# 2KEN014/235 – Strengthening Electoral Processes in Kenya
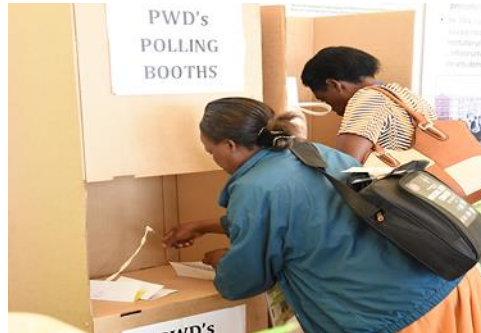## Quarterly Report
### (January – March 2019)



*Persons with Disability supported to vote the October 2017 Fresh Presidential Elections*

| Project Summary | | |
|---|---|---|
| | **Country:** | Kenya |
| | **Project Duration:** | 2015 – 2019 |
| | **Budget and Donors:** | US$ 17,995,831 |
| | | DfID    = US$ 5,391,051 |
| | | USAID = US$ 4,350,000 |
| | | EU      = US$ 6,944,676 |
| | | Italy    = US$ 1,085,776 |
| | | Ireland= US$ 106,157 |
| | | Germany = US$ 118,170 |
| | **Budget for 2018-19:** | US$ 3,090,150 |
| | **Cumulative expenditure:** | US$ 2,543,708 |
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**Collaborating Partners:** *Independent Electoral and Boundaries Commission; The Judiciary - Judiciary Committee on Elections; Office of the Registrar of Political Parties; Political Parties Dispute Tribunal; Media Council of Kenya; Law Society of Kenya; Election Observation Group; Kenya National Commission on Human Rights;*

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## Acronyms

| | |
|---|---|
| **ACORD** | Agency for Cooperation and Research in Development |
| **AVEW** | Annual Voter Education Week |
| **AWCFS** | African Woman and Child Feature Service |
| **AWP** | Annual Work Plan |
| **BRIDGE** | Building Resources in Democracy, Governance and Elections |
| **BVR** | Biometric Voter Registration |
| **CIFA** | Community Initiative Facilitation and Assistance |
| **CMD** | Centre for multiparty Democracy |
| **CREAW** | Centre for Rights Education and Awareness |
| **CRAWN** | Community Advocacy and Awareness Network |
| **CSO** | Civil Society Organization |
| **CTA** | Chief Technical Advisor |
| **CPD** | Country Programme Document |
| **DaO** | Delivering as One |
| **DAI** | Development Alternatives Inc |
| **DGE** | Donor Group on Elections |
| **EDR** | Electoral Dispute Resolution |
| **EISA** | Electoral Institute for Sustainable Democracy in Africa |
| **ELOG** | Election Observer Group |
| **EOP** | Election Operations Plan |
| **ESAP** | Electoral Security Arrangement Programme |
| **ETAP** | Elections Technical Assistance Provider |
| **EU** | European Union |
| **FBO** | Faith-based Organization |
| **FIDA-Kenya** | Federation of Women Lawyers (Kenya) |
| **FPE** | Fresh Presidential Election |
| **GEWE** | Gender Equality and Women Empowerment |
| **GBV** | Gender-based Violence |
| **GROOTS** | Grassroots Organizations Operating Together in Sisterhood |
| **ICC** | International Criminal Court |
| **ICT** | Information Communications Technology |
| **IEBC** | Independent Electoral and Boundaries Commission |
| **IEC** | Information, Education and Communication |
| **IFES** | International Federation of Electoral Systems |
| **IIEC** | Interim Independent Electoral Commission |
| **IP** | Implementing Partner |
| **IPOA** | Independent Policing Oversight Authority |
| **IRCK** | Inter-Religious Council of Kenya |
| **JCE** | Judiciary Committee on Elections |
| **JPSC** | Joint Parliamentary Select Committee |
| **JTI** | Judiciary Training Institute |
| **KEAP** | Kenya Electoral Assistance Programme |
| **KEWOPA** | Kenya Women Parliamentary Association |
| **KCO** | Kenya Country Office |
| **KICD** | Kenya Institute of Curriculum Development |
| **KIEMS** | Kenyan Integrated Election Management System |
| **KISM** | Kenya Institute of Supplies Management |
| **KNCHR** | Kenya National Commission on Human Rights |
| **KSL** | Kenya School of Law |

| | |
|---|---|
| **LSK** | Law Society of Kenya |
| **MVR** | Mass Voter Registration |
| **M&E** | Monitoring and Evaluation |
| **MCK** | Media Council of Kenya |
| **MoU** | Memorandum of Understanding |
| **NASA** | National Super Alliance |
| **NBA** | Nairobi Bar Association |
| **NCIC** | National Cohesion and Integration Commission |
| **NDI** | National Democratic Institute |
| **NGEC** | National Gender and Equality Commission |
| **NSA** | Non-State Actor |
| **NPS** | National Police Service |
| **NSC** | National Steering Committee on Peace Building and Conflict Management |
| **OHCHR** | Office of the High Commissioner for Human Rights |
| **ORPP** | Office of the Registrar of Political Parties |
| **PVT** | Parallel Vote Tabulation |
| **PWDs** | Persons with Disabilities |
| **PMU** | Project Management Unit |
| **PP** | Political Party |
| **PPLC** | Political Parties' Liaison Committee |
| **PPDT** | Political Parties' Dispute Tribunal |
| **ProDoc** | Project Document |
| **PSC** | Project Steering Committee |
| **PWDs** | People with Disabilities |
| **RRF** | Results and Resource Framework |
| **SCOK** | Supreme Court of Kenya |
| **SEPK** | Strengthening Electoral Processes in Kenya |
| **SERP** | Support to Electoral Reform and Processes |
| **SSV** | Survivors of Sexual Violence |
| **ToT** | Training of Trainers |
| **TWG** | Technical Working Group |
| **UNDAF** | United Nations Development Assistance Framework |
| **UNDP** | United Nations Development Programme |
| **UNODC** | United Nations Office on Drugs and Crime |
| **UNV** | United Nations Volunteer |
| **UN Women** | United Nations Entity for Gender Equality and the Empowerment of Women |
| **VAWiE** | Violence Against Women in Elections |
| **VRAs** | Voter Registration Assistants |
| **WSR** | Women Situation Room |
| **YAA** | Youth Agenda |

