

Uraia

STRATEGIC INSIGHTS RESEARCH REPORT ON ELECTORAL EXCELLENCE: THEMATIC RECOMMENDATIONS FOR PRE-2027 ELECTORAL REFORMS.

THEMATIC KNOWLEDGE PRODUCT AND RESEARCH BRIEF WITH
POLICY AND PROGRAMME RECOMMENDATIONS
ON THE ROLE OF CSOS IN KENYA'S ELECTORAL PROCESS



June 2024

Naturing An Engaged, Empowered and Value-Based Citizenry



MINISTRY OF FOREIGN AFFAIRS
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Denmark in Kenya



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TABLE OF CONTENTS

Section	Title	Page
1.0	Background	03
2.0	Approach & Methodology	04
3.0	Overview of CSO Roles in the Electoral Cycle	05
4.0	Discussion of Main Roles Played by CSOs Around Elections	08
5.0	Conclusions	16
6.0	Ten Point Agenda for Improving CSO Roles & Performance in Elections	18
7.0	References	20

LIST OF FIGURES

Figure I	Role of CSOs in the Electoral Cycle	04
Figure II	Roles CSOs Played Effectively in the Last 3 Elections	05
Figure III	How CSOs Can Contribute & Add More Value to Voters	08
Figure IV	Roles CSOs Did Not Perform Well in Previous Elections	08

1.0

BACKGROUND

1.1 Introduction

In recent years, there have been significant political transitions in Kenya due to the general elections held in 2013, 2017, and most recently in 2022. In every stage of the electoral process, Civil Society Organizations (CSOs) have played crucial roles in safeguarding electoral integrity, promoting civic awareness, encouraging active citizen participation, and advocating for the safeguarding of citizens' rights. In order to incisively analyze the role of CSOs in Kenya's electoral process we were guided by several questions including, but not limited to: -

- ✓ What roles have CSOs played in the entire electoral cycle (before, during and after elections)?
- ✓ What contribution has civil society made to support election of women, youth and PLWDs?
- ✓ What can CSOs do to be more proactive, robust, revitalized and more ready for 2027?

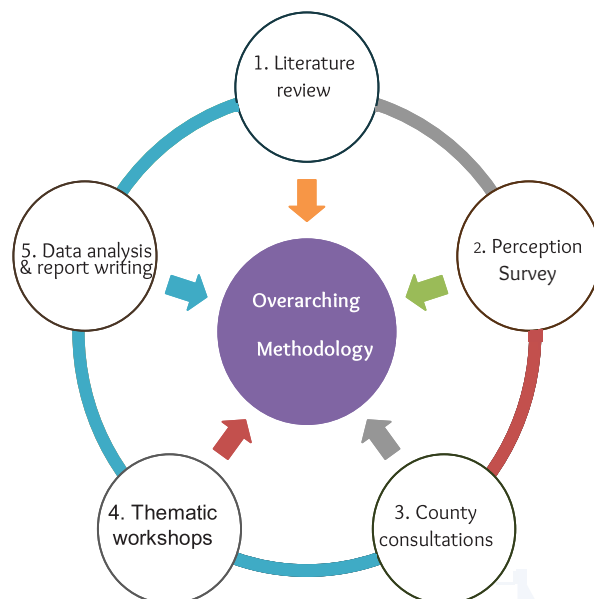
1.2 Study Rationale

The study sought to document cumulative gains and progress made in the three previous elections which Kenya can build on in readiness for 2027 and other future elections. The design edged on in-depth or comprehensive analysis of four themes, this being one of them. We believe that if the root-causes are not established early and evidence generated to inform systems strengthening for CSOs and EMBs, challenges addressed and public confidence restored, voter apathy will continue, people's legitimacy will be undermined and political/ethnic divisions may be exacerbated by the vote during future elections, leading to endemic violence and other destabilizing activities. Similarly, increasing civic awareness, improving capacity of EMBs, expanding Kenya's civic space, strengthening CSOs and ensuring vibrant youth involvement in electoral processes will remain essential to increasing Kenya's democratic dividends, fostering inclusion and promoting national cohesion in the coming years. All these have formed the basis for critical analysis of what worked and what did not work for CSOs in 2013, 2017 & 2022 and what measures need to be put in place to improve Kenya's electoral landscape ahead of 2027. It is critical to generate data/evidence and document our experiences early in the electoral cycle to allow for ample time for the research outputs to be used to inform any reforms or programmes for 2027 general elections and beyond.

