



GRASSROOTS (CHAMA) WOMEN: POLITICAL MOBILISERS HANDBOOK



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Forward

Slightly more than 50% of Kenyans are female. But not only are women underrepresented in elected positions, they are even underrepresented in terms of participation in the electoral process. In 2017, out of 19.7 million registered voters, only 9.1 million were women – significantly less than 50%. But one Detail is often ignored: **Women who run for office win at the same or greater rates than their male counterparts.**

In fact, at all levels, 13.1 percent of women candidates in 2017 won their elections, compared to 12.9 percent of men (excluding WMNA). But, men’s overwhelming numbers of candidates – they account in Kenya usually for over 90 % of all candidates – give the false impression that women cannot be elected in Kenya.

A major hindrance for female political participation is the lack of targeted voter education addressing women to participate in elections, as well as becoming candidates. However, without specifically addressing the situation and needs of women in the electoral space, general voters’ education programs miss the female audience. This results in ignorance of important information about the electoral process and leads to a low participation in active and passive suffrage.

To facilitate/meliorate this, Hanns Seidel Foundation is presenting a small voter education handbook aimed at empowering women to act as advocates in their local communities. This handbook hopes to strengthen already existing voter education initiatives targeting women voters and improving voter access to the electoral process through working with Chama Women Groups.

Many Chama women are uniquely positioned to act as advocates for voter education initiatives, as they engage with a large number of local women of all ages on a daily basis. Most importantly, Chama Women can become important multipliers in motivating and urging women to become actively involved in the political space and participating in the electoral process.



Daniel Seiberling
Resident Representative Kenya–Ethiopia
Hanns Seidel Foundation

Acknowledgement: Badili Africa

At Badili Africa we believe that an informed citizenry, amplifying voices of marginalized groups in the society and strong governance institutions in a democracy is the beginning of a wider push for democratic societies. We especially recognize, elevate and value the role of grassroots women leaders organizing in “Chamas” and young women in transforming governance at the local level and pushing for gender equality and parity. Poor women or low income women organizing in “Chamas” are often perceived as just beneficiaries and are not seen as citizens who can play an important role in transforming political institutions and structures. This is despite decades of remarkable successful track records of grassroots women’s work in redressing development failures and reducing everyday risks for their households in sectors such as housing, water, sanitation, etc.

We hear so much more about the role and achievements of women leaders globally – but often this focuses on formal political leadership or women in senior management in public and private sectors. But what about women’s leadership within their own communities – what form does this take, how did it develop, and what changes do they manage to bring about? For many women, particularly those who are poor and/or marginalized from mainstream services, opportunities, and decision making processes, the community is where change needs to occur for their everyday lives to be impacted positively and so their leadership or that of their peers becomes critical.

Badili Africa has been cultivating and strengthening the leadership and political engagement of Grassroots women organizing in Chamas as a powerful voice and pressure group for demanding accountability on better public service delivery. With the 2022 Kenyan general election just around the corner, this role becomes even more important as politicians often tap into these networks of grassroots women to win elections. We hope to see Grassroots women leaders organizing in Chamas actively participate in electoral processes by challenging politicians and electoral candidates to address women’s issues in their election campaigns, monitoring and reporting electoral violence, spreading peace messages and ultimately voting for ethical leaders. This can only once they understand their rights, are equipped with information on the mandates of the different elective seats and political institutions and their critical role in participating meaningfully in policy and political processes.

I hope that the information captured in this in this publication will be useful to the chama women leaders, whose work it seeks to reaffirm.



Bina Maseno,
Executive Director – Badili Africa.

Acknowledgement

Echo Network Africa & Democracy Trust Fund



Echo Network Africa (ENA) is a woman-led, women-serving development institution that works with other like-minded stakeholders to empower, position and advocate for women with a specific focus on young women, women with disabilities and women from marginalised communities. ENA is a membership organization whose focus is to be a catalyst for development that propels the women's empowerment agenda. This is achieved by collaborating with governments (national and county) and community-based organizations, hence creating alliances to

innovate and grow viable initiatives that enable women to advance their security and prosperity. ENA's programs are anchored on four major pillars namely: Women Empowerment (Enhancing women's livelihoods, health and inclusion in the Aquaculture Value Chain), Positioning & Democracy Program (Empowering Women in Political & Democratic Spaces), TUVUKE Initiative (Amplifying women's voices in peace-building processes) and Girls Excel Initiative.

The Democracy Trust Fund (DTF-Kenya) an initiative of Echo Network Africa (ENA) seeks to provide continuous and strategic support to women seeking to participate in democratic processes by identifying, preparing and positioning them for leadership in a strategic and sustainable manner thereby accelerating the participation of women in leadership from all sectors of society. DTF's is of an inclusive society where all women are able to participate and achieve their democratic purpose. DTF has been recognised by Apolitical foundation as one of the 28 political incubators to watch globally.

GRASSROOTS (CHAMA) WOMEN AS POLITICAL MOBILIZERS:

These self-organized groups often with an aim to offer a platform for saving, lending and borrowing funds have great potential as political mobilizers. Chamas are used by 41 percent of the population, according to Financial Sector Deepening, Kenya (FSD Kenya). These groups are rooted in community relations and are highly dependent on trust. The chamas have evolved to include support to women in building wealth and acquisition of property, and have been very proactive in mobilizing membership. As such they easily influence their membership over political matters and drum up support for candidates

of their choice.

My advice to women chamas is that "they hold the power to define what kind of leadership and change they would like to have". Women are trusted members of the community. They can shape their community, by upholding values and demanding the same from the rest of the community and especially from leadership. As political mobilizers, women are encouraged to interrogate ideals of the leadership seeking their support, and objectively evaluate whether these ideals will propel development and gender equality. They then can educate their membership on the leadership values they desire and those that will enable them realize their full potential.

I encourage women to drive the campaign "Chagua Mama" as we need women to sit in decision making spaces to effectively enhance development and ensure that women are not left behind in the development of our country.

HOPES/RECOMMENDATIONS FOR CHAMA WOMEN AS POLITICAL MOBILIZERS AND HOW PARTNERSHIP WITH HSF HAS OR WILL ENABLE THIS

Over the last few months, Kenya has experienced a wave of "women's power in mobilizing" as the "Chagua Mama" Campaign has found its way into chamas and homes. This gives ENA great hope that our message of peace and enhancing gender equality in political leadership has taken root.

Women chamas have been driving the campaign in different regions of this country with such enthusiasm, energy and tenacity that the campaign is almost a household name. This demonstrates that Chamas have the capacity as political mobilizers on the ground. This would not have been possible without the support and partnership with HSF and other development partners. All that women want is someone who believes in them, engages them and lets them run with their agenda. In this case, at this point in time, women have chosen to run with "Chagua Mama" and "Peace starts with me". This is what resonates with them currently and they are committed to play their role in contributing to not only peaceful elections, but to election of women in the different parties and positions.