# 1. Executive Summary

## Project background

The *Strengthening Electoral Processes in Kenya (SEPK)* Project seeks to contribute to Kenya's effort to develop sustainable electoral institutions that can deliver a free, fair, just, transparent and credible general election in 2017 through the following four outcomes:

(i) Strengthened institutional and legal framework for the conduct and management of free, fair, just, transparent and credible elections;

(ii) Strengthened participation of voters, parties and candidates in the electoral process with emphasis on women, youth, persons with disabilities and marginalized groups;

(iii) Delivery of more efficient, transparent and peaceful elections; and

(iv) Strengthened electoral justice and increased compliance with the electoral legal framework.

The project contributes to Outcome 1, Output 1.3 of the United Nations Development Assistance Framework (UNDAF, 2018-22): "**By 2022, People in Kenya live in a secure, peaceful, inclusive and cohesive society**". The project is implemented by UNDP in collaboration with United Nations Entity for Gender Equality and Women Empowerment (UN Women) and the Office of the High Commissioner on Human Rights (OHCHR) under the United Nations *Delivering as One* (DaO) framework and in line with the UN principles for electoral assistance.

The UNDP Kenya Country Programme Document (CPD) 2018-2022 was approved by the Executive Board in June 2018. Effective July 2018, the SEPK project contributes to CPD Outcome 2: By 2022, people in Kenya live in a secure, peaceful, inclusive and cohesive society.

## Programmatic Results

***Regulations on the Political Parties Act developed:*** The project supported ORPP to develop regulations on the Political Parties Act, 2011. These included Funding of Political Parties Regulations, 2018; Political Parties Liaison Committee (PPLC) Regulations, 2018; and Registration of Political Parties Regulations 2018. The regulations were approved by the National Assembly and gazette.

***Capacity of Political Parties Dispute Tribunal and Judiciary Training Institute enhanced through strategic planning:*** The project provided technical support to the development of strategic plans for Judiciary Training Institute (JTI) and Political Parties Dispute Tribunal (PPDT). These strategic plans will articulate the key activities to be implemented by these institutions in preparation for robust electoral dispute resolution, especially for the 2022 elections.

***IEBC Gender and Inclusion Policy developed:*** The development of the IEBC Gender and Social Inclusion policy entered the final phase during the quarter. The Gender and Inclusion Policy will provide a framework for engagement of women, youth, people with disabilities and other Special Interest Groups (SIGs) in the electoral process and the internal operations of the IEBC.

***ORPP Strategic Plan developed:*** The project supported the development of the ORPP Strategic Plan 2019-23. The strategic plan will help to drive implementation of the Political Parties Act and enhance the capacity of ORPP in delivery of its mandate to regulate political parties.

***IEBC Post-Election Evaluation report launched:*** The project provided technical assistance to the IEBC in development and launch its Post-Election Evaluation Report (PEE) for the August 8, 2017 General Election and October 26, 2017 Fresh Presidential Election. The recommendations of the

PEE report, titled 'Moving Kenya Towards a Stronger Democracy' will inform the IEBC and electoral stakeholder planning for the 2022 electoral cycle.

*Knowledge products on gender and electoral issues launched:* The project, through UN Women, supported five partners to develop various knowledge products aimed at advancing gender equality and women empowerment in Kenya. These knowledge products include Coffee table book entitled 50 Journeys: Stories of courage and transformation from women political leaders in Kenya; Journey to Gender Parity in Political Representation; Search of a framework for the realization of the not more than two-thirds gender principle in Kenya; The Milestones: Equality and Inclusion in the 2017 Kenyan General Elections; Policy brief: Promoting Participation of Special Interest Groups in the Electoral Cycle; Kenya's 2017 General Election; The 2017 IAWJ Africa Region Conference Compendium; The County Assembly Gender Responsive Budgeting Guide and Women in Political Leadership: The National Training Curriculum, Kenya.

*Lesson learning from High Court electoral dispute resolution processes:* The project supported a debrief and lesson learning session on Electoral Dispute Resolution (EDR) for 110 judges of the High Court of Kenya. The session identified key learnings on adjudication of electoral petitions and proposals for strengthening the electoral process in general and EDR.

## Constraints and Opportunities
There is a notable shift in focus by governance institutions from electoral issues immediately after the 2017 elections. While the project is now in its terminal phase and set for closure in June 2019, it continued to receive numerous requests for support from partners on broader governance issues.

## Subsequent Quarter's Work Plan
    i    Finalization of SEPK End Term Evaluation.
    ii    Finalization of the Consolidating Democratic Dividends for Sustainable Transformation in Kenya project document.
    iii    Development of a SEPK knowledge product and documentary
    iv    Finalization of Partner Strategic Plans and policies
    v    Commencement of SEPK project closure activities.

## Financial Delivery
The project is implementing 2018-19 work plan with a budget of **US$ 3,090,150**. During the Quarter, the project spent **US$ 397,648**. By March 31, 2019, the project cumulative expenditure was **US$ 2,543,708**, which is **82.31%** of the 2018-19 budget.

## 2.    Socio-political Environment

This Quarter marked one year since President Uhuru Kenyatta and Rt. Hon. Raila Odinga unveiled the Building Bridges to Unity Initiative in a historic handshake. The handshake calmed political temperatures that followed the hotly contested 2017 General Elections. The Building Bridges Initiative (BBI) steering committee continued to receive memoranda on the 9-point reform agenda laid out by President Uhuru Kenyatta and Rt. Hon Raila Odinga. The steering committee was established by the President and former Prime Minister to evaluate the national challenges outlined in the Joint Communiqué of 'Building Bridges to a New Kenyan Nation, and having done so, make practical recommendations and reform proposals that build lasting unity. The committee will outline the policy, administrative reform proposals, and implementation modalities for each identified challenge area; and conduct consultations with citizens, the faith-based Sector, cultural leaders, the private sector and experts at both the county and national levels. BBI seeks to address ethnic antagonism and competition, lack of national ethos, inclusivity, devolution, safety, security and corruption.