2.0

APPROACH & METHODOLOGY

Summary of key techniques & processes



Notes

- ✓ Literature review: June – July 2023
- ✓ Perception Survey: August – September 2023
- ✓ County Consultations: July - November 2023
- ✓ National IDIs & KIIs: Nov-Dec 2023
- ✓ Thematic Workshops: November 21st - 30th 2023
- ✓ Expert analysis, collation & drafting of the report & technical knowledge products: November - December 2023

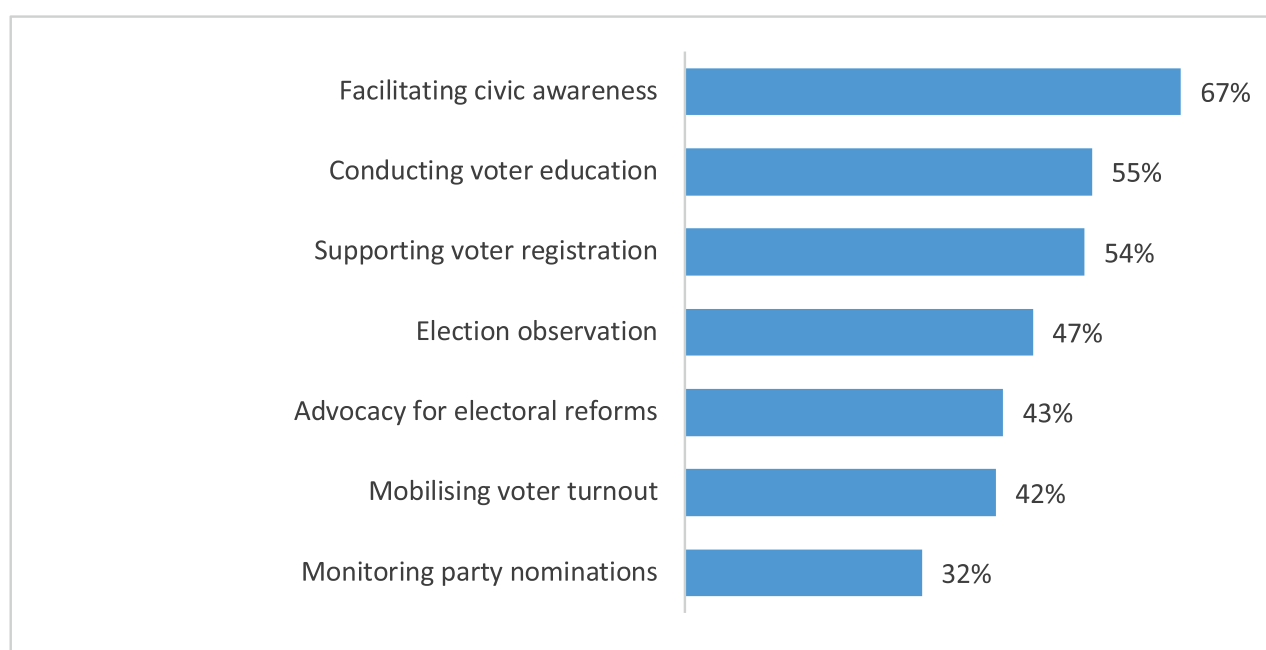
Source: CERA Proposal to URAIA 2023

3.0

OVERVIEW OF CSO ROLES IN THE ELECTORAL CYCLE

According to Mutua (2015), a democracy-building function of civil society is to supplement the role of political parties in stimulating political participation, increasing the political efficacy and democratic competence of citizens. Mutie, Namusonge & Nyang'au (2020) on their part have shown how civil society can increase political participation especially during elections by actively participating in advocacy for electoral reforms, resolution of disputes, fostering civic engagement and promoting accountability as they did in Kenya in 2013, 2017 & 2022 electoral cycles. The other critical focus has been on promoting inclusivity, especially for women, youth, and persons with disabilities (PWDs). Assessment of CSO roles from CERA's perception survey confirm that CSOs in Kenya, play important roles in the electoral process nationally at grass root levels as shown below.