**DR. JENNIFER RIRIA, PhD, EBS, MBS, HRH/GOODWILL AMB,
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PATRON DEMOCRACY TRUST FUND CHAIRPERSON AWLN KENYA CHAPTER**

List of Abbreviations

COK	Constitution of Kenya.
CREAW	Centre for Rights Education and Awareness
CSOs	Civil Society Organization
ELOG	Election Observation Group Kenya
FIDA-K	Federation of Women Lawyers - Kenya
GBV	Gender-based Violence
HAK	Healthcare Assistance Kenya
ICCPR	International Covenant on Civil and Political Rights
IEBC	Independent Electoral and Boundaries Commission
IND	Independent Candidates
KEAP	Kenya Electoral Assistance Program
MCA _s	Members of County Assemblies
NCIC	National Cohesion and Integration Commission
NGEC	National Gender and Equality Commission
MNA	Member of the National Assembly
MP	Member of Parliament in the National Assembly
ORPP	Office of Registrar of Political Parties
PPA	Political Parties Act
PPDT	Political Parties Dispute Tribunal
PWD _s	Persons with Disabilities
SIG _s	Special Interest Groups
UDHR	Universal Declaration of Human Rights
VAWIE	Violence Against Women in Elections
WMNA	Women Representative Member of the National Assembly

Introduction

A mobilizer is defined as any individual with the ability to bring people together for a common purpose, goal or agenda through a process known as mobilisation. The process of mobilisation can be carried out for any reason be it for social, economic, or political, as known to or defined by the mobilizer.

This handbook specifically targets political mobilizers (mobilisation) especially individuals and groups that are highly engaged in mobilisation before and during the campaign & election process, in this case grassroots women. Grassroots (chama) women hold a lot of say, power and influence within their communities which political candidates depend on in order to gain the necessary support (majority) they need to win an election. Their influence largely comes from the social and economic benefits they provide members of their communities hence giving them the legitimacy needed to make a particular political candidate “popular”.

Therefore, political mobilisation is purposive; has a goal, and to be effective it needs a range of resources and information that the mobilizers will depend on. Often, political candidates provide mobilizers with all the necessary resources such as money or merchandise...etc. needed to secure (mobilise) community support. However, little intentional effort is taken by political candidates themselves and other relevant state and non-state actors to ensure that political mobilizers have all the relevant and true information they need to effectively and accurately carry out their day-to-day political mobilisation tasks.

Why is this important? Seeing as political mobilizers are the first point of contact or bridge between political candidates and the electorate it is crucial that they have all the relevant & accurate information needed to positively run & sustain an election process that is democratic, free, fair & credible, and in the long run will be a true representation of the will of the people. Simply, by having the right information there is a higher likelihood that the right decisions will be made.

While this handbook specifically targets grassroots (chama) women, it can be used by any political mobilizer as it brings together basic information that is particularly relevant to political mobilisers ranging from: Who is a good leader? What are the roles of the various elective positions? and, Which public/ state institutions have a mandate in promoting free and fair elections?

Damaris Kariuki
Lead – Youth and Gender,
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CHAPTER 1: LEADERSHIP AND QUALITIES OF A GOOD LEADER

INTRODUCTION

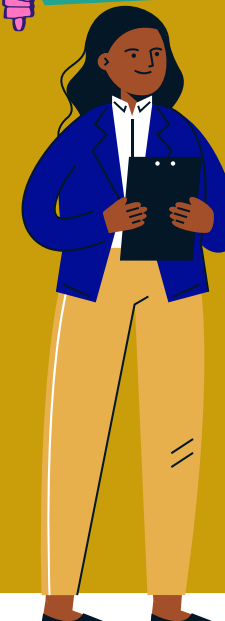
Everyday we talk about leaders and leadership but have you ever tried to define leadership? Who is a good leader? Sometimes we are able to properly define & understand what is leadership and who is a good leader but when it comes to the political and governance space, we rarely take time to join the dots between who we vote for and if they represent our views or definition of who is a good leader and what good leadership looks like.

This chapter tries to explain who is a good leader and what good leadership looks like in the political and governance space. However, it is important to note that every leader has their own personal definition of leadership, which directly influences how they lead. Additionally, the definition of leadership can change as the leaders themselves change which can directly impact society's definition & understanding of leadership.

However, there exists a basic and shared definition on who a good leader is and what good leadership is. This shared definition is particularly important in the political & governance space as it ensures that we collectively (as a society) elect leaders who will lead us well, as they represent our common understanding of a good leader and leadership that we all subscribe to. This chapter attempts to create a common definition on a good leader and good leadership that political mobilisers need to understand as they are crucial in getting support for political candidates who ought to be individuals that embody good leadership values.



TRAITS OF A GOOD LEADERSHIP



- Self-motivated
- Humility
- Care for others
- Self-awareness
- Emotional Intelligence
- Self-Discipline
- Passion
- Resilience
- Accountable
- Supportive
- Tech-savvy
- Integrity
- Ability to delegate
- Communication
- Self-awareness
- Gratitude
- Learning agility
- Influence
- Empathy
- Innovative
- Honesty
- Active Listening
- Self-Confidence
- Vision
- Delegation
- Decision-making
- Problem-Solving
- Fair Attitude
- Inquisitiveness



Who is a leader?

A leader is any individual with the ability and capacity to influence or direct other people's actions, behaviour or thinking. Each society or group of people need a leader to help them achieve their common purpose or goal.

Given they perform a critical role within society, there exists widely accepted qualities of a good leader :



- Visionary
- Good character
- High Integrity
- Role model
- Inspirational
- Consultative



Who is a Political Leader “Politician”?



A Political Leader “Politician” is a public representative or representation of the citizens’ will and judgement on who they trust to be a good leader based on their beliefs (values) and vision on who is a good leader and what good leadership is. Hence can sit in government to make decisions on their behalf.

It is therefore essential in the political and governance space to have a common understanding or system to determine whether someone has the ability to lead and as such holds good leadership qualities.

What does the Constitution of Kenya say about a good leader and good leadership?

The Constitution of Kenya (2010) recognizes the importance of quality leadership for the development of the nation. This is important for Kenya’s political and governance space as it creates a legally binding, shared and practical understanding on who is a good leader and what is good leadership.



Chapter 6 of the Constitution of Kenya outlines the key qualities, responsibilities, conduct and restrictions for all elected leaders (politicians) and state officers, and is further established in the Leadership and Integrity Act (2012).



Article 73 (1) clearly states that we give authority to a state officer (“politician”) and this is a public trust we put in them with the responsibility to serve the people and not to rule over them. As such a state officer “politician” should act in a manner that:

- Honours the purpose and objectives of the Constitution
- Shows respect for the people
- Honours the nation and the brings dignity to the office
- Promotes public confidence in the integrity of the office

Article 73 (2) further provides guiding principles of leadership and integrity which include:

- Selection based on personal integrity, competence or suitability
- Free and fair elections
- Objective and impartial decision making
- Selfless service that represents the public interest
- Accountable to the public
- Disciplined
- Committed to serve the people

Lastly, Article 75 (1) further outlines the expected conduct (behaviour) of states officers’ “politicians” which include:

- Behave in a way that avoids conflict between personal interests and public/ official duties
- Does not compromise any public or official interest in favour of personal interest
- Does not demean the office they hold

The Articles above as outlined in Chapter 6 of the Constitution provide us with an adequate guide & understanding on Kenyans definition of a good leader, the abilities & qualities they need to have in order to lead us effectively (good leadership).