In February 2019, a fourth attempt to enact the Two-Thirds Gender Bill failed yet again due to lack of requisite quorum to vote for the Bill. The law requires that two thirds of the Members of Parliament must be present so that voting for the Bill can be effected. A previous attempt to vote for the Gender Bill in November 28, 2018 was deferred due to lack of quorum. The two thirds Gender Bill will provide a framework for implementation of the provision in the 2010 Constitution that not more than two thirds of the members of elective or appointive positions will be of either gender. Presently Kenya's National Assembly has 75 women, 22 elected from the 290 constituencies; 6 nominated on the 12 nomination slots, and 47 elected as woman representatives thus falling short of compliance to the 'not more than two thirds' gender representation requirement.

Thirdway Alliance submitted its proposals for a referendum aimed at reducing the wage bill incurred on elected leaders. Reduce cost of running Parliament from current Kes. 36.8 billion to Kes. 5 billion per year. This is aimed to save tax payers Kes. 31.8billion; Address over representation and reduce number of Members of Parliament from the current 416 to 147; Use the 47 counties as single constituency unit for purposes of Parliamentary elections to Senate and National Assembly; End historical gender inequality and ensure that Kenyans elect one man and one woman from each of the 47 counties into the National Assembly; Abolish nominations in county assemblies and Senate; Elevate Senate to be an upper house with veto powers; Increase counties revenue share to 35% from the current 15%; Use the Ward as the primary unit of development replacing CDF hence taking development to the people hence spurring economic growth; Introduce a one 7-year term presidency; Stop the wastage of public funds and cap salaries of elected leaders to a maximum consolidated pay of Kes. 500,000 for the President and Kes. 300,000 for Member of parliament per month.   All elected leaders will not be paid any other allowances. SRC to determine salaries of other elected leaders; Impose a life sentence for culprits convicted of corruption and theft of public funds. No presidential pardon and amnesty will be applicable for these cases; Corruption and theft of public resources cases to be tried within 30 days and all appeals to be exhaustively concluded within 15 days; Constitutional Commissions to comprise of not more than 5 part time members who will be sitting on a necessity basis and shall be paid a sitting allowance per sitting as will be set by the SRC; Every Kenyan at the age of 18 and acquires a national identity card shall be deemed as a registered voter for purposes of elections and referenda. This will save Kenyans and IEBC billions of shillings spent on voter registration; Amend Chapter 6 of the Constitution to automatically adopt recommendations of public inquiry and audit reports and bar all adversely mentioned individuals from holding any public and or state office. This will end both impunity and corruption; and Abolish the position of Deputy Governor. The Governor to nominate from among the duly

vetted and appointed County Executive Officers, one of them to be his/her Principal Assistant for purposes of administration. In the unlikely event of the position of Governor falling vacant, the Governor to be elected in a by-election.

The Donor Group on Elections (DGE) evaluated its support to the 2017 General Elections and Fresh Presidential Elections (FPE). The evaluation sought to assess the extent to which recommendations from previous electoral assistance projects were implemented; to review election observer evaluation reports to establish the impact of the DGE support; to ascertain actions and public perception of the diplomatic interventions and highlight recommendations to subsequent electoral assistance initiatives. The findings of the evaluation will inform development of the donors' Electoral Support Strategy for 2022 elections. The DGE evaluation concluded that Development Partners provided valuable support to the electoral process in Kenya. It recommended early commencement of election programming. An ideal approach to DGE election assistance would be to provide limited, yet sustained, support to reform of key election institutions and partners, with additional assistance provided closer to Election Day to address only priority needs; strengthen coordination amongst implementing partners to reduce duplication off interventions and forum shopping by key electoral institutions; adopt Electoral Cycle Approach in providing support to key institutions. This means identifying, sequencing and prioritizing activities in the electoral cycle; future electoral support should aim to build the technical capacity, independence and agility of other electoral institutions in addition to IEBC and ORPP; strengthen domestic and international Election Observation. Support Electoral Reforms aimed at implementing the recommendations of various observer missions. These include legal reform ahead of 2022 electoral cycle; implementation of electoral campaign financing, and development of regulations to operationalize various election laws; support implementation of KPMG recommendations on the 2017 voter register; donors should channel a significant amount of their support to other state and non-state institutions working directly or indirectly on elections; donor support should be targeted towards strengthening Political Participation of Special Interest Groups (SIGs); support the implementation of Continuous Civic Education, to commence very early in the electoral cycle so that a critical mass of the population is adequately reached before the flurry of the 2022 elections commences; support interventions for strengthening internal democracy and social inclusion in political parties.

The project continued with development of a successor project to SEPK. The project, named 'Deepening Democracy for Sustainable Transformation in Kenya', is designed to ensure sustainable engagement on key democratic governance issues in between electoral events. The project design follows the electoral cycle approach (ECA) and focusses on access to justice, electoral security, capacity building of electoral institutions and civic engagement through the media and civil society organizations. The project will lay a firm foundation for a management of the 2022 elections and it will be implemented by UNDP, UN Women, the OHCHR, the United Nations Office on Drugs and Crime (UNODC), the United Nations International Children's Emergency Fund (UNICEF) and United Nations Educational, Scientific and Cultural Organization (UNESCO) under the leadership of UNDP.

## 3. Progress towards Development Results

SEPK contributes to Outcome 1: "By 2022, people in Kenya enjoy improved governance, access to justice, respect for the rule of law, human rights and gender equality" of the Political Pillar of the United Nations Development Assistance Framework (UNDAF 2018 – 22) for Kenya. This pillar is aligned to the political pillar of the Third Medium Term Plan 2018-22 (MTPIII)[1] which seeks a democratic political system that is issue-based, people-centered, results-oriented and accountable

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[1] MTPIII is Kenya's development plan for the period 2018-22. It is derived from Kenya Vision 2030 which seeks to make Kenya a middle-income country with a high quality of life for all its citizens by the year 2030.

to the public. SEPK directly contributes to Output 2.4 of the UNDP Kenya CPD 2018-22 which, based on lessons learned from 2017 elections, seeks to equip electoral management bodies with technical and financial capacities to deliver peaceful and democratic elections.

