



# Statement of Joint IRI/NDI Pre-Election Assessment Mission to Kenya

May 20, 2022

From May 16 to 20, 2022, the International Republican Institute (IRI) and the National Democratic Institute (NDI) jointly conducted a pre-election assessment mission (PEAM) as part of their overall observation of Kenya's 2022 general elections. The purpose of the PEAM assessment to Kenya is to:

- Assess the current political environment as well as the electoral preparations in advance of the August 2022 general elections;
- Provide independent, impartial information as well as practical recommendations before election day to improve the process; and
- Demonstrate international support for credible and peaceful electoral processes in Kenya.

In this context, the PEAM assessment of the pre-election environment serves as an important component of NDI and IRI's overall observation of Kenya's electoral process, which also includes the presence of long-term analysts based in Nairobi.

The assessment delegation comprised Jean Mensa, Chairperson of the Electoral Commission of Ghana; James Lahai, the National Coordinator of National Election Watch (Sierra Leone); Nicole Rowsell, Acting Vice President of the National Democratic Institute (USA); and Yomi Jacobs, Resident Program Director of the International Republican Institute in Kenya (Nigeria).

The delegation conducted its activities in accordance with the *Declaration of Principles for International Election Observation*, which was launched in 2005 at the United Nations, and in compliance with the laws of the Republic of Kenya. All activities were conducted on a strictly nonpartisan basis and without interfering in the election process. The delegation met with a wide array of election stakeholders, including: the Independent Electoral and Boundaries Commission (IEBC), political parties, civil society, business associations, media representatives, religious leaders, the judiciary, and government actors. The delegation expresses its appreciation to everyone with whom it met for sharing insights from which the mission benefited greatly.

IRI and NDI are nonpartisan, nongovernmental, nonprofit organizations that support and strengthen democratic institutions and practices worldwide. The Institutes have collectively observed more than 200 elections in more than 50 countries over the past 30 years. NDI and IRI will conduct a second pre-election assessment mission to assess progress toward key recommendations before Kenya's general elections scheduled for August 9, 2022.

## Executive Summary

The 2022 general elections have the potential to be a pivotal milestone for democratization in Kenya. Elections in 2007, 2013, and 2017 were marred by challenges with the results transmission process and related lack of public confidence in official outcome, resulting in widespread post-election violence in 2007 and 2008 and the nullification of the 2017 presidential election results by the Supreme Court. The 2022 elections will take place against a backdrop of shifting political alliances and newly enacted and evolving amendments to the Electoral and Political Parties laws and provide an opportunity to break with the past.

The delegation notes positive efforts being made to conduct more transparent, accountable, and inclusive elections. These include: The Independent Electoral and Boundaries Commission's (IEBC) efforts to rebuild trust and assert its independence; improvement in political party nomination processes; increased stakeholder engagement by police; nomination of a female vice-presidential candidate; reliance on the judiciary to resolve disputes; and the judiciary's preparedness for legal challenges that may arise in the post-election period. However, stakeholders expressed concerns about remaining vulnerabilities that could undermine confidence in the 2022 elections and increase the potential for election-related violence. Electoral amendments that could affect the conduct of the elections are pending within parliament, creating confusion among the electorate. Persistent distrust over the transmission and announcement of results remains while parliament's failure to approve limits on campaign financing means that campaign-related expenditures will continue to play an outsized role during the elections. The delegation also heard reports of state resources being misused for campaigning, in violation of the electoral code of conduct. The use of hate speech across the political spectrum to incite violence remains a concern as well. The lack of economic opportunity for young people makes them potentially more vulnerable to being exploited by political leaders to engage in violence. Further, the prevalence of mis- and disinformation not only disrupts the flow of accurate election-related information to citizens, but also contributes to raising tensions and polarization among political factions and ethnic groups. The delegation heard concerns about the neutrality and role of certain elements of the security services in maintaining peace.