Figure I: Roles of civil society organizations (CSOs) in the electoral cycle

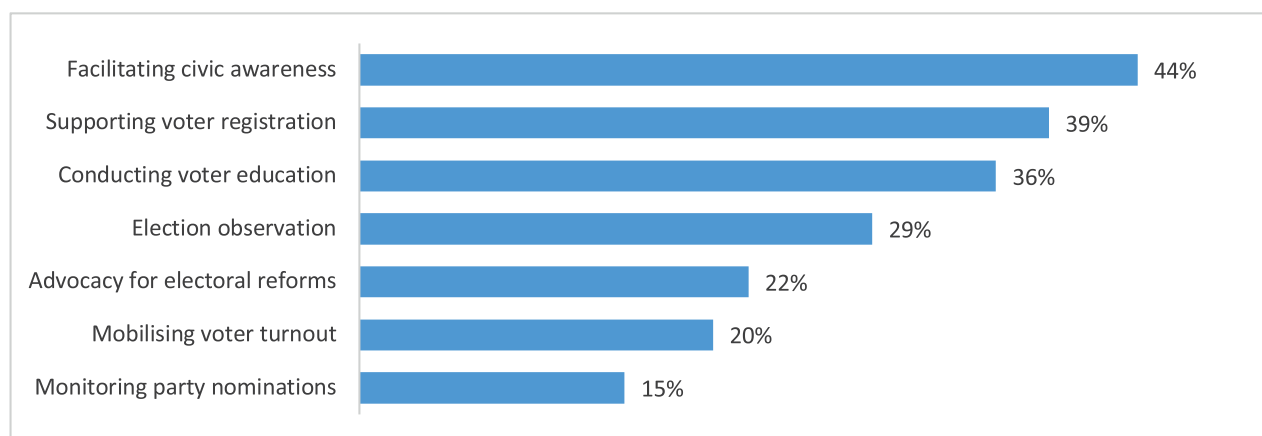


Source: CERA perception survey 2023

Awareness on different roles played by Civil Society Organizations (CSOs) in the electoral cycle is quite high among Kenyans. Facilitation of civic awareness (67%) was cited as the main role of CSOs in the electoral process. Other roles identified with high ratings include - conducting voter education (55%), supporting voter registration (54%) and election observations (47%).

From perception survey conducted by CERA seven (7) top roles of CSOs were assessed and rated by study participants as portrayed in figure II below. These roles are facilitating civic awareness, supporting voter registration, conducting voter education, election observation, advocacy for electoral reforms, mobilising voter turnout and monitoring party primaries.

