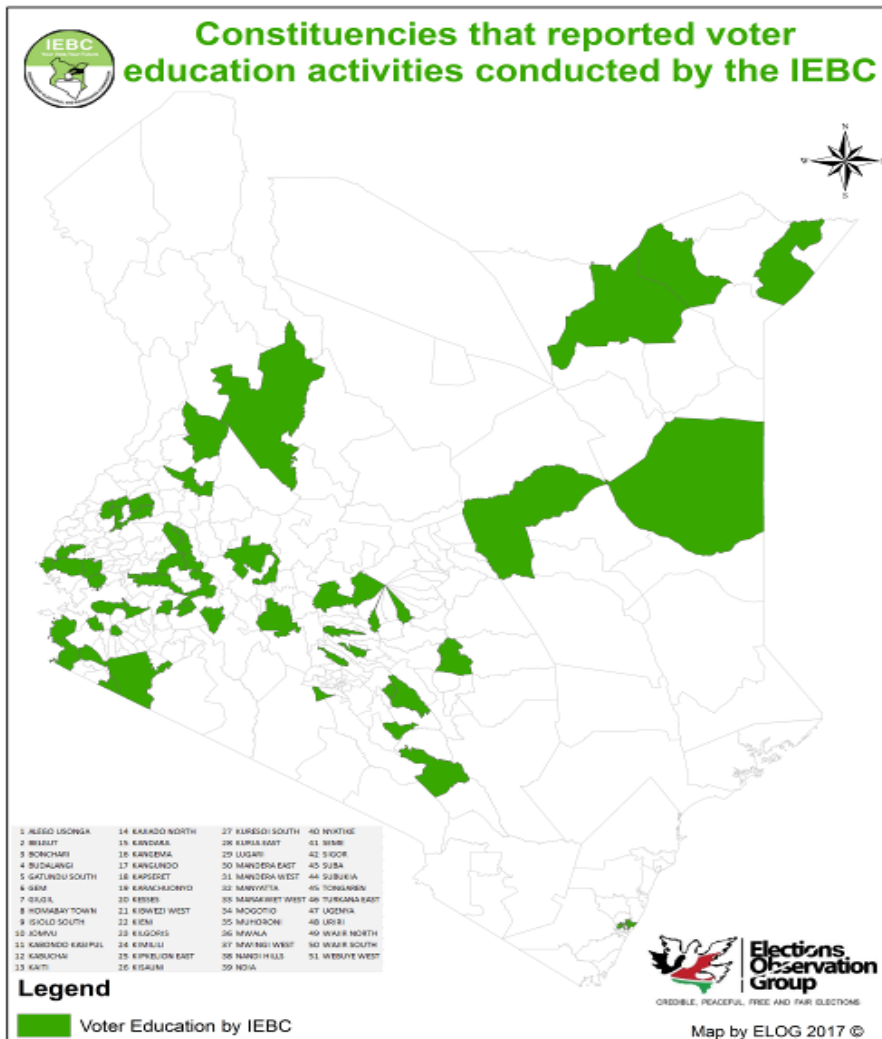
- a) ELOG recommends that a targeted approach to ensure that all eligible voters receive education on voting be adopted in the run-up to the elections. This will ensure that demographics in particular PWDs are provided with specific information to enable them to participate effectively in the electoral process.
- b) With respect to emerging early warning signs in some constituencies which could foment violence during the elections, ELOG calls upon the NCIC, the Police, the DPP and IEBC to take decisive action on perpetrators. ELOG further urges the enforcement of the Electoral Code of Conduct against any candidate instigating violence amongst the citizens.

- c) ELOG calls upon the IEBC to enforce the Elections Act against candidates conducting and or participating in Harambees and fund raising as well as public officers engaging in political campaigns and activities.
- d) ELOG calls on the DPP and IEBC to investigate and prosecute candidates found guilty of voter bribery in contravention of the Election Offenses Act.
- e) ELOG finally reminds Kenyan citizens to desist from accepting bribes as inducement for voting particular candidates. It is worth being reminded, that receiving a bribe to encourage voting for a particular candidate is an electoral offense, punishable by law.

