

**THE 2<sup>ND</sup> NATIONAL DIALOGUE CONFERENCE ON THE STATE OF ELECTORAL  
PREPAREDNESS**

*“Demanding Integrity Accountability and Transparency Ahead of the 2022 General Election in  
Kenya.*

**17<sup>th</sup> December 2021, Bomas of Kenya, Nairobi.**

**A JOINT COMMUNIQUE BY ELECTION STAKEHOLDERS**

**Preamble:**

The Elections Observation Group (ELOG) and the Kenya National Commission on Human Rights (KNCHR), in partnership with civil society partners, faith-based organizations, members of the public as well as duty bearers involved in the electoral processes convened the 2<sup>nd</sup> National Dialogue Conference on 16<sup>th</sup> and 17<sup>th</sup> December 2021 at The Bomas of Kenya, Nairobi to deliberate on the state of electoral preparedness ahead of next year’s general elections.

As we appreciate the progress made thus far by the various electoral duty bearers in readiness for the upcoming elections, we acknowledge that there are outstanding critical issues that must be addressed if the elections are to be truly credible, peaceful, free and fair.

In view of the deliberations at Bomas, we wish to address ourselves to the following issues:

**1. APATHY TOWARDS THE ELECTORAL PROCESSES**

Voter apathy remains a key challenge that could threaten their participation judging by the recently concluded Enhanced Continuous Voter Registration Exercise (ECVR). Out of the targeted 6 million new voters, IEBC managed only 1,519,294, translating to a paltry 25% of the target.

**2. POLITICAL PARTY PROCESSES**

Political parties remain the dominant entities vehicles for representation. However, they still face a number of challenges that put to doubt their capacity and level of preparedness ahead of the elections, especially party primaries. This is evidenced by the recent report by the IEBC that showed a majority of political parties are struggling to comply with the directive on the nomination rules. The absence of strong party systems risks disenfranchising special interest groups such as minorities, persons with disabilities, youth and women.

While a number of political parties have put in place structures to handle internal disputes, it was observed that some are yet to establish such structures, and where they exist, they are centralized, thus leaving out some members.

### **3. THE DIASPORA VOTE**

Though there have been efforts to include more diaspora voters in the electoral process, 30% of the potential voters residing outside the Kenyan borders remain unregistered. The import of this is that about 4 million voters are likely to be locked out of the 2022 elections.

### **4. LEGAL REFORMS**

Pending legal framework reforms remain a major issue ahead of the 2022 elections. Critical legislation premised on the IEBC post-2017 evaluation report are yet to be enacted and adopted. This is further coupled with the numerous legislative proposals with a direct bearing on elections being fronted by various members of parliament and committees. The challenges experienced in the 2017 elections are yet to be remedied legislative-wise. These include the Political Parties Act Amendment Bill, Special Interest Groups Amendment bill, Regulatory framework around results transmission and the two thirds gender bill.

### **5. EARLY CAMPAIGNS**

The country has witnessed a significant rise in illegal political campaigns with different political outfits being formed and divisive narratives being propagated. Today, Kenyans are being balkanized into perceived political camps that are mutually exclusive. The IEBC has not yet declared the official campaign period and therefore those participating in such are committing an electoral offence.

### **6. POLITICAL INTOLERANCE, HATE SPEECH, INCITEMENT & MIS-INFORMATION**

As political activities intensify, intolerance, violence, hate speech, incitement, misinformation and disinformation increase. Pockets of violence have been witnessed in a few areas in the country with a possibility of new hotspots emerging. Misinformation and dis-information especially on online platforms is also on the rise. If left unchecked, these could adversely affect the stability and peace needed during elections.

### **7. LEADERSHIP & INTEGRITY IN ELECTIVE POSITIONS**

We note a mechanism to enforce compliance of Chapter 6 of the Constitution on Leadership and Integrity has not been established. Consequently, candidates with unresolved ethical issues continue to express interest to vie for election.

### **8. ELECTORAL SECURITY**

On security of IEBC officials is a concern based on the previous elections.

Gender based violence has been reported in recent political meetings especially harassment of women.

Mishandling of journalists has been reported and this expresses concerns to the freedom of expression during this period.

HRDs and elections monitors have also expressed safety concerns including negative profiling and threats to their work.

We therefore make the following recommendations:

#### **ELECTIONS MANAGEMENT AND ADMINISTRATION**

To address the challenges in elections management and administration to:

- IEBC to ensure full implementation of the elections operations plan in a consultative process.
- The IEBC to address the information gaps by having a sensitive and robust communication department.