Chapter 2 of this handbook explains how we get to elect (vote) in good leaders, and, the most important elective positions within Kenya’s political system, their roles & functions

CHAPTER 2: ELECTIVE POSITIONS, THEIR ROLES AND FUNCTIONS

INTRODUCTION

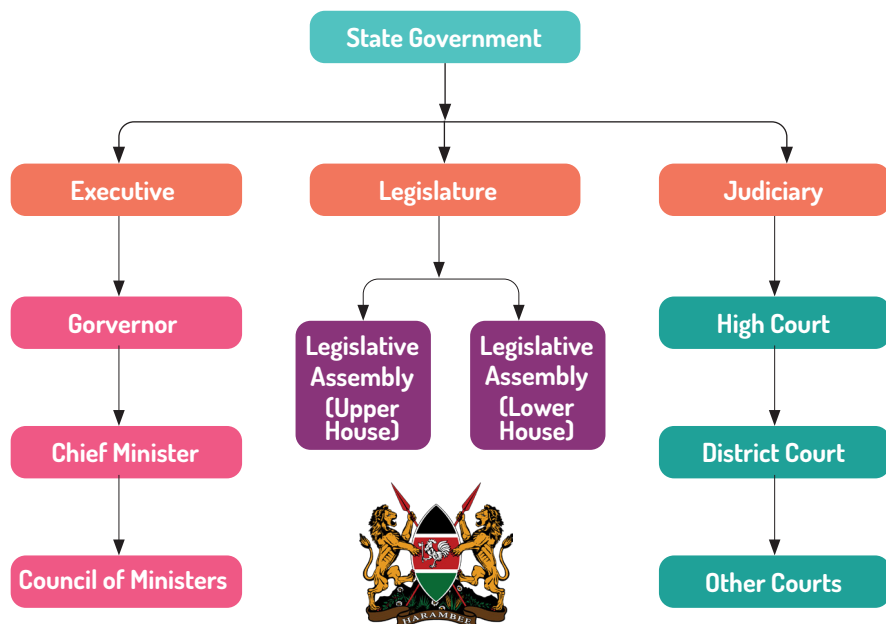


Kenya is a democratic nation which simply means a type of government where people (citizens) have the power to choose governing officials i.e., a government by the people for the people. Additionally, the people (citizens) get to exercise their power either directly or indirectly through a system of representation i.e., holding elections periodically and those with majority votes get to rule.

This process of elections/ voting provides political candidates with the legitimacy needed to lead society as their election (win) signifies their ability to realize the dreams, vision, and wishes of the people. This is crucial in creating a sense of trust between political candidates and citizens once elected that will not pursue their own individual interests but the will of the people.

However, in reality, political candidates are human beings who, once elected, end up in offices with a lot of power and decision-making responsibilities and may be tempted to pursue their own interests and not the interests/ will of the people. For this reason, it is important to have a clear understanding of all the elective positions, their roles and functions, and the power & influence they hold within Kenya's political system. This chapter will introduce us to this as this understanding is important in helping us make an informed decision on who we can trust with which kind of power based on the functions and roles they will play once elected.

How is Kenya’s Democratic System of Governance Organised?



Article 1(1) of the Constitution of Kenya states that all sovereign power belongs to the people of Kenya and (2) the people may exercise their sovereign power directly or indirectly through their democratically elected representatives at (4) national and county level. This is realised through an election process where we elect leaders (politicians) to represent us at National & County level, every 5 years. This principle of free and fair elections is legally enshrined in Kenya’s Constitution under Chapter 7 read together with the Elections Act (2011) and the Political Parties Act (2011).



The election process provides us with the only opportunity to directly elect leaders who once declared winners by a simple majority will be tasked with the responsibility to achieve our common (majority) goals and interests. Additional benefits of voting include:

- Elect credible & knowledgeable leaders with good integrity and morals as captured in Chapter 6 of the Constitution
- Only opportunity given to citizens to directly exercise their power and in the long run influence decisions
- The more citizens vote the more it elevates and creates a sustainable system of democracy in the country
- Voting is an opportunity to bring positive change within our society

Secondly, the Constitution of Kenya has identified values and principles that all state institutions, officers and citizens must abide by. The most important principles being democracy and participation that should guide the conduct (behaviour) of state institutions and state officers. Because of this, public participation in decision-making is a constitutional obligation meaning key public decisions must have public support through public participation for them to be adopted. Apart from public participation being a significant principle of democracy additional benefits include:

- Citizen empowerment
- Development of new, diverse and innovative ideas or actions
- Enhances the working relationship between citizens and the government
- Legitimises government operations and programmes
- Guides the government to effectively prioritise the needs and interests of the people
- Makes the government more responsive

Lastly, Chapter 11 of the Constitution of Kenya created a devolved system of government that took effect in 2013 where Kenya has two levels of government i.e., National Government and County Government – 47 in total. The objectives (Article 174) of a devolved system of government include:

- Promote democratic and accountable exercise of power
- Foster national unity by recognizing diversity
- Promote self-governance i.e., allow citizens to effectively exercise their power
- Ensures citizens and communities manage their own affairs and development
- Protect and promote the interests and rights of minorities and marginalised communities
- Ensure easy access to public services i.e., improve service delivery
- Ensure equitable distribution of national and local resources i.e., improve public expenditure
- Decentralise state organs, their functions and services from Nairobi to reach all regions within Kenya
- Enhance transparency, accountability and separation of powers

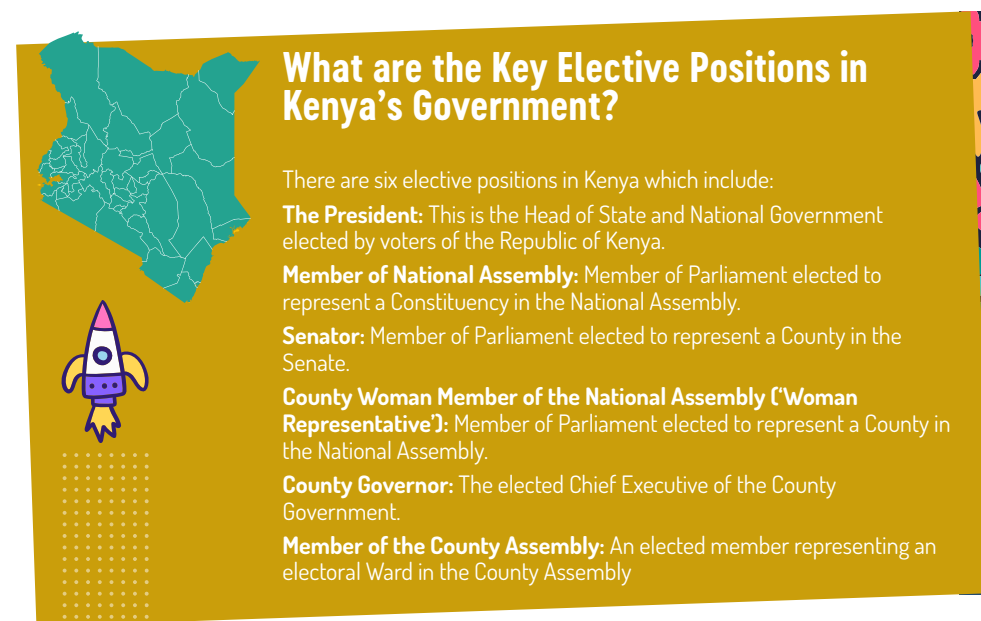
What are the functions and roles of the National vs. County Government?

