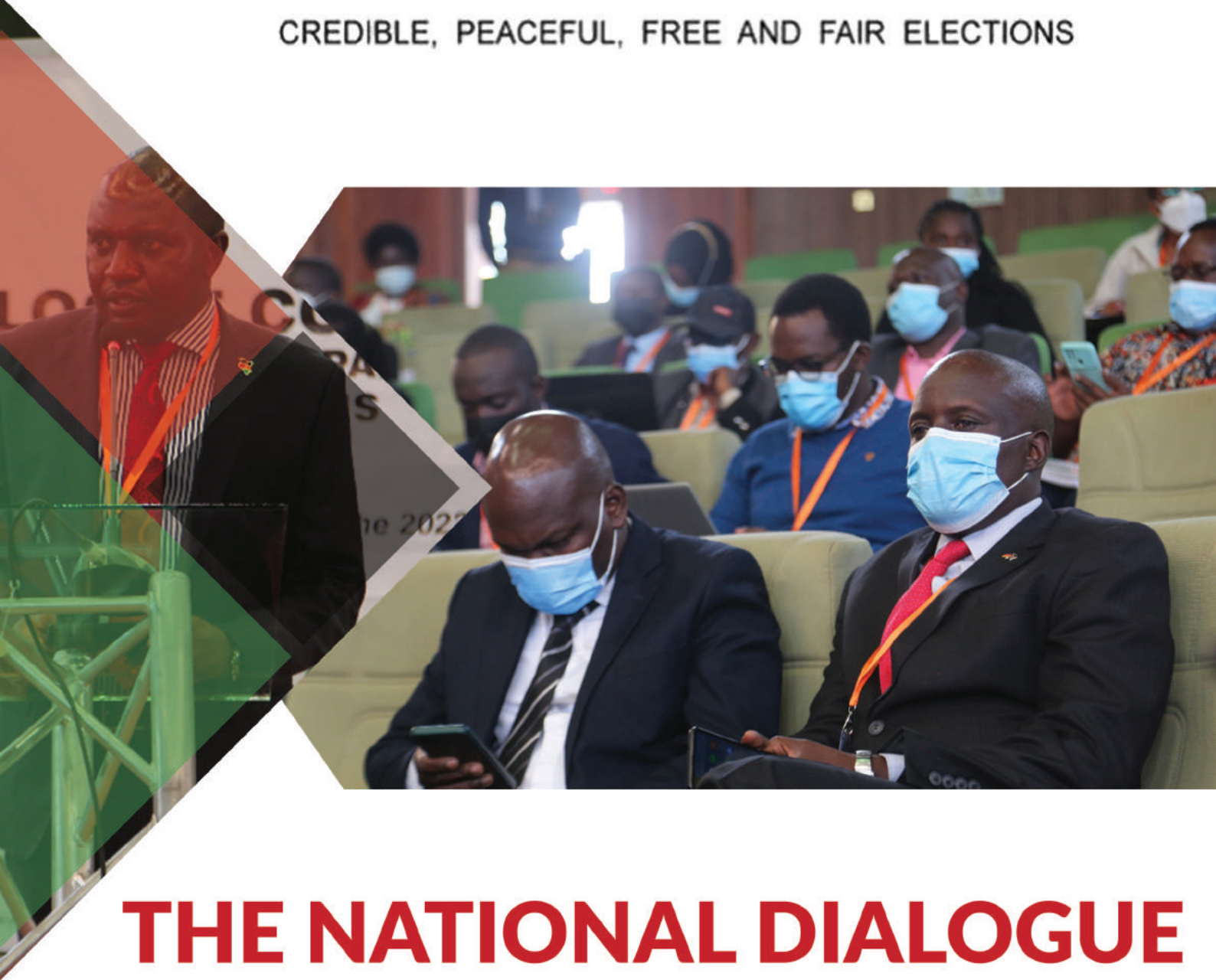




**Elections
Observation
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS



**THE NATIONAL DIALOGUE
CONFERENCE ON THE
STATE OF ELECTION
PREPAREDNESS**

HIGHLIGHTS OF THE NATIONAL DIALOGUE CONFERENCE ON THE STATE OF ELECTION PREPAREDNESS HELD ON 16TH AND 17TH DECEMBER 2021, AT THE BOMAS OF KENYA.

THEME: Demanding Integrity, Accountability & Transparency in the Electoral Process

The conference brought together members of the Civil Society Organisations (CSOs), Faith-Based Organisations (FBOs), partners, stakeholders, and duty bearers in the electoral process.

The aim of the meeting was to assess the State of Election Preparedness of key institutions towards securing a credible, peaceful, free, and fair election.

During the 2-day conference, various concerns were raised on the State of Election Preparedness as captured below.