#### **APATHY TOWARDS THE ELECTORAL PROCESSES**

To address apathy towards the electoral process, the following should be undertaken:

- IEBC needs to revise its communication strategy intensify and localize its communication channels beyond Nairobi as it engages members of the public and stakeholders, so as to enhance public trust.
- Systematic and targeted voter education strategies for the youth and other Special Interest Groups will go a long way in remedying voter apathy especially among the youth, particularly registration, ahead of January's mass voter registration process.

#### **POLITICAL PARTY PROCESSES**

On Political Party preparedness we hold that:

- IEBC ensures that all political parties comply with the stipulated nomination rules and other relevant electoral laws.
- Political parties take practical steps to mainstream inter and intra party democracy including institutionalizing their internal dispute resolution mechanism.
- Political parties must use their own membership lists while conducting their party primaries. Additionally, political parties must ensure transparency in the management of party membership register.

- Political parties adhere to the law and promote engagement and sensitization of special interest groups at the grassroots level so as to create a level playing field for the aspirants.

#### **DIASPORA VOTE**

On challenges with diaspora voters in exercising their electoral rights, we urge:

- The IEBC to take necessary legal and administrative measures to enfranchise the diasporas which include adoption of easier methods of establishing residency during voter registration and providing mobile registrations centers in the diaspora.
- IEBC should consider adopting technological and administrative measures to ensure that aspirants in the diaspora are cleared without having to travel.

#### **UNREGULATED MONEY IN POLITICAL PROCESSES**

In order to check and regulate the use of money in the forthcoming elections, recommend the following:

- Pushing for judicial intervention to compel candidates and political parties to make public campaign donations and spending.
- Demanding the full implementation of the Election Campaign Financing Act, 2013, especially the Sections that do not necessarily require Regulations or Guidelines.
- Calling for support from the relevant government agencies with oversight for Election Campaign Financing.
- Enlisting citizen vetting of political parties and candidates in promoting transparency and accountability in the use of resources and de-campaigning the use of big money in the upcoming elections.

#### **ILLEGAL EARLY CAMPAIGNS & POLITICAL INTOLERANCE, HATE SPEECH, INCITEMENT & MIS-INFORMATION**

- We appeal to the IEBC to strictly enforce adherence to the legal timeline of guiding political campaigns.
- We demand that NCIC intensifies their monitoring of cases of hate speech and incitement
- We demand that Leaders exercise political restraint, sobriety and civic responsibility in their public utterances and meetings.
- We urge all members of the public and political leaders to adhere to the laid down Covid-19 containment protocols. Those found to be violating and flouting these guidelines should be held accountable and necessary action taken against them.

## LEADERSHIP & INTEGRITY IN ELECTIVE POSITIONS

We urge Kenyans to be more proactive as we head to the 2022 general elections - by rejecting individuals seeking public office that have been convicted or have pending corruption and economic crimes cases, and those who have acted in breach of the leadership and integrity tenets as enshrined in the Constitution. They must condemn and reject political parties that nominate tainted individuals

## ELECTIONS SECURITY

- To train new police officers on their role as elections officials.
- The IEBC and NPS to provide clarity on the elections security command center.
- To provide security in campaign venues to avert cases of violence against women.
- NPS to prioritize protection of HRDs, elections observers and journalist as critical electoral actors.
- The safety of ballots and technology system in use should be approachable and accessible to all Kenyans.
- Regulation of political gatherings and meetings should be consistent with COVID-19 guidelines and promotion of human rights.

## Conclusion:

Elections are a celebration of fundamental human rights and as such all relevant duty bearers should take practical steps within the confines of law to ensure that political rights are promoted, protected and fulfilled. We shall be engaging these actors in the coming days to address some of these issues we have raised and update the members of the public.

## Signed by

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2. Name: Frankline Mukwanja, Executive Director, Center for Multiparty Democracy (CMD-Kenya)

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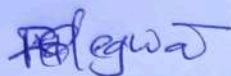
3. Name: Anne W. Ileri, Chairperson, Elections Observation Group (ELOG)

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4. Name: Caroline Gaita, Executive Director, Mzalendo Trust

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6. Name: Dr. Benard Mogesa, Chief Executive Officer, Kenya National Commission on Human Rights (KNCHR)

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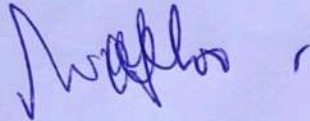
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