Kenyans have the potential to break the pattern of disputed elections and prevent election-related violence in 2022. However, this will require concerted efforts not only by the IEBC, the constitutionally mandated body to conduct elections, but equally by all political parties, security services, civil society, the media, and others. All stakeholders, especially political parties, must work together to promote tolerance, peaceful elections, and respect for historically marginalized groups – including rejecting violence against women in elections. With less than three months until the 2022 Kenyan presidential, legislative, and county elections, the delegation notes there is still time for all stakeholders to take tangible steps to reassure all voters of the potential for a credible electoral process and an outcome Kenyans may view as a reflection of their will.

## Political Context

The 2022 polls will be Kenya's third elections since the adoption of a new constitution in 2010. Claims of irregularities have often accompanied Kenya's elections, resulting in widespread violence following the 2007 election and the nullification of the presidential election in 2017 by the Supreme Court, necessitating a rerun later that year. Political realignments occurring in the run-up to the 2022 elections are characteristic of the shape-shifting nature of Kenyan electoral politics, with coalitions of convenience coming together prior to elections. Parties are largely formed around ethnic lines, and as a result, every large ethnic group seeks to field its own candidates; and parties coalesce with this objective in mind. However, the term-limited incumbent President Uhuru Kenyatta is backing his long-time rival, Raila Odinga. More than twenty parties—including Odinga's Orange Democratic Movement (ODM) and Kenyatta's Jubilee parties—have joined forces under the Azimio la Umoja (One Kenya Coalition) party. This alliance pits the outgoing President Kenyatta against his closest ally in the 2013 and 2017 elections, current Deputy President William Ruto. Ruto has since

propagated the ‘hustler vs. dynasty’ campaign messaging, promoting a ‘bottom-up’ model of wealth distribution. The narrative has been picked up by large swaths of the country’s youth, who are disproportionately disadvantaged economically and increasingly frustrated by what they view as elite political alternance over successive elections. Ruto’s United Democratic Alliance (UDA) party has also established a strong coalition, the Kenya Kwanza Alliance. Recent public opinion research indicates the race for president will be closely contested, with Ruto and Odinga polling within close margins of each other.

The competitive nature of the presidential race is punctuated by the recent nomination of vice-presidential running mates, who are perceived as having the potential to help their running mates expand their vote share. For the first time, a presidential candidate from a major political party has selected a female running mate, amplifying the potential for women’s role in political life and positions of power. The candidate nomination process was generally well-administered by parties; compared to 2017, when over 300 complaints were filed, this year’s process saw the number reduced to approximately 150 complaints. The process was still contentious, however, resulting in more than 7,000 aspirants declaring as independents – a sizeable majority of whom were frustrated by party nomination processes, which they deemed to be opaque and inconsistent with declared party rules.

## Legal Framework

General elections are governed by the 2010 Kenyan Constitution, the Elections Act of 2011, the Political Parties Act of 2011, and other relevant legislation. Recent amendments to the Political Parties Act included changes in the distinctions between parties and coalitions, limitations on party-switching, and a new requirement that parties publish and file their internal nomination processes with the Office of Registrar of Political Parties (ORPP). These changes represent a marked improvement by increasing the transparency and organization of party primaries, and encourage stability in the nomination process. However, internal party democracy during candidate nomination processes remains a significant challenge.

Global standards are to strongly avoid substantive changes to the administration of elections within six months prior to election day, however the Kenyan parliament is still currently considering amendments to the Elections Act. One proposal by the IEBC is for the removal of the requirement for electronic results transmission. Another would allow ballot boxes to be reopened at the constituency or county tallying centers, should the need arise. Civil society and parties have expressed concern that any further changes would seem rushed and, by extension, less consultative and transparent. Changes in sensitive procedures such as ballot handling without clear communications so close to an election could also sow confusion and mistrust. Even if the amendments are ultimately not passed into law, their pending nature just three months out from the election are enough to cause ambiguity. Ahead of the 2022 elections, the IEBC has been preparing to conduct results transmission based on the 2017 Supreme Court ruling, but must still prepare for the possibility that the procedures could be amended by parliament.