Article 186 of the Constitution of Kenya sets out the functions and powers of National and County governments in the Fourth Schedule. The table below outlines the functions of the National and County governments

National Government Functions	County Government Functions
<p>Regulate...;</p> <ul style="list-style-type: none"> Foreign affairs, foreign policy and International Trade Use of International Waters and Water Resources, and natural resources Immigration and Citizenship Relationship between Religion and State Language Policy i.e., Official and Local languages National Defense and its use Police Services Courts Monetary Policy, Currency, Insurance and Financial Corporations Intellectual Property Rights Consumer Protection and Social Security Learning Institutions Transport and communication National Public Works University charters Ancient and historical monuments of national importance Public Investment Betting <p>Develop.....;</p> <ul style="list-style-type: none"> Economic, Housing, Health, Education, Agricultural, Tourism, Environment, Veterinary, Land and Energy Policy and Planning National Statistics and data on population, the economy, and society in general Labour standards Sports and sports education National referral health facilities Disaster management mechanisms <p>Conduct...;</p> <ul style="list-style-type: none"> National elections Capacity building and technical assistance to the counties 	<ul style="list-style-type: none"> Design the county plan and development priorities including statistics, land survey and mapping, boundaries and fencing, housing, and electricity & gas planning and regulation Implementation of specific National Government policies <p>Develop...;</p> <ul style="list-style-type: none"> Agricultural services Health services Cultural activities Public entertainment Public amenities Transport infrastructure Trade regulation, amenities and services Pre- primary education, village polytechnics, homecraft centers and childcare facilities -Public service works and services Emergency and Disaster management services and procedures Public participation systems and procedures <p>Control.....;</p> <ul style="list-style-type: none"> Air and noise pollution Public nuisances and outdoor advertising Animals and their welfare Drugs and pornography

It is also important to note that Article 43 of the Constitution of Kenya outlines basic economic and social rights that every citizen has the right to. These rights need to be taken into consideration as the various elective positions and levels of government carry out their functions. These rights include:

- Highest attainable standard of health including adequate healthcare services, and reproductive health care
- Access to adequate housing of acceptable quality in a clean environment
- Access to adequate food of acceptable quality i.e. free from hunger
- Clean and safe water in adequate quantities
- Social Security
- Education



What are the Key Elective Positions in Kenya's Government?

There are six elective positions in Kenya which include:

The President: This is the Head of State and National Government elected by voters of the Republic of Kenya.

Member of National Assembly: Member of Parliament elected to represent a Constituency in the National Assembly.

Senator: Member of Parliament elected to represent a County in the Senate.

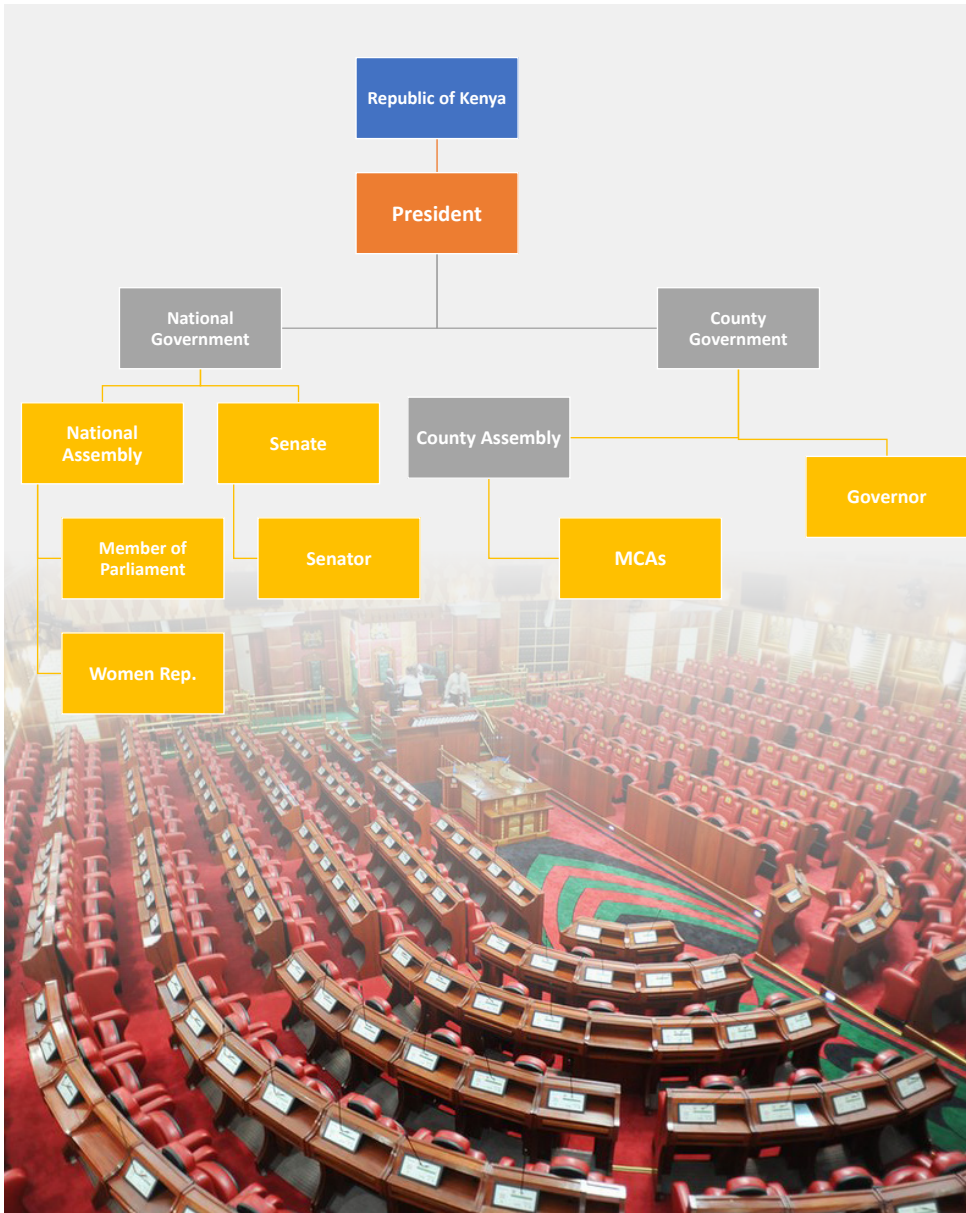
County Woman Member of the National Assembly ('Woman Representative'): Member of Parliament elected to represent a County in the National Assembly.