	ISSUE	CONCERNS	ACTION POINTS
1.	Election Management and Administration	Failure by IEBC to inspire confidence in the public.	IEBC to study reports by various observer groups and address the gaps highlighted.
		Lack of a substantive CEO at the IEBC. Any changes in leadership may affect preparedness for the elections.	The appointment of a substantive CEO should be done early enough. Allow the new commissioners to familiarize themselves and engage with the public in order to inspire confidence.
		Lack of proper communication channels by IEBC	Revise the IEBC Communication Strategy and decentralize communication channels beyond Nairobi.
			Make the process of accessing observer badges easy and transparent, and also provide a conducive working environment for observers in polling stations.
2.	Leadership, Accountability and, Integrity	Lack of integrity and accountability among political leaders.	CSOs to urge political parties to ensure their candidates and members to uphold provisions of Chapter 6 of the Constitution of Kenya and encourage duty bearers to hold them accountable to the same.
		Disregard for Chapter 6 of the Constitution on Leadership and Integrity.	Civil Society to provide social vetting tools, providing a database for citizens to use and tools to make informed political choices.
			Urge the judiciary, to expedite all anti-corruption cases where politicians have been charged so they are not able to continue exhausting their right to appeal.

	ISSUE	CONCERNS	ACTION POINTS
3.	Political Party Processes	<p>The general conduct of party primaries is wanting.</p> <p>Lack of integrity, accountability, and transparency in party electoral processes.</p> <p>Exclusion and under-representation of the Special Interest Groups (SIGs).</p>	<p>Political parties need to hold primaries as early as possible to deal with internal disputes, before being taken to the judiciary.</p> <p>CSOs to urge political parties to have credible member registers. Political parties must also have proper disciplinary measures.</p> <p>Parties to train their election personnel early enough, on how to deal with disputes during party primaries.</p>
4.	Voter Registration	<p>Low voter turnout due to inadequate efforts to promote civic and voter education.</p> <p>Deep-rooted voter apathy among the youth.</p> <p>Insufficient resources by IEBC to fund civic education.</p> <p>Lack of National Identity Cards among a section of minority ethnic communities due to discrimination.</p> <p>Lack of a clear framework on diaspora voter registration.</p>	<p>Appeal to new and young voters by focusing on issues affecting them e.g. unemployment.</p> <p>Adopt civic education in the school curriculum, and further, make use of digital platforms that place the youth in the center of civic education conversation.</p> <p>Hasten the process of issuance of National Identity Cards to the youth and the marginalized.</p> <p>Provide a clear framework for the registration of voters in the diaspora.</p>

	ISSUE	CONCERNS	ACTION POINTS
5.	Participation of Special Interest Groups (SIGs)	Lack of Programs designed in a way that will engage people of minorities by duty bearers.	Design deliberate mechanisms to ensure that members of minorities participate in electoral processes despite lack of funds.
		<p>Exclusion of minorities in political party processes.</p> <p>Consideration of the SIGs Amendment Bill 2020.</p> <p>Address factors promote ineffective participation of SIGs in electoral processes like poverty, skewed government policies, high illiteracy levels, negative perceptions & stereotypes, historical prejudices.</p>	<p>Push for the implementation of the two-thirds gender rule.</p> <p>IEBC to inform Kenyans of the progress of the inclusion policy.</p>
6.	Violation of Human Rights	Insecurity and unwarranted attacks on Human Rights Defenders (HRDs).	<p>Uphold human rights in all aspects of the electoral processes.</p> <p>The National Police Service (NPS) should be responsive to insecurity cases reported by HRDs (elections observes and monitors).</p>
		A hostile environment for Human Rights defenders, especially during election time.	<p>Protection organizations should do thorough monitoring of the operating environment of HRDs and HROs as they prepare to engage relevant duty bearers in the electoral period.</p> <p>Put in place a rapid response team that will receive complaints from HRDs and offer them referrals to the relevant stakeholders.</p>
7.	Legal Reforms	<p>Failure by Parliament to pass the Campaign Financing Regulations.</p> <p>Pending legislation with direct impact on the Electoral process.</p> <p>Lack of sufficient time for public participation in the development of legislation which leads to mischief.</p>	<p>CSOs ready to challenge measures to regulate funds in court. Adopt administrative measures to regulate the funds used in the election period to ensure</p> <p>Push for expeditious and early amendment and enactment of electoral laws.</p> <p>CSOs to submit memorandums calling to attention the pending Bills.</p> <p>Creation of digital platforms where citizens can access information on the progress of pending legislation.</p>
		Lack of a legal framework to administer the rollout of results.	Put in place clear laws and regulations that will regulate the rollout of results.

	ISSUE	CONCERNS	ACTION POINTS
8.	Media and Elections	Concern over increase in misinformation particularly on social media.	Updated guidelines on election reporting. Continuous capacity building of journalists. Ensure media ethics and sobriety are adhered to on all platforms.
		The safety and security of journalists remain a challenge.	Adopt adequate security measures to enable journalists discharge their duties effectively.
		Misuse of media platforms by politicians.	Media houses to uphold professional ethics when allowing politicians on their platforms.
9.	Election Dispute Resolution	Unclear timelines for petitions in terms of disputed results post-election.	De-link the dispute resolution committee from the IEBC. IEBC should also be de-linked from running political party primaries. Capacity building for litigants and jurists handling electoral cases. Parties to train their election personnel early enough on how to deal with disputes during party primaries. Political parties need to hold primaries as early as possible to deal with internal disputes before being taken to the judiciary for approval

The duty bearers, on their part, appraised the participants on the progress made so far and committed to ensuring that the 2022 general election is credible.