For example, the IEBC, the courts, and parliament continue to clash around detailed but critical aspects of the Elections Act. The Elections Act stipulates that election results be transmitted simultaneously from the polling station to the constituency tallying center and the national tallying center. In 2017, the IEBC failed to ensure simultaneous transmission for over 11,000 polling stations. In a subsequent ruling, the Supreme Court further affirmed the finality of results announced at the polling stations. Parliament attempted unsuccessfully to reverse the ruling through passage of an amendment, however, the Supreme Court ruled this amendment to be unconstitutional. During the PEAM, interlocutors expressed confidence and optimism that the courts are prepared to resolve election-related disputes in an independent and timely manner and for the Supreme Court, within the 14-day period provided in the law.

## Election Administration

### *The IEBC*

The recent history of disputed elections in Kenya, including the 2017 nullification of the presidential election, continues to cast public doubt about the IEBC's ability to conduct elections in a transparent and competent manner. However, interlocutors noted the concerted effort of the commission to build trust and reassert its independence following the last elections, including improved engagement with stakeholders and attempts to shore up gaps from past elections. The IEBC has completed almost all of its election procurement needs, has been conducting pilots of the biometric system used to check in voters on election day to troubleshoot potential issues, and has built an impressive field structure to recruit, train, and maintain polling staff. Though the IEBC is mandated to organize all aspects of the electoral process in Kenya, operations are shaped, and may be hamstrung, by intricate legislative requirements, ongoing litigations, funding shortfalls, and last-minute changes in the legal code. In 2020, the IEBC submitted to parliament a number of electoral reforms to address shortcomings from previous elections, some of which remain stalled in the legislature, as noted above.

Additionally, internal and external challenges to the commission remain. Civil society, political parties, and the media expressed frustration with the absence of regular communication from the IEBC, and slow response to information requests. Communications challenges were also cited as an impediment to voter education and effectively managing public expectations, and as giving rise to conflicting narratives regarding the results management process. The IEBC is aware of the danger of election-related disinformation. Through a memorandum of understanding (MOU) with the Union of Journalists and Editorials Guild, the IEBC hopes to coordinate regularly on voter information and electoral operations, to support accurate coverage of the process.

### *Election Day Technology and Results*

Stakeholders frequently flagged the results transmission and management system as one of the most critical elements for ensuring the legitimacy of the electoral outcome. The IEBC is currently legally obligated to collate and transmit polling station results electronically. Failures and lags in the electronic transmission in previous elections heightened tensions in the crucial hours and days after the polls closed, and contributed to distrust around the outcome. The heightened interest in and scrutiny of the results pathway necessitates transparent, early, and comprehensive testing and comprehensive voter education regarding the timing and functionality of the process. The IEBC has traditionally hosted a portal for the public to view transmitted results in real time which helps promote transparency and follows good practices for open election data. Careful consideration regarding the display and framing of such data – for instance clarifying the provisional nature of the results and making them available in analyzable formats – can help decrease confusion and build confidence in the results.

### *Campaign Finance*

The Election Campaign Financing Act of 2013, which provides a framework for lawful contributions and donations, including the prohibition of anonymous or foreign funders, remains unenforced. New campaign finance regulations (Election Campaign Financing (Amendment) Bill, 2020) sponsored by the IEBC and submitted to parliament in 2020 sought to strengthen the regulatory framework by establishing contribution and spending limits for political contestants and disclosure requirements for campaign donations. However, the legislature rejected the reforms, resulting in an adjudicated court case. In early May 2022, the High Court declined to reinstate the spending regulations but refuted the decision of the National Assembly to annul the campaign financing limits published by the IEBC. The High Court ruling paves the way for the IEBC to put forward new political finance regulations in the next election cycle but does nothing for the current election.

Stakeholders noted that this development seriously hampers transparency and anti-corruption safeguards and could exacerbate disenchantment and cynicism around the political process. A lack of substantive campaign finance regulation benefits incumbents and disproportionately disadvantages women, youth, and members of marginalized groups, who are typically competing with less personal wealth and resource networks to back their campaigns. Similarly, some stakeholders raised concerns about government officials' use of state resources for electoral advantage, which constitutes abuse of power.