Figure II: Roles CSOs played effectively in the last 3 elections



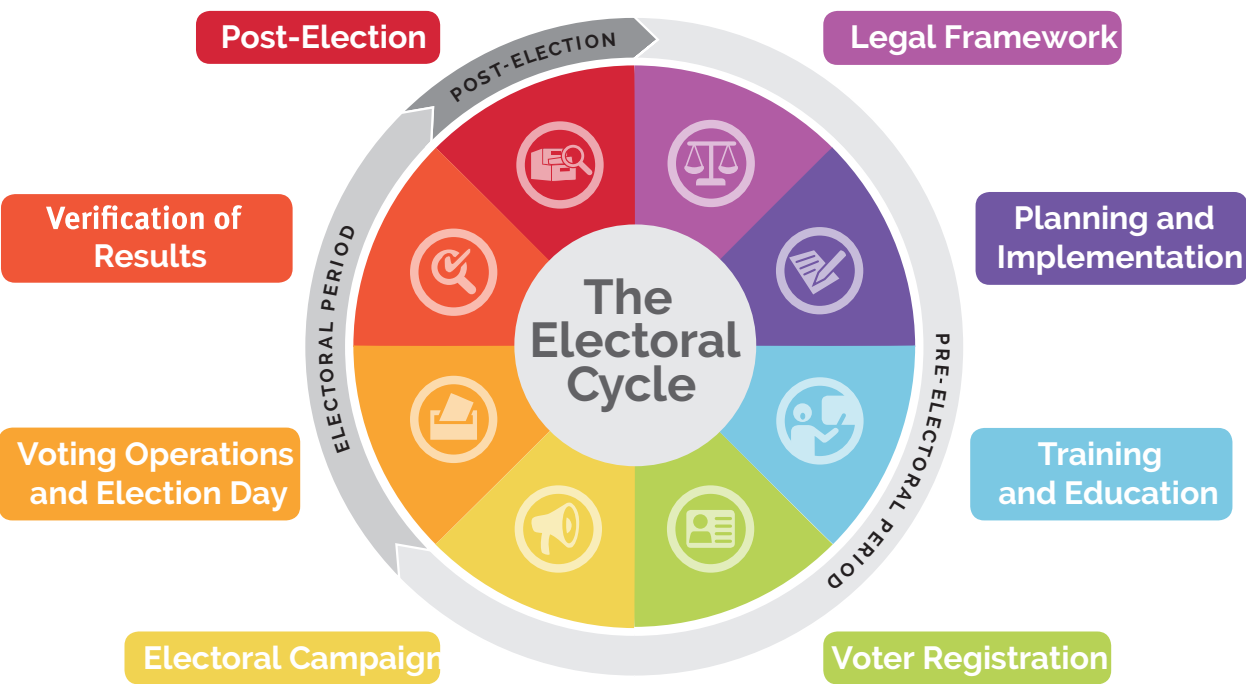
Source: CERA perception survey 2023

From this, CSOs are deemed to have played the following 3 roles more effectively in the last 3 elections: - facilitation of civic awareness (44%), supporting voter registration (39%) and conducting voter education (36%). The weakest or poorly performed roles were monitoring party nominations (15%), mobilizing voter turnout (20%) and advocacy for electoral reforms (22%). It is instructive to note that the best of CSOs in the last 10 to 15 years was still rated below 50%, implying below average performance.

Participants however acknowledged that CSOs encounter various challenges while addressing electoral issues, such as government restrictions that curtail civil society's autonomy, public mistrust of CSOs, lack of coordination among CSOs, and limited access to public information around elections. Moreover, challenges related to organizational capacity, funding sustainability (resource constraints), internet problems, shrinking civic space, political hostility from previous & current government, limited access to information, failure by IEBC to provide a budget to facilitate CSOs in civic awareness & voter education, manipulation by politicians in order to mobilize people for their campaigns, failure by politicians to follow the agreed procedures & laws were equally acknowledged. Despite these obstacles, CSOs have remained persistent in their efforts.

Most of the study participants at sub-county and county levels felt that the impact of CSOs on the ground was not as significant as expected, and there were common sentiments that CSOs should initiate civic education campaigns well before the campaign season.

Participants highlighted the need for comprehensive and accessible information to be disseminated, emphasizing the importance of CSOs in bridging the knowledge gap among voters. Another concern raised by participants was the perceived inadequacy of CSO efforts in countering the influence of money in politics, noting that despite the laudable initiatives undertaken by CSOs, the financial power of political candidates often overshadowed these efforts.



Recommendations were made for CSOs to be more assertive in advocating for transparent campaign financing and to actively expose instances of corruption or malpractice within the electoral process. The collaboration between CSOs and religious institutions was also discussed, with some participants expressing dissatisfaction with dormant FBOs and involvement of some FBOs in partisan politics.