INDEPENDENT ELECTION AND BOUNDARIES COMMISSION (IEBC)



The Commission is established under Article 88 of the Constitution of Kenya and mandated to supervise referenda and elections to any elective body or office, and any other elections as prescribed by an Act of Parliament. It is also responsible for the delimitation of constituency and ward boundaries.

KEY ACTION POINTS

1. IEBC Conducted a Post-Election Evaluation as part of the election preparedness for 2022. Lessons learned from the PEE have been incorporated in the IEBC 2020 – 2024 Strategic Plan and the Elections Operations Plan.
2. The Commission developed the 2020-2024 Strategic Plan anchored on the following pillars;
 - Strengthening Corporate Governance
 - Strengthening the Legal Framework
 - Effective Conduct of elections
 - Enhanced Public Outreach

- Equitable representation
 - Strengthening Strategic Operations
3. Implementation of the Elections Operations Plan which is a major document for the operationalization of the IEBC 2020-2024 Strategic Plan.
 4. Take a lead role in legal reforms by engaging various stakeholders.
 5. Regulate Political Parties' nomination processes.
 6. Prioritize effective dispute resolution through the Commission's Dispute Resolution Committee and the Code of Conduct Enforcement Committee.
 7. Continue engaging stakeholders and key partners for purposes of delivering on the IEBC mandate.
 8. Accredite observers by conducting a thorough scrutiny process.
 9. Ongoing procurement of strategic election materials.

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES



The Office of the Registrar of Political Parties is a key player in elections, mandated to register political parties and provide regulation of the political parties as well as administer the political parties fund.

KEY ACTION POINTS

1. Continue the registration of political parties. Only fully registered parties can take part in elections.
2. Step up political party compliance. ORPP has developed guidelines, checklists, mechanisms on the mission, and regulations for political parties. This will be implemented through open dialogue with the parties.
3. Ensure that parties conduct primaries in an orderly manner and transparent manner. The ORPP has a provision on party primaries within the Political Parties Amendment Act.
4. The ORPP has adopted technology in its operations, processes, and in the regulation of political parties through the e-citizen platform. Political party membership service is personalized to enable political parties to have members join and leave anytime.
5. Recruit election monitors so as to enhance the code of conduct of political parties and to monitor party primaries.
6. The ORPP has trained chief agents to go and train agents within political parties on the proper conduct of the electoral process of party primaries.
7. Heighten collaboration between political parties and the ORPP through the Political Parties Registration Commission (PPRC).

NATIONAL COHESION AND INTEGRATION COMMISSION



The Commission is charged with ensuring peace and cohesion in the country. In regards to election preparedness, the Commission intends to prepare the hearts and minds of Kenyans to live in peace during the campaigns, as they vote and beyond the elections to ensure violence-free polls.

KEY ACTION POINTS

1. Build trust between citizens, the State, and non-state actors through the creation of open channels of communication between communities, citizens, and the State.
2. Train Kenyans to resist violence and become sensitive to human life and care for the welfare of each other.
3. Task leaders at all levels to lead responsibly by having them sign the Political Peace Charter to commit themselves to a peaceful election.
4. Endeavour to eliminate hate speech from political dialogue, social media, and the mainstream media.
5. Curb violence by creating an escalation and a whistleblowing mechanism with a linkage to the rapid response from emergency services.
6. Join efforts with EACC and DCI to bar politicians accused of hate crimes from running for office by ensuring they are not cleared by the multi-agency team.
7. Enhance capacity to monitor traditional and social media in a bid to nip in the bud any dangerous narratives.

JUDICIARY COMMITTEE ON ELECTIONS (JCE)



The JCE is an important committee of the judiciary, given its role in electoral dispute resolution. Electoral Dispute Resolution aids the transition from the use of violence as a means for resolving political conflicts, to the use of lawful means to settle disputes.

KEY ACTION POINTS

1. Drafted a work plan to see to it that the judiciary is ready to handle election disputes.
2. Engage the Justice and Legal Affairs Committee on the need to expedite the pending legislative amendments. The engagement with JLAC will ensure that the legal regime for EDR is settled at least 6 months before the election.
3. Engage other agencies in the government including the Treasury to ensure that the judiciary is adequately funded to adequately implement the EDR work plan.
4. Review the 2017 EDR curriculum to ensure that the 2021/2022 curriculum is relevant, comprehensive, and user-friendly.
5. Propose to the Chief Justice to allow only election pleadings to be filed online to avoid jamming the system. The judiciary has a hybrid system and should the online system fail, JCE will revert to the manual system. Rulings and judgments will be shared online as soon as they are delivered.
6. Establish special portals to register EDR petitions and electoral offenses.
7. Share the progress of all cases filed with the media.

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