### *Voter Registration*

On May 4, 2022, the IEBC suspended the ongoing voter registration process without clear or advance communication to the public. Voter registration was slated to continue one more month to align with provisions in the electoral act that allow for citizens to register to vote until 60 days before the election date. The IEBC announced that the abrupt closure of voter registration was to allow adequate time for voters to verify their information and to allow for an independent audit. The provisional voter roll stands at 22,152,441 voters, expanding the list by over 2.5 million voters from the 2017 roll. However, the increase still falls short of the IEBC's goal of adding 6 million voters to the list, and likely does not accurately reflect the size of the country's young electorate.

Currently, the IEBC is cleaning the voter list, supplemented by an external audit being conducted by KPMG. At the same time, voters who wish to review and verify their registration information can do so via SMS, greatly increasing accessibility for voters and providing additional mechanisms to keep the list up-to-date.

### *Voter Education*

Though the IEBC is mandated to directly provide voter education, the Commission can also accredit civic groups to conduct voter education activities to maximize dissemination and promote targeted outreach to diverse communities. Accreditation for civil society to conduct voter education ahead of the 2022 elections is open, however, at the time of the assessment, the IEBC has yet to select civic groups or produce voter materials. Additionally, as the IEBC has not received its fully allocated budget, the Commission has chosen to prioritize spending on essential procurements and electoral security. As a result, some civic organizations, religious groups, and media outlets are trying to address the current lack of voter education initiatives, since women, youth, and marginalized groups in particular will be most impacted by insufficient information about the election, and some fear that unequal or inconsistent voter education may be used as a political tool to suppress turnout.

## **Political Parties and the Campaign Environment**

All political parties completed their primary process by the constituted deadline of April 22, 2022. Several stakeholders noted that the party primaries were notably less violent in comparison to previous election cycles, due in part to consensus-building efforts and increased security measures, as well as regulatory changes to the nominations process which were well-managed by the Office of the Registrar of Political Parties (ORPP). However, there were reports of disgruntled party members and aspirants who disrupted voting processes to denounce parties' candidate selection methods. Parties are permitted to directly nominate their candidates through universal suffrage of their membership, or indirectly nominate candidates through interviews, polls, delegates, or other methods. The delegation noted that the opaque nature of party primaries lends itself to nepotistic selections over competitive processes which have the potential to increase opportunities for emerging or first-time aspirants to enter political life. As a result of the murky nature of party candidate selection processes, many candidates choose to run as independents. As such, the IEBC received candidate registrations from well over 7,000 independent aspirants.

The Kenyan constitution stipulates that not more than two-thirds of the members of any elective public body shall be of the same gender. However, broad implementation of this rule has been fraught with challenges. Several interlocutors with whom the delegation met remarked that the principle was difficult to attain during the candidate nominations process. Some parties were unable to secure applications from women aspirants. Others were hesitant to nominate women in fear that they would lose to viable male candidates, and therefore decided to nominate women in regions with the lowest party support to meet the minimum requisite quota. The IEBC received nomination lists on April 28, but granted two extensions (to May 9 and May 12) to parties that had not met the two-thirds gender rule in their first submission. Gender advocates noted that the same patriarchal attitudes which informed the nomination process could also hinder party support to women candidates, who generally do not have the same name recognition and access to financial resources as their male counterparts.

The monetization of politics is a significant risk for the credibility of elections in Kenya. The lack of strong campaign finance regulation negatively impacts the participation and competitiveness of women, youth, and candidates from marginalized groups, who are persistently under-resourced to run for public office. From profit-making ventures stemming from uncapped campaign funds to voters' expectation of financial handouts during the campaign period, national elections have become a moneymaking business for many Kenyans. Additionally, the proliferation of money of unknown provenance, either from abroad or from state coffers, contributes to the exorbitant cost of running for office.