## 3.1 Contribution to longer term results

**Country Programme Document (CPD) Outcome 2:** By 2022, people in Kenya live in a secure, peaceful, inclusive and cohesive society

| CPD outcome target | Summary achievement to date | Status |
|---|---|---|
| 2.a. Global Peace Index (Kenya); **120 out of 163** | 125 out of 163 | On-going |
| Overall | | Ongoing |

**CPD Output 2.4: Electoral Management bodies have technical and financial capacities to deliver peaceful and democratic elections.**

| CPD output targets | Summary achievement to date | Status |
|---|---|---|
| 21,000,000 (50% women and 51% youth) of registered voters by sex and age group | 19,611,423 (47% women and 51% youth) | Ongoing |
| 30% Parliamentary and 10% County Assembly seats held by women | Parliament: 21%, County assemblies: 6.76%) | Ongoing |
| Overall status | | Ongoing |

## 3.2 Progress towards project outputs

| Project Outcome 1: Strengthened legal and institutional framework for coordination of elections | | |
|---|---|---|
| **Project output targets** | **Summary achievement** | **Status** |
| 3 subsidiary legislations on the Political Parties Act developed | 3 regulations developed and presented to the National Assembly | Achieved |
| 2 institutions supported to develop/review strategic plans | 2 institutions (PPDT and JTI) supported to commence development of their strategic plans. | On track |
| 1 IEBC policy developed | Support to Finalization of IEBC Gender and Inclusion policy | On track |
| 3 ORPP policies developed | 3 administrative procedures – ORPP Strategic Plan 2019-23, Political Parties Sourcebook and Popular Version of the Political parties Act printed and disseminated | Achieved |
| Overall status | | Achieved |

## Output 1.2: Institutional framework for coordination of electoral processes strengthened

*Regulations on the Political Parties Act developed:* The project supported ORPP to develop three regulations on the Political Parties Act, 2011. The regulations were approved by the National Assembly and gazetted. The regulations include:

i) Political Parties (Funding) Regulations 2018 – These regulations provide for administration and management of the Political Parties Fund, funding of political parties and accounting and reporting on the political parties' fund.

ii) Political Parties (Political Parties Liaison Committee) Regulations 2018 – These regulations provide for composition and functions of PPLC and its constituent sub-committees; conduct of PPLC meetings; elections and general provisions for PPLC members and office bearers.

iii) Political parties (Registration) Regulations 2018 – These regulations provide for registration, membership, offices, mergers and coalitions of political parties.

*Capacity of Political Parties Dispute Tribunal and Judiciary Training Institute enhanced through strategic planning:* The project provided technical support to the development of Strategic Plans for Judiciary Training Institute (JTI) and Political Parties Dispute Tribunal (PPDT). The two institutions have commenced desktop reviews and stakeholder consultations as background work towards the finalization of their strategic plans. These Strategic Plans will articulate the key activities to be implemented by these institutions in preparation for robust electoral dispute resolution, especially for the 2022 elections.

*Finalization of IEBC Gender and Social Inclusion Policy:* The final phase development of the IEBC Gender and Social Inclusion Policy commenced during the quarter. Development of this and other IEBC policy documents started in 2016 but were deferred in mid n 2017 to allow IEBC commissioners and staff attend to operational issues as part of preparations for the 2017 elections. The delay was further occasioned by the leadership conundrum which followed the resignation of 3 IEBC commissioners and the Chief Executive Officer in 2018. The Gender and Social Inclusion Policy will provide a framework for engagement of women, youth, people with disabilities and other Special Interest Groups (SIGs) at all stages of the electoral process. The Policy was identified by the IEBC as a key component of policy development support and is anchored in among others, provisions of Kenya's 2010 Constitution and electoral legislation. IEBC recognizes the need for an inclusive electoral process and that in the absence of a clear Policy, efforts at inclusive electoral processes may lack coherence.

*ORPP Strategic Plan 2019-2023 developed:* The project supported the development of the ORPP Strategic Plan 2019-23. The Strategic Plan sets out ORPP's overall goals for the period 2019-23 and identifies strategies for realizing them. It strengthens regulation of political parties for participation in the 2022 elections. The Strategic Plan focusses on the following outcome areas: legal and regulatory framework; enhanced capacity of ORPP; enhanced party compliance to the Political Parties Act; ORPP financial management; ORPP corporate image; Political Parties Liaison Committee strengthened; Strategic partnerships with key stakeholders; and strengthened monitoring and evaluation framework.

*IEBC Post-Election Evaluation finalized, and report launched:* The project supported IEBC to finalize and launch its Post-Election Evaluation Report (PEE) for the August 8, 2017 General Election and October 26, 2017 Fresh Presidential Election. Development of this PEE report, titled 'Moving Kenya Towards a Stronger Democracy' was supported partly by the SEPK basket fund project. the evaluation proposed several recommendations including 1) IEBC to update the compendium of credible voter education providers based on appropriate criteria for their selection; 2) IEBC to build

the capacities of voter education providers and 3) IEBC to intensify voter registration targeting youth, women, pastoralists, people living in informal settlements and other marginalized groups. The PEE report is a culmination of the election review phase and it documents the extent to which goals identified in the IEBC Elections Operations Plan 2015-2015 (EOP) were realized. These and other learnings and recommendations will be applicable to strengthen electoral assistance programming in support to strengthening electoral processes ahead of Kenya's 2022 elections. The PEE report can be accessed on https://www.iebc.or.ke/uploads/resources/V9UUoGqVBK.pdf.

| Project Outcome 2: Strengthened public participation in the electoral process with a special focus of women, youth and persons with disability | | |
|---|---|---|
| **Project output targets** | **Summary achievement** | **Status** |
| 99 stakeholders engaged in post-election electoral evaluation to identify issues for reform from the 2017 elections | 91 partners, including 21 development partners; 65 political parties; 5 stakeholder groups (national assembly, Judiciary, national executive, local CSOs and international CSOs), engaged in the post-election evaluation process. | Partly achieved |
| Overall Status | | Partly achieved |