Key Findings.

1. Provision of Voter Education

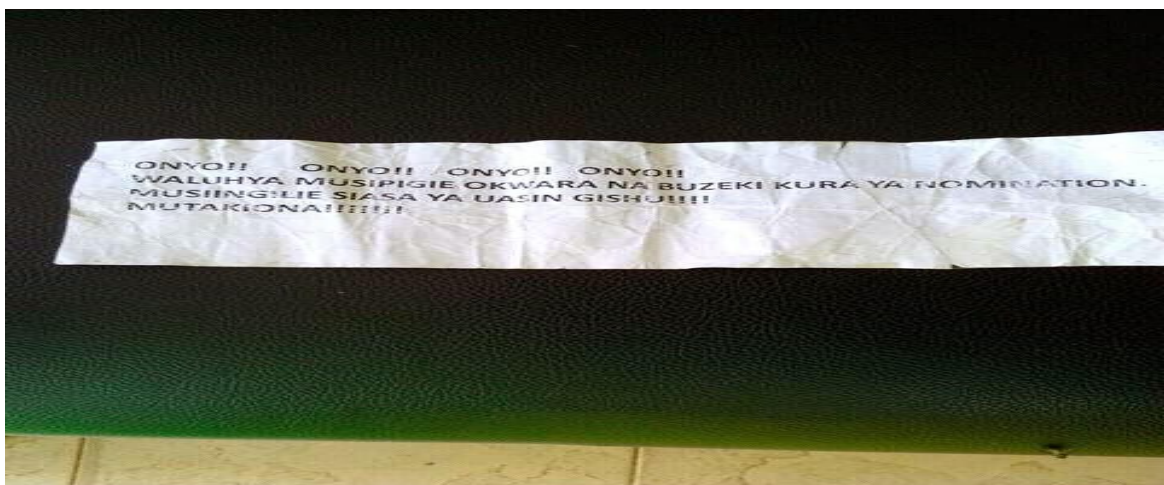
With less than a hundred days to the general elections, ELOG observer’s reports in the months of March and April, have indicated less than 50% of constituencies’ voter education activities both by IEBC and Civil Society Organizations as shown in the scatter maps below.





3. Violence and Political Intolerance

A respectful campaign environment is essential for functioning democracies. When voters and candidates are not secure in their persons and/or their personal property is at risk of damage due to their involvement in the election process, the campaign ceases to be fair. ELOG observers reported an increase of cases violence and intolerance in the month of April. The use of threatening, abusive, or insulting language against individuals, ethnic communities and marginalized populations were reported. In some isolated cases leaflets warning against voting for a particular person or community were reported as seen in Kabete, Molo and Turbo constituencies.



Further, the use of abusive language towards women candidates and voters was noted in 38% of the 290 constituencies in March and April with persistent reports from Baringo