County Governor: The elected Chief Executive of the County Government.

Member of the County Assembly: An elected member representing an electoral Ward in the County Assembly

What is the structure of representation under the Devolved system of Government?

It is important to note that the President is considered part of the Executive and National Government



What are the functions of each of the elective seats and where do they sit in the two levels of government?

<p>President (Executive and National Government)</p>	<ul style="list-style-type: none"> •Head of state and national government •Commander-in-chief of Kenya Defense Forces •Chairs the National Security Council •Symbol of national unity •Safeguards the sovereignty of the Republic •Promotes respect for the diversity of people and communities within Kenya •Ensures the protection of human rights, fundamental freedoms and the rule of law •Chairs cabinet meetings
<p>Senator (National Government, Senate)</p>	<ul style="list-style-type: none"> •Represents Counties at National Government and protects their interests •Makes laws for County Governments •Decides the allocation of revenue among counties •Oversees national revenue allocated to County Governments •Oversees state offices •Impeachment, final vote, of the President or Deputy President from office
<p>Member of Parliament (Mp) & Women Rep. (National Government, National Assembly i.e. Parliament)</p>	<ul style="list-style-type: none"> •Represents the people of the constituencies and the special groups in the National Assembly •Deliberate and resolves issues of concern to the people •Make national laws •Decide on the allocation of national revenue between the two levels of government, and other national state organs •Oversee state organs, national revenue, and its expenditure •Review the conduct of the President, the Deputy President, and other State Offices; and, may initiate the process of removing them from office
<p>Governor (County Government)</p>	<ul style="list-style-type: none"> •Provides leadership in the County's governance and development •Provide leadership to the County Executive Committee and administration based on County policies and plans •Promote democracy, good governance, unity, and cohesion within the County •Promote competitiveness of the County •Be accountable for the management and use of County resources •Promote and facilitate citizen participation in the development of policies and plans •Promote efficient and effective service delivery within Counties
<p>Member of County Assembly (MCA) (County Government, County Assembly)</p>	<ul style="list-style-type: none"> •Maintain close contact with the electorate and consult them on issues before or under discussion in the County Assembly •Present views, opinions, and proposals of the electorate to the County Assembly •Attend sessions of the County Assembly and its committees •Provide a linkage between the County Assembly and the electorate of public service delivery •Extend professional knowledge, experience, or specialized knowledge to any issue under discussion in the County Assembly

Functions of the President

Functions of the Senator

Functions of the MP

Functions of the Women Rep

Functions of the Governor

Functions of the MCA

CHAPTER 3: KEY PUBLIC OFFICES & COMMISSIONS WITH A ROLE IN ELECTORAL PROCESS; THEIR FUNCTIONS, ROLES AND DUTIES

INTRODUCTION



An Independent Commission/Office is a group free from outside political control and works towards a specific predefined goal/ purpose for the country or state. Commissions and Independent Offices in Kenya are created through Chapter 15 of the Constitution of Kenya or an Act of Parliament as applicable. As such, Commissions and holders of Independent Offices are subject only to the constitution and the law, and are independent and not subject to direction or control by any person or authority (Article 249(2)). The purpose (Article 249 (1)) of these Commissions and Independent Offices include:

- Protect the sovereignty of the people
- Secure the observance of all state organs to democratic values and principles
- Promote constitutionalism



This chapter will highlight key commissions and state offices that play a key role in the election process. This will help us understand their role, mandate and responsibility in: Ensuring free, fair, just, transparent and credible elections; Strengthening participation of voters, political parties and political candidates especially for Special Interest Groups (SIGs); and Ensuring peaceful elections inclusive of dispute resolution mechanisms.



Independent Electoral and Boundaries Commission (IEBC)


IEBC is the body in Kenya responsible for managing and overseeing elections as outlined by Article 88 of the Constitution of Kenya. As such, its main task is to register all voters, above the age of 18 years, who want to participate in the election process. The registration process is usually an ongoing process and is closed a few months to elections. After voters have been registered, IEBC makes the voter register public to allow any

registered voter to verify his or her details. Additionally, making the voter register public allows citizens and other interested parties to determine the number of voters in the Country, County, Constituency, Ward and various Polling Stations, a crucial component in the tallying process. Additional functions of IEBC include:

- Conduct voter education, including educating citizens on everything that needs to be done at every stage in the electoral process
- Develop rules and regulations to guide the entire electoral process
- Register persons contesting for any elective position and clear them to vie once they fulfil all the necessary conditions and conditions for the relevant elective position
- Develop a code of conduct for political candidates and political parties contesting in the election, which must be respected and followed by all. It should also include details on how candidates are to conduct their campaigns.
- Take charge in settling electoral disputes, including disputes relating to or arising from nominations but excluding election petitions which are to be presented to the Courts
- Accredite election observers as outlined in Section 42 of the Elections act and any other applicable law

One can verify, confirm or check your voter registration details from Independent Electoral and Boundaries Commission (IEBC) voter register online through the portal

 <https://verify.iebc.or.ke>

 SMSCode 70000 by sending a message containing their Identification/Passport Number#YearofBirth, at a cost of Ksh. 10 on Safaricom, Airtel and Telkom networks.




In the event of any other difficulty, one can also reach them at:

 <https://www.iebc.or.ke>

 (254) 020 - 2877000, / (254) 020 - 2769000

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Office of the Registrar of Political Parties (ORPP)



The Constitution of Kenya has institutionalized multiparty politics and political rights whereby political parties are seen as key institutions for social, economic and political reforms. Furthermore, it establishes that political parties play a key role in the promotion of pluralistic democratic debates. As such, the Political Parties Act, 2011 is the primary legal reference for the management of political parties in Kenya in accordance


with Articles 91 & 92 of the Constitution of Kenya. This Act provides for the Institutional, Legal, and Regulatory framework for the registration, regulation and funding of political parties. As a result, this Act, guided by Article 260 of the Constitution of Kenya, provides for the establishment of the Registrar of Political Parties Office (ORPP) to regulate Political Parties.