### **Inclusive Elections: Gender, Youth, and Persons with Disabilities**

While Kenya's constitution provides a framework for an inclusive political process, barriers to increasing the representation of women, youth, and persons with disabilities as political actors continue to exist. Interlocutors noted that there are a number of challenges – including a lack of good will from members of the political elite, insufficient voter outreach and education, financial barriers, and entrenched patriarchal norms and political elitism – that prevent the meaningful inclusion of nontraditional candidates in the electoral process.

As highlighted above, Kenya's 2010 constitution established a groundbreaking gender quota, requiring “not more than two-thirds of elective public bodies shall be of the same gender.” However, more than ten years later, and after several attempts, the government is yet to enact legislation to fully implement this constitutional requirement. The lack of implementation underscores the significant barriers that continue to impede the full and equal participation of women in all spheres of political life.

On April 28, 2022, the IEBC ordered all political parties participating in the upcoming general election to adhere to a two-thirds gender quota for all the required elective posts, despite the absence of a parliamentary two-thirds gender rule. Though the IEBC's efforts to support women's representation and the spirit of the constitution are commendable, the court later suspended the IEBC decision, noting that political parties were not provided enough time nor guidance to adhere to the quota.

The continuation of male-dominated political parties, along with the emergence of mega party coalitions, has crowded out space for less established aspirants, spurring many women to seek nomination on smaller party tickets or as independent candidates to gain a spot on the ballot. While smaller parties and independent candidacies increase opportunities for political competition, access to funding and running campaigns without party support continue to constrain such efforts. Women aspirants also have to contend with violence directed at them, their families, and supporters, as well as an unbalanced political party nomination processes. A postelection evaluation of women political participation in the 2017 general election, established that women candidates were subjected to various forms of violence, including harassment, intimidation, physical assault, and economic abuse; as well as threats, coercion, and abuses via social media platforms. Stakeholders

noted that when women take these issues to the courts it is difficult to secure an effective and efficient remedy, given that such abuses are not deemed election-related matters – meaning they are dealt with by the magistrate courts, as compared to the electoral courts. While numerous challenges continue to exist for women candidates, the announcement of Martha Karua as Odinga’s running mate could result in Kenya gaining its first ever female deputy president.

Youth dissatisfaction and apathy was reported as a notable challenge ahead of the 2022 elections. This is reflected in low rates of youth voter registration, especially for those that have turned 18 since the 2017 elections. Stakeholders noted that registration messaging did not directly target young people and did not attempt to utilize digital platforms during outreach. Interlocutors also noted that youth apathy toward the electoral process could negatively impact their turnout.

Participation of persons with disabilities (PWDs) in public office is yet to meet the required threshold. Article 54 (2) of the Constitution of Kenya (2010) provides that ‘the State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.’ Political parties have been unable to ensure that PWDs are identified, recruited and supported to participate effectively in the internal party processes and when engaged, the efforts have largely been tokenistic. The elections act provides that at least two PWDs are nominated to represent the interests of the PWD community in the Senate, the National Assembly and in all County Assemblies. While this provision was adhered to in parliament, 18 county assemblies failed to have the required representation of PWDs, amplifying the failure of parties to adhere to the law and IEBC in enforcing the requirement for representation of PWDs.

## **Media Environment and the Pre-Election Information Space**

In 2017, the media was roundly criticized for not providing timely and accurate information to the public, contributing to widespread confusion and heightened pre- and post-election tensions. To correct for previous shortcomings, some media actors such as the Union of Journalists and Editors Guild – who signed an MOU with the IEBC – are working to ensure a consistent and accurate flow of information during the electoral cycle. Among other items, the MOU calls for the establishment of media centers for journalists, coverage of regular IEBC press conferences to inform the public on electoral preparations, and information-sharing on the media's efforts to collect polling station-level voting tallies to project results. Media associations are also working to train new journalists on responsible and effective election reporting to minimize incidents of misleading reports and to expedite the reporting of results across the country.