4.0

DISCUSSION OF MAIN ROLES PLAYED BY CSOs BEFORE, DURING AND AFTER ELECTIONS

From county consultations, literature review, perception survey and thematic workshops we confirmed that CSOs play several but vital roles before, during and after elections, most of which include the following:

4.1 Conflict prevention/resolution & peace building

Civil societies have played various roles in reducing election-related conflict dynamics and promoting peaceful electoral environments. They promote peace, reconciliation and coexistence as well as social justice and the development of democratic institutions through observation of elections and giving recommendations or advisories to election management bodies. Examples of key actors here include NCCK, SUPKEM, LPI, CRECO, Peace Net, European Centre for Electoral Support (ECES), UWIANO platform, Inter Religious Council of Kenya (IRCK) and the Kenya Conference of Catholic Bishops (KCCB). The 2022 election saw a prominent role of CSOs in dispute resolution, as emphasized by the statement of the IRI/NDI mission.

4.2 Civic awareness and voter education

CSOs, including faith-based groups actively participated in various activities before 2013, 2017 & 2022 elections revolving mainly about civic awareness, voter education and peacebuilding efforts. They on many occasions have been recognized to have had significant roles in promoting peace and dealing directly with the people on the ground through provision of civic awareness and voter education activities (Daxecker, 2014). However, prioritization of peace messages over critical civic education during elections may have compounded this by producing a passive citizenry ineffective at holding politicians to account nonviolently. Most civil society organizations interviewed reported having done no civic or voter education and estimated that more than half of their own total funding for voter education in 2017-22 came in the final six months of the process¹. Over the 3 previous election cycles, Uraia Trust has been one of the major players in promoting civic awareness & voter education. In 2022, IEBC accredited around 115 CSOs to conduct voter education initiatives². But most of the accredited CSOs did not get funding to carry out any activities.

¹ Estimate provided to the Carter Center by an umbrella organization of CSOs and verified with a separate voter education provider

² NDI/IRI 2022 election observation report



4.3 Civic engagement and citizen empowerment

Civic engagement refers to the ways in which citizens participate in the life of their own communities in order to improve socio-political and economic conditions for all members, but with more interest on the most vulnerable, or to help shape their communities' future³. Civic education/engagement enhances citizens' knowledge of a country's governance system and their responsibilities within it. Notable CSOs using this strategy include - Hans Seidal Stiftung (HSF Kenya), Ecumenical Centre for Justice and Peace (ECJP), Inuka Kenya Ni Sisi Ltd- Sauti Yetu Initiative⁴, Kenya Alliance of Resident Associations (KARA), Institute for Security Studies (ISS) Africa and Well Told Story⁵. Uraia Trust on its part promotes civic engagement through its flagship program, 'Rooting Democracy in Kenya through Informed Citizenry', implemented by over 50 CSO partners.

³ Richard P. Adler & Judy Goggin of Civic Ventures in the *Journal of Transformative Education* (July 2005)

⁴ <https://kenya.hss.de/our-work/civic-engagement> accessed on 16/12/23

⁵ <https://kenya.hss.de/our-work/civic-engagement> accessed on 16/12/23



4.4 Promoting inclusion of women, youth and PWDs in the electoral process

CSOs played crucial roles in promoting inclusion during the 2022 electoral process. The IRI/NDI International Election Observer Mission expressed concern about the challenges faced by women, youth, and PWDs, revolving around limited resources, access to information, stigmatization, uneven playing fields, and difficulties in obtaining identification documents.

It is instructive to note that out of 16,105 candidates in the 2022 General Elections, only 12.18% were female candidates, and youth representation stood at 28%. CSOs actively advocated for greater inclusivity, striving to overcome these obstacles and ensure underrepresented groups have a stronger voice in Kenya's democratic process. Key players here include NDI, IRI and FIDA Kenya, among others. Despite legislative and regulatory measures, PWDs still faced marginalization in public life, with only 0.74% of all registered voters and 0.2% of candidates being PWDs, and merely seven PWDs directly elected to office. During the 2022 elections, CSOs played a significant role in promoting youth inclusion in collaboration with IEBC's Youth Coordinating Committee.