## Output 2.2: Increased participation of youth, PWDs and women voters

*Knowledge products on increased participation of women in the electoral process finalized and launched.* The project, through UN Women, supported five partners to develop and launch knowledge products aimed at documenting key gains and challenges associated with women's political processes. These will provide a sound knowledge base for future programming that seeks to strengthen inclusive political processes and advance gender equality and women empowerment in Kenya. These include:

| No | Knowledge Product Title | Leading Organization |
|---|---|---|
| 1. | Coffee table book entitled *50 Journeys: Stories of courage and transformation from women political leaders in Kenya* And 3 videos on challenges, mentorship and future. The book has documented stories of 50 women political leaders. This can be found here: https://www.genderinkenya.org/publication/50-journeys-stories-of-courage-and-transformation-from-women-political-leaders-in-kenya/ | AWCFS |
| 2. | Journey to Gender Parity in Political Representation; Search of a framework for the realization of the not more than two-thirds gender principle in Kenya (https://www.ngeckenya.org/Downloads/Journey-to-Gender-Parity-in-Politcal-Representation.pdf) | NGEC |
| 3. | The Milestones: Equality and Inclusion in the 2017 Kenyan General Elections (https://www.ngeckenya.org/Downloads/Equality-and%20Inclusion-in-the-2017-Kenyan-General-Election.pdf) | NGEC |
| 4. | Policy brief: Promoting Participation of Special Interest Groups in the Electoral Cycle; Kenya's 2017 General Election | NGEC |

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|---|---|---|
| | (https://www.ngeckenya.org/news/7188/participation-and-inclusion-of-special-interest-groups-in-the-electoral-process) | |
| 5. | International Association of Women Judges and Kenya Women Judges Association: The 2017 IAWJ Africa Region Conference Compendium | KWJA |
| 6. | The County Assembly Gender Responsive Budgeting Guide | SOCATT |
| 7. | Women in Political Leadership: The National Training Curriculum, Kenya | SDGA/ ENA |

The political journey of fifty women political leaders was documented in the Coffee Table Book. In this, the women share their stories, experiences, challenges and opportunities in their quest for political leadership. The publication focuses on strategies to increase women's voices in the political sphere through sharing women's wisdom, their political life experiences within Kenya's complex political and socio-cultural context. Readers from all walks of life are expected to find the stores inspiring.

The project, through UN Women, supported Eco Net Africa (ENA) and State Department of Gender Affairs (SDGA) to launch the training curriculum on *Women in Political Leadership: The National Training Curriculum, Kenya.* The curriculum seeks to address the challenges of unpreparedness and low capacity of women seeking elective offices by focusing on their training. Evidence from the 2013 and 2017 elections in Kenya shows that the number of elected women can significantly increase if more women candidates succeed at the party nominations stage. This curriculum is premised on the assumption that if a larger number of women candidates professionalize their campaigns, start preparing early and embark on an early mobilization of resources, the number of successful women candidates would increase. The curriculum will be used in training current and aspiring women political leaders in Kenya, especially women and youth at all levels of governance: Presidential, National Assembly, Senate, County and Ward. The training also targets other individuals, institutions and organizations that engage with politics and political governance. It is designed to impart knowledge and skills that will enable women to not only to vie for political positions but better position themselves to win in electoral contests. The sustainability of this initiative is ensured by anchoring the Curriculum to the Kenya School of Government (KSG). KSG is a State Corporation established to offer management training, research, consultancy and advisory services to the public sector.

| Project Outcome 4: Strengthened electoral justice and timely electoral dispute resolution | | |
|---|---|---|
| **Project output targets** | **Summary achievement** | **Status** |
| High Court debrief held and lessons documented | Debrief for High Court Judges held and attended by 110 Judges from across the country. | Achieved |
| Overall Status | | Achieved |

**Output 4.1 Increased capacity for just and timely electoral dispute resolution that protects all and especially women**

*Lesson learning from High Court electoral dispute resolution processes:* The project supported a debrief and lesson learning session for the High Court of Kenya. The session sought to identify successes and challenges to electoral dispute resolution experienced by the High Court in resolving disputes from the 2017 elections. The debrief provided an opportunity for sharing of experiences,

discussing key emerging jurisprudence on EDR from the 2017 election petitions, recommending changes to election laws & election petition rules arising from the 2017 election petitions, provide feedback on administrative issues and support related the EDR process, provide feedback for JCE to share with internal and external stakeholders, make recommendations to help the Judiciary prepare better for the next General Elections and (pre) election related cases.

The participants identified the following issues with petitions: Deferred and Consequential Appellate Jurisdiction, Non-compliance with form and content of petition, Defective affidavits, Amendment of petitions, Jurisdiction of an Election Court, Failure to join Deputy Governor as a Respondent, Security for Costs, Costs, Timelines for matters referred for rehearing and whether EDR was a process or a game of numbers.

The retreat recommended that the Elections Act and the petition rules be amended to (i) allow more time for hearing of petitions, (ii) clearly define admissible evidence; and (iii) clarify provisions as to who bears the costs of the petition. Some specific issues requiring amendment to the law included:

- Provide for specific jurisdiction as well as the timelines for hearing party list petitions.
- Amendment to regulation 15(2) of the Elections (Party Primaries and Party Lists) Regulations, 2017 to clarify the nature of the certificate issued by the National Council of Persons with Disabilities confirming a person's disability
- Rules prescribing the time within which a petitioner may withdraw petition so as to avoid situations where parties chose to withdraw the petitions upon completion of hearing.
- An amendment to Section 76(4) of the Elections Act to allow amendments of a petition after 28 days taking care of late gazettement of an Election Court.
- The introduction of a requirement to deposit security for costs upon filing an appeal for party list petitions.