The Political Parties Act, No. 11 of 2011, under section 34 stipulates the specific functions of ORPP as:

Register, regulate, monitor, investigate and supervise political parties to ensure their compliance with the Act


- Administer the Political Parties Fund as established by the Act
- Ensure publication of audited annual accounts of Political Parties
- Verify and make publicly available a list of all members of Political Parties
- Maintain a register of Political Parties and their respective symbols
- Ensure and verify that no one person is a member of more than one Political Party
- Investigate complaints received, as prescribed by the Act
- Perform such other functions as may be conferred by the Act or any other written law


One can verify their party membership status on two platforms. One, through their website

 www.orpp.or.ke with the provision “Check Your Membership Status” at the right-hand corner of the page and key in your Identification (ID) or Passport Number which you used to register as a voter.

Two, use USSD code *509# and follow the prompts provides to check your membership status, register or revise your status.

In the event of any other difficulty or issue, one can also reach them at:

 +254 (0) 204022000 / 204022630 / 204022631 / 204022632

 info@orpp.or.ke

 Lion Place, Parklands, Karuna Cl: Nairobi, Kenya

 ORPPKenya

The Judiciary



The Judiciary is one of the three State organs established under Chapter 10, Article 159 of the Constitution of Kenya. It establishes the Judiciary as an independent custodian of justice in Kenya whose primary role is to exercise judicial authority given to it, by the people of Kenya. The Judiciary is further mandated to deliver justice in line with the Constitution and other laws (as applicable), and resolve disputes in a just manner with a view of protecting the rights and liberties of all, with a view of attaining the ideal rule of law.

Securing the will of the people during the election process needs a sound legal institution and framework that is independent, just, engaged and receptive to a wide group of stakeholders both in and out of government. In Kenya, the Judiciary is the key legal institution that plays a big role in ensuring elections are credible mainly by mediating all disputes that may arise during the electoral process. While before it was argued or understood that the Judiciary should come in at the tail end of the electoral process, the 2017 elections challenged this traditional position and placed the Judiciary as a principal player in the electoral process; before, during, and after.


The Judiciary and its related institutions perform the following functions in relation to the election process;

- Administer justice
- Formulate and implement judicial policies and rules for dispute resolution
- Train judicial officers and court staff on electoral laws
- Disseminate information to the public through various platforms to build awareness and confidence in the judicial system
- Compile and disseminate case laws and other legal information for the effective administration of justice in the electoral process
- Evaluate and interpret the electoral legal framework
- Enforce electoral rules and determine the integrity of electoral outcomes

For more information, clarification or assistance one can reach the Judiciary at:

 www.judiciary.go.ke

 +254 0730 181 00 or 0730 181 600

 [Kenyajudiciary](https://twitter.com/Kenyajudiciary)

Ethics and Anti-Corruption Commission (EACC)



Article 79 of the Constitution of Kenya instructs Parliament to enact legislation to establish an independent ethics and anti-corruption commission to enforce the provisions of Chapter 6 in the Constitution of Kenya on Leadership & Integrity, read together with Article 80. In accordance, Parliament enacted the Ethics and Anti-Corruption Act 2011 establishing the institutional framework to enforce Chapter 6 and led to the establishment of the Ethics and Anti-Corruption Commission.

This Act, the Constitution of Kenya and other laws as applicable define the role of EACC as:

- Develop and enforce code of ethics, standards and best practices of good integrity & anti-corruption for state & public officers
- Monitor practices and procedures of state agencies & public bodies to detect corruption within their institutions
- Receive & investigate complaints on code of conduct or ethics breaches made by state & public officers
- Recommend appropriate action to be taken against state & public officers alleged to have engaged in unethical conduct
- Work with the courts to recover and protect public property i.e., freeze or confiscate proceeds of corruption
- Raise public awareness on ethical issues and educate the public on the same

During the election process the main role of EACC is to provide candidates with clearance certificates to vie for various elective positions once they have verified their integrity status. Similarly, during this time they educate the public and create awareness on ethical standards as captured in Chapter 6 of the Constitution in the hopes that it should enable the electorate to make informed decisions come election day.

For more information, clarification or assistance from EACC, one can reach them at:

 www.eacc.go.ke

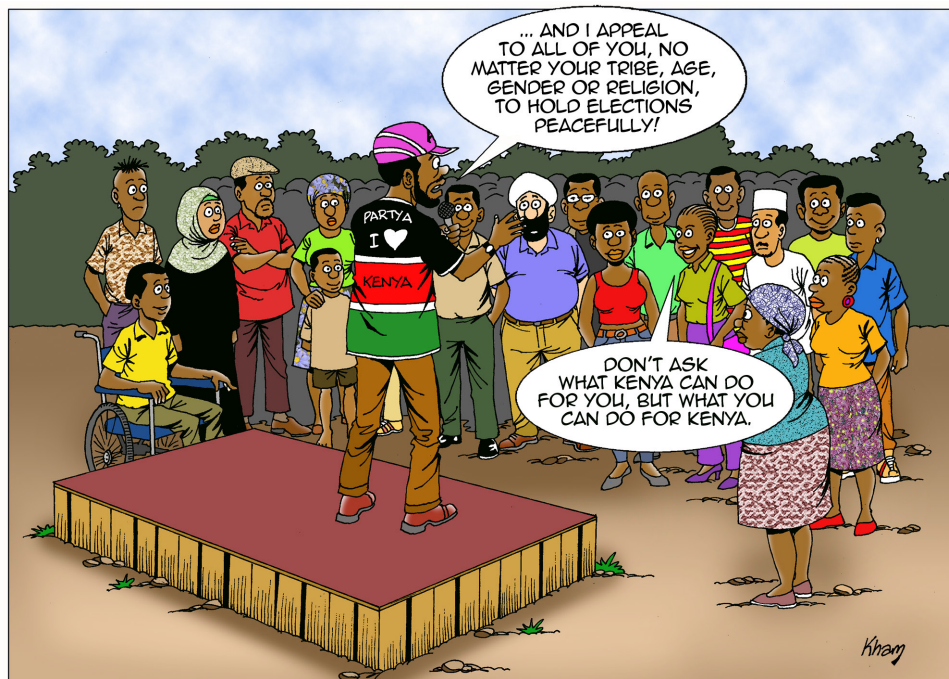
 eacc@integrity.go.ke

 0709 781 1000; 0730 997 000

 Integrity Centre, Valley Road: Nairobi, Kenya

 [EACCkenya](https://twitter.com/EACCkenya)

National Cohesion and Integration Commission (NCIC)



The National Cohesion and Integration Commission (NCIC) is a statutory body established under the National Cohesion and Integration Act No.12 of 2008. The establishment of NCIC recognizes the need for a national institution to Promote national identity and values, Mitigate ethno-political competition and ethnically motivated violence, Eliminate discrimination on ethnic, racial and religious basis, and Promote national reconciliation and healing.