4.5 Election Monitoring and Observation

CSOs emerged as key players in election monitoring and observation during the 2013, 2017, and 2022 elections. CSOs often deploy short- and long-term observers to monitor crucial aspects of the electoral process, such as voter registration, campaigning, preparations, actual voting on election day and dispute resolution in the courts. The 2013 EU election observation delegation report highlighted the active involvement of civil society in election observation, which significantly enhanced transparency both before and on Election Day.

The Elections Observation Group (ELOG), the largest domestic coalition comprising 11 NGOs, played a pivotal role in observing the voter registration process and deploying numerous observers on Election Day. Additionally, ELOG conducted a Parallel Vote Tabulation to ensure comprehensive oversight of the electoral process. NDI/IRI 2022 election observation report confirms that despite encountering financial limitations, Kenyan civil society played pivotal roles in various aspects of the 2022 electoral process. In total IEBC accredited around 15,000 observers to monitor the electoral process and participate in the Parallel Vote Tabulation (PVT) led by ELOG. Other domestic observer groups we talked to include National Council of Churches of Kenya (NCCK), Kenya Correspondents Association (KCA) and Life & Peace Institute (LPI), among others.



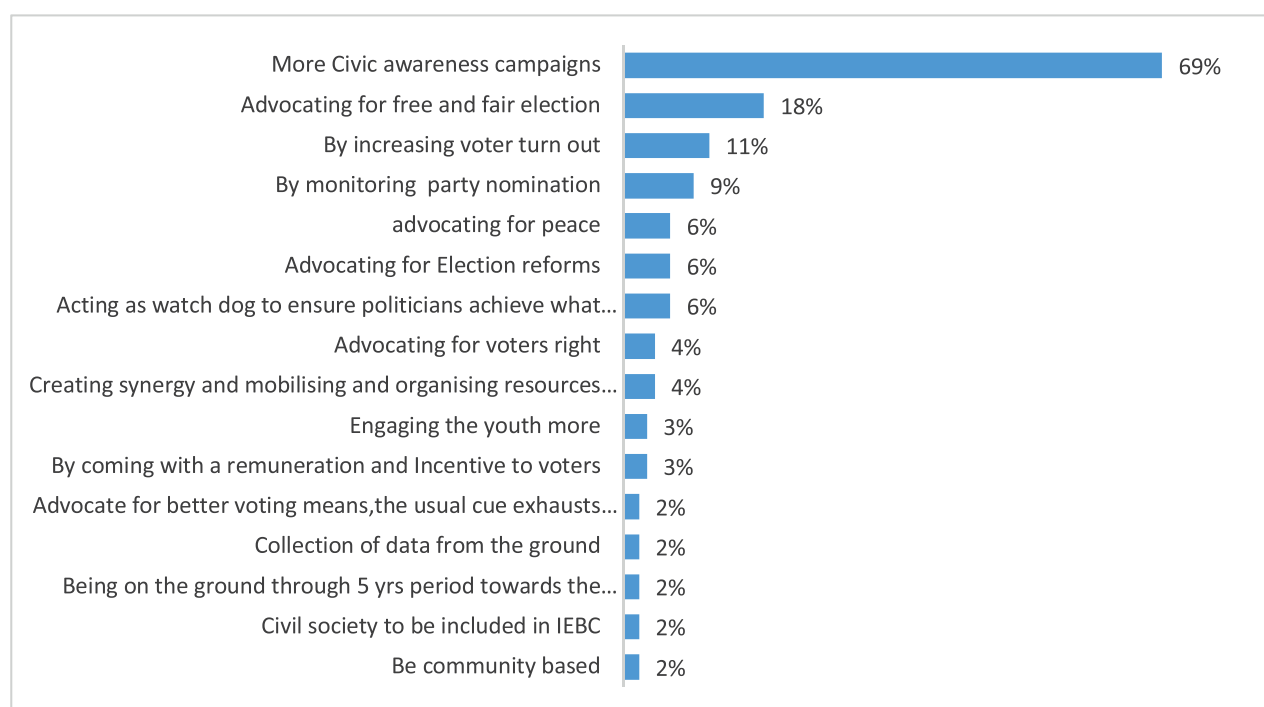
4.6 Public information & media campaigns for accountability

According to the EU Election Observation Mission 2017, the media played a significant role as part of civil society, though with challenges. Kenya's media landscape exuded vibrancy, yet self-censorship was prevalent, and journalists in several counties encountered threats and harassment related to political or election matters. Promisingly, news media intensified their inquiry into the election process, including the tallying processes. Carter Center 2022 report⁶ highlights CSOs instrumental role in combating propaganda in preparation for the 2022 elections. Notably, social media networks played crucial parts in this, actively assuming proactive roles in holding social media platforms accountable for their actions.