The debrief also identified the need to bolster technical support to the High Court by recruiting short-term researchers to support the Judges; psychosocial support to Judges and researchers hearing the petitions; strengthening the registry at the High Court to allow monitoring of election appeals fined from the decisions of the magistrates' courts.

| Project Outcome 5: Strengthened framework for project management and development partner coordination | | |
|---|---|---|
| **Project output targets** | **Summary achievement** | **Status** |
| 4 SEPK technical and financial reports produced and disseminated to relevant stakeholders | 2018 Annual report, 2018 Q3 report and 3 monthly reports to JTF finalized | Achieved |
| Overall Status | | Achieved |

***Development of SEPK Successor Project commenced:*** The SEPK Project Team has commenced design of a successor project that seeks to consolidate the gains of the UN's democratic governance support to Kenya. The proposed project 'Consolidating Democratic Dividends for Sustainable Transformation in Kenya' will complement government efforts at strengthening democracy and good governance. The proposed project will seek to address key issues undermining national cohesion and social well-being, while laying foundations for support to the

2022 elections. The project will be right-based and aligned to national and international development priorities.

## 4. Targeting, Sustainability of Results, Strengthening National Capacities and South-South and Triangular Cooperation

### 4.1. Targeting

| Target groups | Needs addressed | Evidence |
|---|---|---|
| All voters | Enhanced participation in political processes, especially | ▪ Targeted messaging to enhance participation of all voters in the electoral process.<br>▪ Key recommendations to the key actors including IEBC, political parties, national police service, ODPP, Judiciary and the media to ensure rights are upheld. |
| Special interest groups (voters- women, persons with disability, elderly, children) | That political activities, campaigns and elections are carried in an all-inclusive manner that does not discriminate and that the venues are accessible to all. | ▪ Media advisory with specific recommendations on the protection and inclusion of the vulnerable groups. |
| Political parties | Compliance with Political Parties Act; gender and social inclusion in response to Constitutional Provisions | ▪ Roll out of the popular version of the Political Parties Act in English and Swahili |
| State and non-state Actors | Information on the trends and patterns of the 2017 Electoral related human rights violations were shared for the necessary action. | ▪ 120 persons drawn from both state and non-state actors participated in the dissemination forums. |
| Judiciary, IPOA, Office of the Attorney General, National Police Service | These actors have been availed findings and recommendations emanating from the KNCHR election findings on extra judicial killings. | ▪ KNCHR has enjoined in constitutional petition number 383 of 2018 that seeks among others for a commission on inquiry on the increasing cases of extra judicial cases. The Commission has filed the election reports as evidence to support the case. |
| Families and victims of human rights violations | KNCHR continues follow up with the families and survivors of the human rights violations and continues to facilitate the necessary remedial action | ▪ Psychosocial reports of 155 survivors of electoral sexual violence.<br>▪ KNCHR continues to represent Baby Pendo[2]'s family in the ongoing court inquest into the killing. |

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[2] Baby Samantha Pendo became the image of police brutality in the August 2017 post-election chaos after her killing by police officers during the violence that followed the announcement of 2017 Presidential Election results.

## 4.2. Sustainability of Results

| Results achieved | Sustainability |
|---|---|
| SGBV experts from KNCHR, UN Women, KEWOPA and KWJA trained | This pool of SGBV experts will coordinate all the internal interventions on SGBV, including investigations, monitoring and documentation of SGBV, and train other stakeholders, especially in the grassroots, on SGBV. This will continue interventions on SGBV beyond the project and in the 2022 election cycle. |
| ELOG capacitated to observe 2017 elections and undertake post-election activities | The findings of elections observation will inform electoral reform initiatives focusing on 2022 electoral cycle. The role of election observation as a means of enhancing public confidence in electoral processes has been enhanced. |
| Consolidating Democratic Dividends for Sustainable Transformation in Kenya programme | The new broader deepening democracy programme is under development based on the lessons learnt from the implementation of SEPK. The proposed project will seek to address key issues undermining national cohesion and social well-being, while laying foundations for electoral cycle support to 2022 elections. |
| IEBC and ORPP capacity to manage elections and regulate political parties strengthened | The two institutions have robust risk management, research, voter education, observer management, political party engagement capacity. These will be useful in preparation for and management of the 2022 elections. |

## 4.3. Strengthening National Capacities

| Results achieved | Institution | National capacity strengthened |
|---|---|---|
| Increased public confidence in IEBC to coordinate and manage 2017 General Elections | IEBC | Management and coordination of elections; Stakeholder and citizen engagement; Electoral dispute resolution; Voter education; Management of ICT for elections |
| Improved information sharing and coordination between political parties | ORPP | Regulation and coordination of political parties; Political party engagement; Development of intra party democracy and public engagement capacity |
| Strategic positioning for more effective electoral dispute resolution during the 2022 elections | JTI, PPDT | The two institutions are developing their Strategic Plans for the period 2019-23. These Strategic Plans will position the institutions to implement their mandates and equip them to handle any disputes arising from the 2022 elections. |

## 4.4. South-South Cooperation

No south-south and triangular cooperation initiatives were undertaken during the quarter.

## 5.      Partnerships

In the implementation of the SEPK project, UNDP and UN Women worked in collaboration with OHCHR, UNESCO, UNON, UNIC and other UN agencies on several electoral components relevant to the period for Kenya. This strengthened the principle of Delivering as One (DaO). Similarly, the EMB capacity building project worked closely with the CSO and peace and security interventions (UWIANO platform for peace and Akeni Wakenya peace grants) of UNDP to deliver an integrated contribution to assessing, mitigating and preventing adverse effects of conflicts related to elections, through deployment of conflict early warning and early response systems.