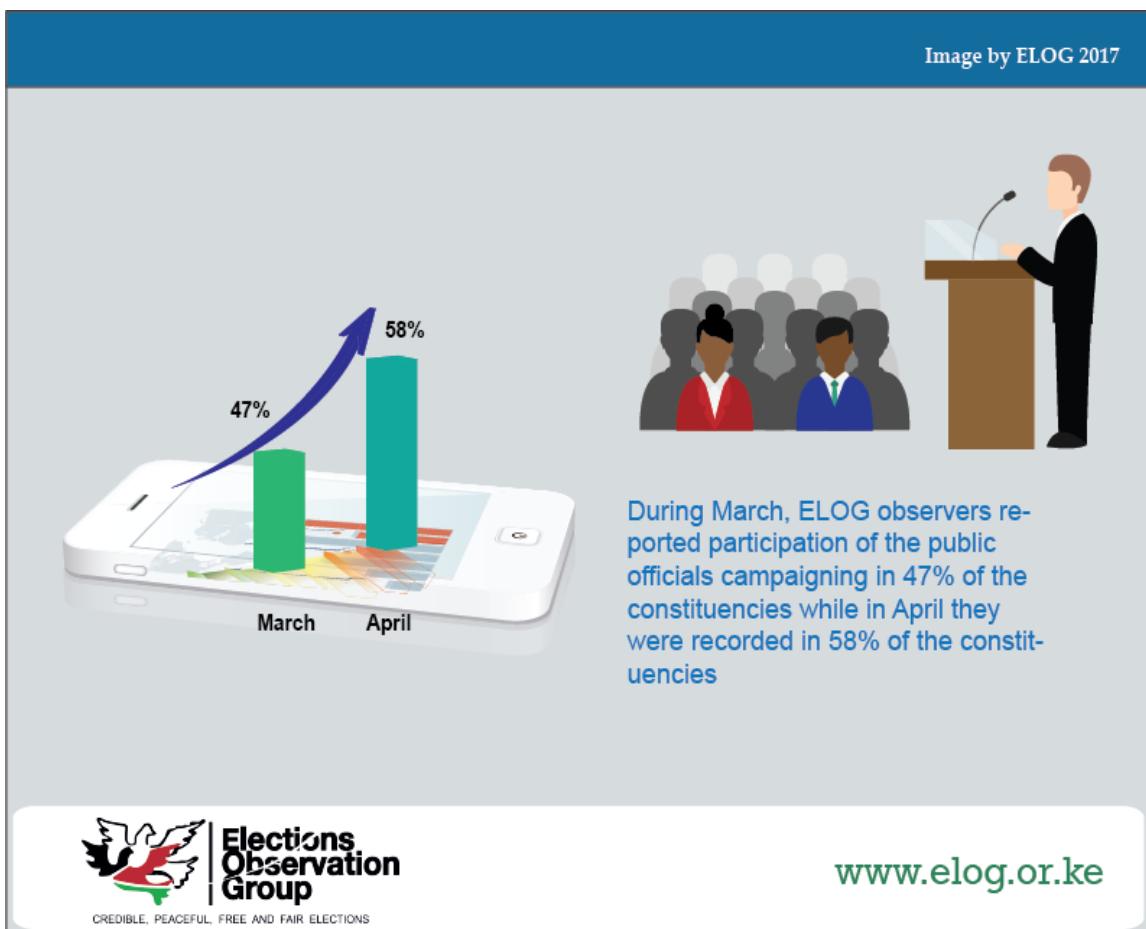
South and Kitutu Chache North constituencies. ELOG is concerned by this increasing vice targeted against women in the pre-election period which signals the closing democratic space for women in elections.

4. Harambees

The Elections Act, Section 26 prohibits participation of political party candidates directly or indirectly in public fundraising or harambee eight months to an election. During the reporting period, observers reported the continued participation of candidates in harambees in 48% of constituencies.

5. Campaigning by public officials.

The Elections Offenses Act, 2016¹ prohibits the participation of public officials in campaigns. ELOG observed an increase in this over the months of March and April as shown in the figure below.



¹ Section 15(1)

Early Warning Signs

In addition to the incidences of intimidation and intolerance reported above, LTOs are also tracking non-political events that could be indicators of the potential for electoral conflict as Election Day approaches. These include, increases in recruitment and arming of militias, the displacement of people due to security concerns, and ethnic or clan-based conflicts over resources. From the two reporting periods, areas most consistent with these were Butula, Kieni, Laikipia East, Mathioya, Nyakach, Ol Jorok, and Uriri constituencies. In the reporting period, LTOs in Baringo and Laikipia have consistently reported unrest and displacement of persons. These worrying trends could lead to poor turn out during the forthcoming voter register verification exercise in the month of May and subsequently during the August 8th General Election.