The functions of NCIC as established by the Act and any other applicable law include:

- Facilitate and promote equal opportunity, harmony and peaceful co-existence between people from different ethnic and racial groups
- Seek to eliminate all forms of ethnic or racial discrimination within the nation
- Enhance tolerance, understanding and acceptance of diversity in all aspects of national life
- Promote respect for religious, cultural and linguistic diversity within the nation
- Conduct public education and awareness creation to advance peace and harmony within the nation
- Mediate and resolve conflicts as they arise

- Investigate cases raised or identified on discrimination and make recommendations to the Attorney General, Human Rights Commission and any other authority as applicable on remedial measures to be taken
- Propose and advice on policy, legal or administrative reforms on issues affecting harmonious relations across the different ethnic and racial groups
- Monitor and report to the National Assembly its success and status in implementing their mandate

During the election process, NCICs primary role is ensuring that the entire process is free from discrimination on the basis of one's ethnicity and monitoring the use of hate speech. Furthermore, NCIC can take action to educate the public and raise awareness on practices that will ensure a peaceful election process. For example, in preparation for the August 2022 elections the commission launched a clarion call dubbed "Election Bila Noma". This is simply a call to all Kenyans to pledge to a violence-free election. In order to achieve this, they have adopted five transformative strategies which include:

- Improve access to relevant information that will build trust between citizens and the state, within and between communities, and, within society at large
- Sensitize citizens on non-violence practices
- Adopt peace ambassadors' campaigns
- Eliminate hate speech through naming & shaming perpetrators, monitoring campaigns online and offline, and offering training
- Sensitize citizens on how to report violence as well as establishing a situation room to process real time data

For more information, clarification or assistance from NCIC, one can reach them at:

 www.cohesion.or.ke

 info@cohesion.or.ke

 020 2786 000

 Britam Towers, 17th Floor, Hospital Road: Nairobi, Kenya

 NCIC_Kenya

CHAPTER 4: INCLUSION AND PARTICIPATION OF SPECIAL INTEREST GROUPS (SIGS)

INTRODUCTION



Special Interest Groups within Kenya's context include women, youth, persons with disability, ethnic and other minorities and marginalized communities. Promoting their participation in politics and governance processes ensures that their unique needs and interests are met which can be achieved through their effective and meaningful participation pre, during and after the election process.

What is the Legal Framework for SIGs in Kenya?

The Constitution of Kenya outlines the rights of all citizens to participate in politics, leadership & governance; regardless of their gender, disability, age, race, culture, ethnicity, religion, health status, and other divides. Furthermore, Kenya has adopted specific legislations and policies to address the under-representation, discrimination and marginalization of SIGS such as Vision 2030 and the Kenya National Policy on Gender and Development. Despite the existence of these laws and policies, SIGS continue to experience low numbers of representation in leadership and decision-making positions & spaces.

Additional constitutional provisions for SIGS:

- Not more than two-thirds of the same gender can occupy elective and appointed positions
- Creation of the Women Representative position, elected from each of the 47 counties
- Requirement to nominate 16 women to the Senate by political parties, and, 12 members by parliamentary political parties to represent youth, persons with disabilities and workers in the National Assembly
- At least 5% of members of the public in elective and appointive positions should be persons living with disabilities
- Defining “youth” as any person between age 18–35 years
- Ensuring SIGs are provided with special opportunities in education and economic fields, access to employment, and basic social amenities.

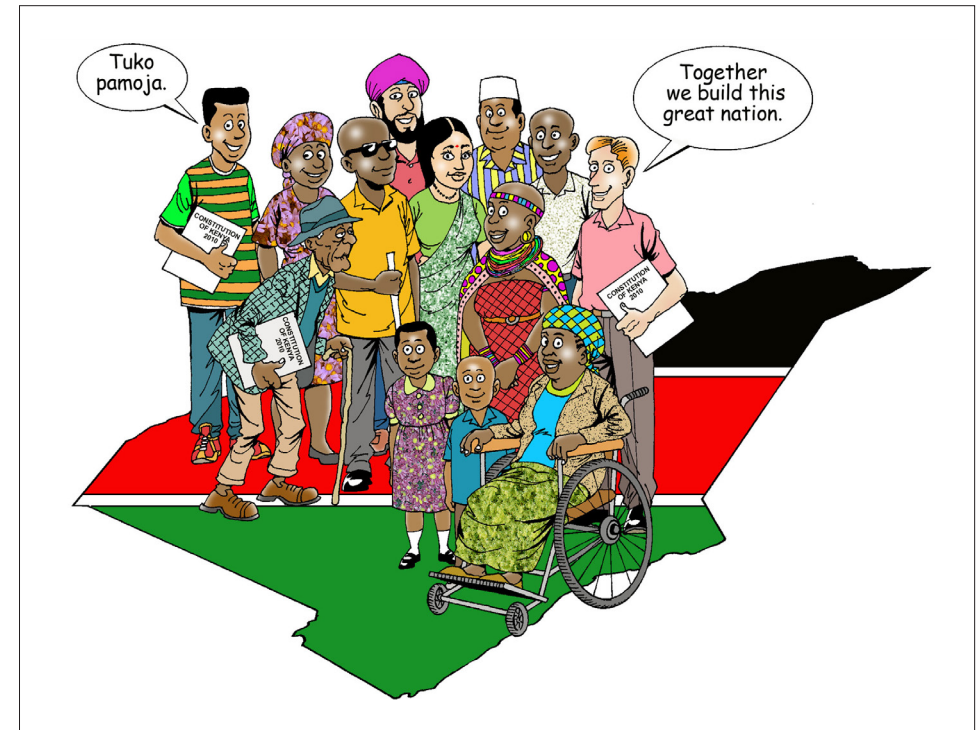


What limits SIGs from participating in Politics and Governance processes?

Kenya's current political space has limited SIG representation among public officials and state officers. Despite the Constitution of Kenya together with other relevant policies, laws and frameworks providing relevant strategies pushing for meaningful inclusion, we still see that their participation in politics and governance process is extremely limited.

This is because there exist additional “informal” barriers that make SIGs unwilling, uninterested and uncertain on whether they should actively participate in politics and governance processes. Such barriers include:

- Socio-cultural barriers such as patriarchal structures, negative cultural & traditional beliefs and practices, negative socialization, stereotypes, stigma, negative perceptions, and discrimination
- Political barriers whereby political structures and policies are not sensitive and responsive to the unique needs and aspirations of SIGs. Additionally, limited political goodwill and commitment to mainstream SIGs in electoral, political and governance processes
- Political and Electoral Violence that take various dimensions such as physical violence, emotional violence, sexual and gender-based violence, hate speech and cyber bullying
- Economic barriers as most SIGs do not have adequate resources
- Poor implementation of legal and policy frameworks
- Inadequate access to information and empowerment opportunities
- Personal barriers such as low self-esteem, lack of passion or commitment, voter apathy, and indecisiveness



Why is it important for SIGs to participate in the election process?