The table below summarizes the key partnerships and the purposes.

| Partner | Purpose |
|---|---|
| **IEBC** | ▪ Finalization and launch of the Post-Election Evaluation Report<br>▪ Continuous engagement with IEBC through UNDP providing technical support in finalizing of IEBC Gender and Inclusion Policy among other post-election activities. The Gender and Inclusion policy is expected to be finalized by the end of Q2 2019. |
| **NGEC** | ▪ NGEC was supported to develop, launch and disseminate:<br>  o Two-thirds gender journey – Towards Gender Parity in Political Representation;<br>  o The Milestones: Equality and Inclusion in the 2017 Kenyan General Elections; and<br>  o Policy brief: Promoting Participation of Special Interest Groups in the Electoral Cycle; Kenya's 2017 General Election.<br>▪ UN Women continued to support NGEC to continue strengthening the capacity of Key Judicial institutions (state) to engage in the UN Human Rights Normative Mechanisms to be able to enhance prevention and accountability towards justice for survivors of VAWiE. |
| **Donor Group on Elections (DGE)** | ▪ UN Women continued attending and participating in the Donor Group on Election (DGE) meetings providing briefs on women participation and performance after elections. This ensured by-in and trust by the donors in terms of electoral work by UN Women.<br>▪ UN Women participated in the DGE evaluation of Donor Partners' support to Kenya's 2017 General Elections and Fresh Presidential Elections. The report is at its final stage and it will be concluded by the end of Q2. |
| **Gender Donor Group (GDG)** | ▪ UN Women continued to attend the Gender Donor Group meetings and provided briefs on women participation in political leadership. This ensured by-in and trust by the donors in terms of electoral work by UN Women. |
| **UN agencies** | ▪ UN Women continued its engagement with other UN agencies in implementing SEPK 2019 post-election phase activities, mainly UNDP and OHCHR e.g. the SEPK End Term Evaluation (ETE).<br>▪ Currently, UN Women, UNOHCHR, UNESCO and UNODC are designing a Programme Document to inform a proposed project |

| Partner | Purpose |
|---------|---------|
| | to succeed the SEPK Project. The Proposed project, if approved will be implemented from 2019 to 2022. The aim is to preserve gains made in 2017 and deepen democratic dialogue among Kenyans looking towards 2022 in line with the design of UNDAF's Political Pillar. |
| **State Department of Gender and Youth Affairs (SDGA) / Eco Network Africa (ENA)** | ▪ SDGA and ENA supported to launch the standard national A National Training Curriculum for Women Aspirants in Political Leadership targeting women aspirants across Kenya .16 The tool to be used by all prayers in preparation for 2022 elections. The launch was done during the national cerebrations for the International Women's Day (IWD).<br>▪ UN Women also supported SDGA during the CSW as well the marking of the IWD. |
| **Programme Donor Group (PDG)** | ▪ UN Women will continue to engage with Programme Donor Group during meetings providing updates and briefs on women performance in leadership, support being accorded to elected women leaders and the key threats to women ascendancy to political seats. This ensured by-in and trust by the donors in terms of electoral work by UN Women. |
| **ORPP** | ▪ Convene the Task Force on the Review of Political Parties Primaries Stakeholders forums across the 47 counties in Kenya. The activities were hosted in seven regions of Mombasa, Nakuru, Eldoret, Isiolo, Kitui, Kisumu and Nyeri;<br>▪ Convene the final workshop on ORPP Strategic Plan17 for 2019-2023 to finalize of the plan ready for publication;<br>▪ Design, editing and publication of Political Parties Leadership Training Source Book18;<br>▪ Design, editing and publication of Popular Version of Political Parties Act. |
| **KWJA** | ▪ UN Women supported the Kenya Women Judges Association (KWJA) to launch and disseminate the International Association of Women Judges (IAWJ) Africa region Compendium detailing the access to justice journey by women candidates in 2017 general elections.<br>▪ Supported the KWJA annual planning meeting and a platform for discussions and exchange between the women Judges and partners. |
| **KEWOPA** | ▪ Support two lobby forums leading up to the voting on the Constitution Amendment Bill No. 4 of 2018, scheduled for February 2019.<br>▪ Hold mentorship forums for 118 young women aspirants in 4 counties – Busia, Taita Taveta, Makueni and Migori.<br>▪ Supported 2 post- voting lobby forums with KEWOPA members and CSOs to chat on the way forward after the gender Bill failed to go through. |

## 6.    Monitoring and Evaluation

| M&E activity | Key outcomes/ observation | Recommendation | Action taken |
|---|---|---|---|
| Evaluation | SEPK end of project evaluation report | This will document the success, challenges and lessons from implementation of SEPK. The lessons will inform future programming on elections, especially for the 2022 electoral cycle. The lessons will also shape the deepening democracy project which is currently being developed. | Support to the consulting firm to finalized FGDs and KIIs. |

## 7.    Knowledge Management

The following knowledge products were developed/launched during the quarter:

| Title, author, date | Link | Evidence |
|---|---|---|
| 50 Journeys: Stories of courage and transformation from women political leaders in Kenya; UN Women 2019 | https://www.genderinkenya.org/resources/publications/ | The book documents stories of 50 women political leaders. And 3 videos on challenges, mentorship and future. |
| Journey to Gender Parity in Political Representation; NGEC; 2019 | https://www.genderinkenya.org/resources/publications/ | Search of a framework for the realization of the not more than two-thirds gender principle in Kenya |
| The Milestones: Equality and Inclusion in the 2017 Kenyan General Elections; NGEC, 2019 | https://www.genderinkenya.org/resources/publications/ | This product traces the extent to which quality and inclusion was upheld in 2017 elections. it is a culmination of the monitoring of 2017 election through a gender and inclusion lens undertaken by NGEC. |
| Policy brief: Promoting Participation of Special Interest Groups in the Electoral Cycle; Kenya's 2017 General Election; NGEC; 2019 | https://www.genderinkenya.org/resources/publications/ | The policy brief provided recommendation to duty bearers for promoting participation of women, youth, PWDs and other especial interest groups in electoral processes. |
| International Association of Women Judges and Kenya Women Judges Association: The 2017 IAWJ Africa Region Conference Compendium; KWJA; 2019 | https://www.genderinkenya.org/resources/publications/ | Compilation of the experiences and lessons from the International Women Judges Association Conference 2017 |

| Women in Political Leadership: The National Training Curriculum, Kenya; SDGA; 2019 | https://www.genderinkenya.org/resources/publications/ | A national curriculum for training current and aspiring women leaders. This will help to build their capacity to engage on political issues and to run for elective office. |
| --- | --- | --- |
| Moving Kenya Towards a Stronger Democracy – Post-Election Evaluation of 2017 General Elections and Fresh Presidential Elections IEBC; 2019 | https://www.iebc.or.ke/uploads/resources/V9UUoGqVBK.pdf | Final report of the reflection and lessons learning exercises following the 2017 elections. the report captures what worked, what did not and how to improve. |

## 8.    Implementation Challenges and Lessons Learned

Governance institutions, including the National Assembly, shifted their focus from electoral issues immediately after the 2017 elections. Engagement with the National Assembly and other stakeholders should be continuous so that the momentum for electoral reform created just before the elections is not lost.