Despite these advancements, some actors noted larger political issues to the freedom of the press, including ownership, political coercion, and censorship of media houses by government actors as well as politically-motivated violence against reporters. Another challenge is the proliferation of mis- and disinformation in both traditional and social media. Though radio remains the most widely consumed medium in Kenya, social media has become a critical source of election-related information, and a fertile ground for political campaigns. To mitigate the same high-levels of mis- and disinformation on social media from 2017, and in preparation for the 2022 polls, members of the press corps and other media outlets have established joint fact-checking desks to increase cooperation between newsrooms.

Laws regarding hate speech are governed by Kenya’s National Cohesion and Integration Commission (NCIC), and an election code of conduct has been established by the IEBC. However, they are not effectively enforced, nor do they sufficiently address online violence against politically active women. Most social media platforms also have terms of service related to abusive behavior and voter disinformation, though the burden of flagging such content often falls to users. The NCIC noted positive cooperation with Meta to monitor and remove harmful content ahead of the elections, however other civic and media actors reflected on the

challenges to systematically tracking and responding to the sheer volume of online disinformation and hate speech.

## Electoral Peace and Security

Historically, elections in Kenya have been fraught with distrust, misinformation, and underlying ethnic tensions often exploited by political leaders to further their aims, in some cases leading to violence and instability. Many of the past instances of electoral instability and violence have been fueled by political leaders who have mobilized youth to incite violence against their political rivals. The COVID-19 pandemic has also exacerbated economic disparities throughout the country, creating a more volatile environment. The most violent periods of the electoral process in Kenya have traditionally been the immediate pre-election and post-election periods.

As a high-stakes election approaches, the threat of electoral violence will be significantly heightened. Stakeholders cited concern with the tenor of the political rhetoric across all party lines, most notably around the “hustler” narrative that was launched by one of the political campaigns, which has spread far beyond the campaign itself and has been a tool used to manipulate and increase divisions among community members. There is apprehension that this rhetoric will continue to stoke further tensions as the electoral process continues. Kenyans with whom the delegation met voiced concern that electoral violence is no longer strictly tied along ethnic lines but has also spread to include specific clan and class. Stakeholders also noted concern that the courts are overwhelmed and may be unable to efficiently address cases that could arise around electoral security.

Kenya’s electoral security apparatus comprises the Kenyan military, the police, and the Ministry of Interior and Coordination of National Government. Allegations of police brutality against civilians have marred past elections. The National Police Service (NPS) indicated that they recognized the role police aggression can play in driving electoral violence, especially after the 2017 elections. Starting in 2019, the NPS tasked a specific department to prepare for electoral security, including designing training manuals and curricula for officers around the country on election violence, in partnership with the Independent Policing Oversight Authority (IPOA) and national and international human rights organizations in Kenya. This initiative also sensitizes officers on avoiding the use of excessive force to quell electoral conflicts. The NPS is more proactively working with other agencies and institutions ahead of the 2022 elections. For example, the police worked closely with the ORPP during the party primaries to combat possible violence.

The police indicated that they are constantly monitoring warning signs for electoral violence across the country and updating their list of hotspots as needed, noting that rapidly shifting coalitions are changing the electoral landscape on a weekly basis. At the police station level, commanders are directed to hold regular meetings with ‘boda boda’ (informal transportation sector, composed of two- and three-wheel vehicles) associations and empower them to avoid being used by political parties. Civil society and religious groups have also been engaging in early warning and electoral violence monitoring in the pre-election period, and identifying opportunities for dialogue to preempt conflict. Religious groups and leaders in particular, such as the Inter-religious Council, the Council of Bishops and the Interreligious Council of Kenya (IRCK) have played an important and meaningful mediation role to promote peace, codes of conduct and resolve past election-related grievances.

## Recommendations

In the spirit of international cooperation, the IRI/NDI delegation respectfully offers the following actionable recommendations to help build public confidence in the process leading to the August general elections:

### **To the Parliament or Government of Kenya:**

- The Parliament should urgently address the issue of pending electoral law amendments – either expediting their review or stating no further reforms will be entertained prior to the August polls to remove confusion or suspicion of attempts to manipulate the process.
- The Government should ensure timely financial transfers to the IEBC to ensure effective preparations, including voter education campaigns.