It is important that SIGs meaningfully participate in the election process to ensure their interests are taken into consideration from the beginning by candidates vying for various elective positions. In the long run this will be of benefit to them for the following reasons:

- Access to decision making processes and opportunities
- Ability to influence allocation of resources and services at national and county level
- Ability to first hand define, identify and articulate their unique challenges, issues and priorities in a way that best suits them
- Enhances and promotes good governance and sustainable development
- Promote and develop their sense of identity, belonging and ownership to development initiatives at national and county level
- Strengthening democracy i.e., majority views must be respected while minority views must be protected

Special Note:

OTHER RELEVANT STATE AND NON-STATE STAKEHOLDERS

Kenya's election process is extremely dynamic and relies on the inclusion or support of many state and non-state actors to work together in order to ensure that the entire process is free, fair and credible, and a true representation of the will of the people. Below is contact information for key state and non-state actors that play a crucial role during this process:

Police

To report a crime, fire or emergency medical services call 999, 112 or 911

Kenya Police Headquarters: 224 00 00 or 0726 03 54 55 or Tel: 020-34 14 11

In case of suspicious activity: 0800 722 203

Ambulance

Call: 999

Kenya Red Cross Society Ambulance:

1199, or Tel: 020-395 00 00 or 0700 395 395 or 0738 395 395

St. John Ambulance:

020-221 00 00

Fire Brigade

Call: 999

Nairobi Fire Brigade:

020-22 22 181 or 020-22 22 182 or 020-23 44 599

Emergency Hotline: 020- 69 82 999

Hospitals

Kenya National Hospital: 020-27 26 300 or 0738 606 409

Mama Lucy Kibaki Hospital: 0758 722 000

Mathare Hospital: 020-37 63 315/7 or 0717 694 339 or 0731 649 846

Moi Teaching and Referral Hospital: 053-20 33 471 or 0722 209 795

Nakuru Level 6 Hospital:

0758 722 032 or 051-22 15 580

Jaramogi Oginga Teaching and Referral Hospital:

057-20 20 801 or 057-20 20 803 or 057- 20 20 321

Missing Child Report (MCK)

To file a report on missing or lost but found child call 0800 223 344

Child Abuse

To report child abuse, call or WhatsApp chat: 0722 116 116 (7am – 6pm)

Sexual & Gender Based Violence (SGBV)

In the event of SGBV the following hotlines can be of assistance:

National Hotline: 1195

Counselling Hotline: 1190

Childline: 1196

UNHCR: 1517

Amani Counselling Center:

0800 720 600

Usikimye

To report cases of sexual & gender-based violence (men, women and children) or in case of any GBV emergency call the hotline number

0800 00 999. For additional assistance or information call 0718 158 400 or email info@usikimye.org or visit <https://usikimye.org/>

Refugee Consortium of Kenya (RCK)

To receive assistance for human rights violations and abuse against refugees call 0720 943 164 or 0733 860 669 or email info@rckkenya.org or visit <https://www.rckkenya.org/>

Kenya National Commission on Human Rights (KNCHR)

To report any form of human rights violations pre, during and after the election period SMS 22359 or call 0800 720 627 or WhatsApp 0798 849 871 or email haki@knchr.org or visit <https://www.knchr.org/>

Kenya Human Rights Commission (KHRC)

To report any form human rights violation SMS 22582 or visit their website on: <https://www.khrc.or.ke/report-violation.html>

Office of the Attorney General and Department Justice

To access the national legal aid services call 0800 720 640 or visit <https://statelaw.go.ke/services-to-the-public/receipt-of-legal-advice/>

Kituo Cha Sheria Legal Advice Centre

To receive any legal advice or assistance SMS 0700 777 333 or call 0734 874 221 or 0727 773 991 or visit <http://kituochasheria.or.ke/>

Federation of Women Lawyers Kenya (FIDA)-

For free legal assistance for women or children contact 020-38 70 44 or Nairobi- 0722 509 760 or Mombasa- 0724 256 659, ajmombasa@fidakenya.org or Kisumu 0724 256 658; or info@fidakenya.org

Office of the Ombudsman

To lodge a complaint on unfair administration within the public sector call 157 00 or 020-22 70 000 or email complain@ombudsman.go.ke or visit www.ombudsman.go.ke

The Independent Policing Oversight Authority (IPOA)

For more information on the police system or to lodge a complaint against a police officer call 1559 or email complints@ipoa.go.ke or visit <https://www.ipoa.go.ke/#>

Katiba Institute

For more information, knowledge and understanding of the Constitution of Kenya contact: 0704 594 962 or info@katibainstitute.org or <https://katibainstitute.org/>

Mzalendo Trust

For more information on past, present and future Parliament proceedings and track records of elected leaders contact: 0726 464 063 or info@mzalendo.com or <https://mzalendo.com/>

Election Observation Group (ELOG)

For information on electoral integrity call 0711 247 181 or visit <https://elog.or.ke/index.php>

Media Council of Kenya

For more information on the role and responsibilities of the media in the electoral process call 0727 735 252, 0702 558 233, 0702 558 234 or 0702 558453 or email info@mediacouncil.or.ke or visit <https://mediacouncil.or.ke/>

Association of Media Women in Kenya (AMWIK)

For more information on visibility of women in the media call 0722 201 958 or 0737 201 958 or email info@amwik.org or visit <https://amwik.org/>

Peace Ambassadors Integration Organization (PAMBIO)

One can contact PAMBIO at:

info@pambio.com

Phone: +254 727 735 407

BIBLIOGRAPHY

Ecumenical Centre for Justice and Peace. (2022). Your Vote, Your Responsibility-A voter's manual. Kisumu.

Ethics and Anti-Corruption Commission. (2022). About Us. Retrieved from Ethics and Anti-Corruption Commission: <https://eacc.go.ke/default/about-us/>

Government of Kenya. (2010). Constitution of Kenya. Nairobi. <http://kenyalaw.org/kl/index.php?id=398>

Government of Kenya. (2010). The Fourth Schedule, Constitution of Kenya. Nairobi.

Judiciary. (2022). About Us. Retrieved from Judiciary: <https://www.judiciary.go.ke/about-us/overview/>

National Cohesion and Integration Commission. (2022). Functions of the Commission. Retrieved from National Cohesion and Integration Commission: <https://cohesion.or.ke/index.php/about-us/functions-of-the-commission>

Office of the Registrar of Political Parties. (2016, May 25). Check your membership status here. Retrieved from ORPP: <https://orpp.or.ke/index.php/8-latest-news/86-membership-verification-simplified>

Office of the Registrar of Political Parties. (2021). Kenya's Political Education Source Book. Nairobi.

Grabarek, M. A. (2011). Mobilization and Political Participation: Who is asked to play in the game. Retrieved from deepblue: https://deepblue.lib.umich.edu/bitstream/handle/202742/84612/grabarek_1.pdf;sequence=1

Indian Institute for Legal Studies. (2022). Meaning of Political Mobilization. Retrieved from Indian Institute for Legal Studies: <https://www.iilsindia.com/blogs/meaning-political-mobilisation/>

Republic of Kenya. (2015). Leadership and Integrity Act. Retrieved from Kenyalaw: <https://www.tveta.go.ke/wp-content/uploads/2020/09/LeadershipandIntegrityAct19of2012.pdf>



GRASSROOTS (CHAMA) WOMEN: POLITICAL MOBILISERS HANDBOOK



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