Procurement of consultants to support the JTI and PPDT strategic planning processes took an inordinate amount of time which undermined the partners' confidence in the project. There is need to strengthen procurement processes so that partner requests are serviced in good time when they can still be of utility to the partner.

## 9.    Gender and Conflict Sensitivity

SEPK project continued to implement measures aimed at implementing the recommendations of studies undertaken by DFID on gender and conflict sensitivity. UN Women has taken a central role in design and implementation of key project components related to gender. UN Women also provides ongoing technical backstopping on gender-responsive implementation of the project.

## 10.  Analysis of Risks

| Type | Date Identified | Description | Progress | Proposed mitigation measures | Status |
|---|---|---|---|---|---|
| Political | 20-Mar-2019 | Parliamentary Accounts Committee recommendation that IEBC commissioners, CEO and directors be removed for impropriety may create a leadership lacuna at the commission | The request to UNDP for support of IEBC restructuring was affected. The project opined that the recommendations might occasion inefficient deployment of project funds since if there would have been a leadership change, there would be no guarantee that the new commissioners will adopt the report. | Defer the activity until clear direction on the fate of commissioners and senior staff is obtained from the National Assembly. | On going |
| Political | 16-Nov-2018 | A Bill seeking to change the number of commissioners from 7 to 5 may culminate into the disbandment of the Commission. | The Bill is awaiting debate by the National Assembly | Monitor developments around the Bill to see how it feeds into the broader electoral reform agenda. | On going |
| Organizational | 08-Oct-2018 | IEBC seeks to undertake restructuring of its secretariat to better align it with the functions of the commission. | The proposed restructuring may portend major changes in the secretariat, including the need to undertake massive capacity building of some directorates. SEPK to support this to i) Rebuild the trust in the project which was lost during the leadership conundrum at IEBC and ii) stay part of the wider conversation of supporting key initiatives at the commission. | Draw linkages with other initiatives including corporate governance training and review of human resource manuals. | On going |

## 11. Financial Report

| Interim Financial Statement 2019 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Project Title:  Strengthening Electoral Processes in Kenya** | | | | | | | | | |
| **UNDP Project Number: 00093173** | | | | | | | | | |
| **To: UNDP, DFID, USAID, EU, GOVERNMENT OF IRELAND, GOVERNMENT OF ITALY & GOVERNMENT OF GERMANY** | | | | | | | | | |
| **Reporting Period: January - March 2019** | | | | | | | | | |
| | USD | USD | USD | USD | USD | USD | USD | USD | USD |
| **Contributions** | **UNDP** | **DFID** | **EU** | **USAID** | **IRELAND** | **ITALY** | **GERMANY** | **OTHERS (CANADA, SLOVAK, FINLAND, DENMARK)** | **Total** |
| Opening Balance | - | 203,392 | 585,091 | 213,987 | 30 | 1,629 | 6 | 48 | **1,004,184** |
| Allocation UNDP TRAC 2018/2019 | | - | | - | | | | | - |
| Contributions from DFID | - | | | | | | | | - |
| Contributions from USAID | - | - | | | | | | | - |
| Contributions from EC | | | | | | | | | - |
| Contributions from Government of Ireland | | | | | | | | | - |
| Contributions from Government of Italy | | | | | | | | | - |
| Contributions from Government of Germany | | | | | | | | | - |
| Funds transfer from SERP Project to SEPK Project | | | | | | | | | - |
| **Total Contributions** | - | 203,392 | 585,091 | 213,987 | 30 | 1,629 | 6 | 48 | **1,004,184** |
| **Expenditures** | | | | | | | | | |
| Programme Cost | | | | | | | | | |
| Outcome 1 | | (32) | 27,154 | 78,917 | | | | | **106,039** |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Outcome 1: Prior quarter adjustments | | | | | | | | | - |
| Outcome 2 | | (1,495) | 5,686 | 23,604 | | | | | 27,796 |
| Outcome 2: Prior quarter adjustments | | | | | | | | | - |
| Outcome 3 | | 10,575 | | 18,671 | | | | | 29,246 |
| Outcome 3: Prior quarter adjustments | | | | | | | | | - |
| Outcome 4 | | | 20,205 | 571 | | | | | 20,775 |
| Outcome4: Prior quarter adjustments | | | | | | | | | |
| Outcome 5 | | 87,253 | 56,705 | 16,927 | | | | | 160,885 |
| Outcome 5: Prior quarter adjustments | | | | | | | | | - |
| **Total Programme Costs** | - | 96,302 | 109,750 | 138,690 | - | - | - | - | 344,742 |
| Indirect Support Costs (GMS) | - | 7,696 | 7,666 | 11,085 | | | | | 26,447 |
| Prior quarter adjustments | | | | | | | | | - |
| **Commitments and Undepreciated assets & Inventory** | - | (8,778) | 77,395 | (41,712) | | (445) | | - | 26,459 |
| **Total Expenditures** | - | 95,220 | 194,811 | 108,063 | - | (445) | - | - | 397,648 |
| **Balances as at 31st December 2018/31st March 2019** | - | 108,172 | 390,280 | 105,924 | 30 | 2,075 | 6 | 48 | 606,535 |

**Notes: Contribution amounts are inclusive of General Management Support Costs (GMS).**

Disclaimer: All financial information provided is an extract of UNDP financial records and is provisional until a Certified Financial Statement has been issued by the  UNDP Controller's Office


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**Catherine Masaka, Deputy Country Director - Operations**