### **To the IEBC:**

- To build trust among the electoral contestants and public confidence in the electoral process:
  - Develop and disseminate a clear methodology with appropriate safeguards on the collation, transmission and declaration of results;
  - Pilot a nation-wide integrated electoral management system (KIEMS), to identify gaps and plan alternatives;
  - Collaborate with the Communications Authority of Kenya to conduct a feasibility study to determine network coverage, and provide alternatives where gaps exist;
  - Publicize the independent audit report of the voter register, once complete;
  - Finalize its voter education plan and deploy messages and materials, in partnership with civil society organizations.
- Collaborate with the Union of Journalists and the Editors Guild to operationalize the Memorandum of Understanding (MOU), to provide regular information to the public on the electoral process, including:
  - Organize bi-weekly press conferences attended by Commissioners;
  - Cascade the content to community radios, social media platforms and other channels to target Kenya's diverse electorate.
- Invest in social media monitoring and strategic communications to better anticipate and proactively counter misleading or false narratives regarding the electoral process.
- Leverage the Political Party Liaison Committee (PPLC) platform by regularly meeting with political parties to address their concerns and clarify ongoing electoral preparations.

### **To Political Parties, their Candidates, and Independent Candidates:**

- Demonstrate commitment to ensuring peace before, during and after elections, by publicly endorsing and adhering to the electoral code of conduct, and other peace pledges.
- Refrain from hate speech, cyber bullying, and inciting violence by supporters, including gender-based violence, and cooperate with institutions to investigate incidents.
- Engage at senior levels in forums to build consensus and mitigate conflict convened by actors including the PPLC and National Cohesion and Integration Committee (NCIC).
- Support campaigns for women, youth and PWD candidates through earmarking dedicated resources and access to party and presidential candidates' campaign platforms;
- Refrain from illegally raising and spending campaign funds, and using money, goods or services (public or other) as a means of improperly influencing prospective voters.
- Engage voters through issue-based campaigns and participate in candidate debates. Furthermore, in making campaign promises, political leaders and candidates should identify clearly for voters the funding sources of those pledges.

### **To Civil Society and Religious Leaders:**

- Accelerate coordination and promote efforts to advocate for greater transparency and accountability in the electoral process.

- All citizen monitoring groups should adhere to the electoral code of conduct, as well as the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*, which is endorsed by more than 150 organizations and supported by key international organizations concerned with citizen rights to monitor their elections.
- Religious leaders should use their voice and convening power to ensure credible, peaceful, and transparent elections.
- Contribute to and escalate public campaigns so that Kenyan citizens are aware of when and where to vote, as well as their rights and responsibilities on election day.
- Continue to partner with the NCIC and other institutions to mitigate and mediate conflicts and promote messages of non-violence and social cohesion across Kenya.

#### **To the Media:**

- Provide election coverage in accordance with the Code of Conduct for the Practice of Journalism.
- Offer the use of their platforms for civic and voter education programs and information.
- Provide coverage of candidate debates, to inform citizens and promote issue-based campaigns.
- Make special accommodations to feature the perspectives and concerns of women, youth, and PWD candidates.
- Prepare for and publicize plans to project provisional election results, in accordance with standards outlined in the MOU with the IEBC.

#### **To the National Police:**

- Release the plan for election deployment, including protocols to enhance respect for human rights.
- Commit to swift evidence collection and presentation to the Director of Public Prosecution (DPP) to ensure efficient adjudication of election violence cases.

#### **To the Judiciary:**

- Designate specific courts to have jurisdiction over issues of violence against women in elections and election related hate speech so that these cases are efficiently dealt with as sensitive election related matters.
- The PPLC should establish a regular meeting schedule with all political parties (ideally weekly). The decisions should be made public to address citizen concerns about the election's integrity.

NDI and IRI will continue to observe the electoral process and will carry out a second pre-election assessment mission that will assess progress made towards these recommendations in late June of 2022. IRI and NDI will cooperate with other international observation missions and Kenyan citizen observer efforts in accordance with the *Declaration of Principles for International Election Observation* and Kenyan law.

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