4.7 What more can CSOs do to improve their role in future elections?

As shown in Figure IV below, more civic awareness campaigns (69%) throughout the election cycle would be more beneficial to the electorate. This is a role that CSOs could actively play in addition to advocating for free and fair elections (18%) and mobilization for increased voter turnout (11%). The other three important roles on top of the long list include monitoring party nominations, campaigning for peaceful elections and advocating for electoral reforms.

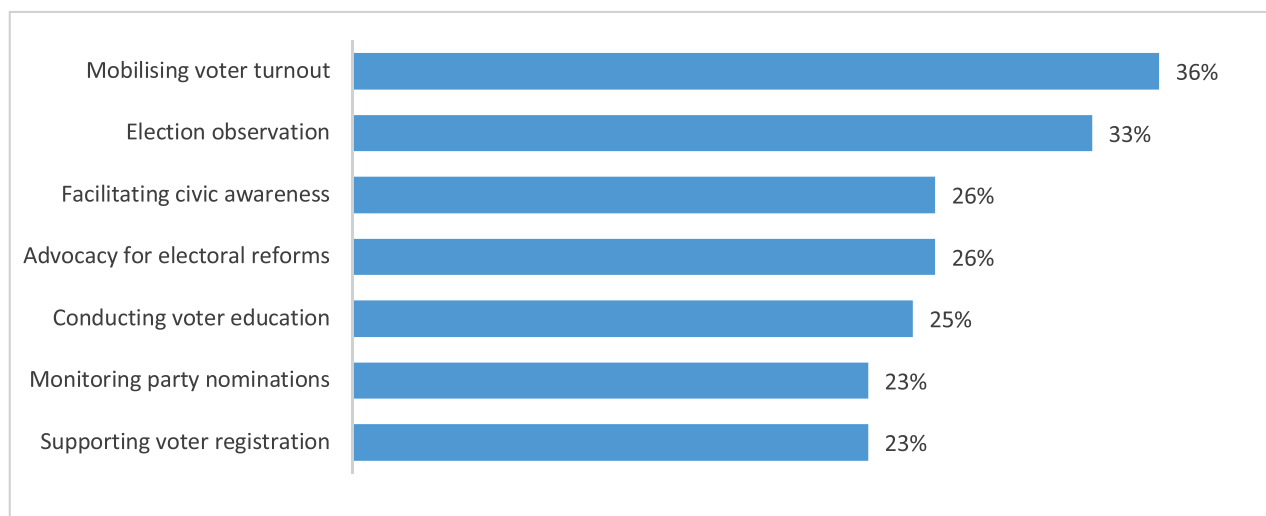
Figure III: Ways CSOs can contribute to adding value to voters in the electoral process



⁶ <https://privacyinternational.org/long-read/5053/our-final-report-kenyas-2022-election-collaboration-carter-center-election-expert> accessed on 05/07/23

The general populace would like to see CSOs take more active roles in the following areas they feel that CSOs have not been particularly effective in the last 3 elections. These are voter turnout mobilization (36%), election observation (33%), civic awareness (26%) and advocating for electoral reforms (26%). Others include voter education, party nominations and voter registration.

Figure IV: Roles that CSOs did not perform well in the past 3 elections



4.10 Other important CSO flagships in record

4.10.1 Uchaguzi Platform and Technical Working Group (TWG) on Elections, which came together in the 2017-2022 electoral cycle to work towards the provision of technical support in election administration and management; consolidate findings of elections monitoring and observation; champion and advocate timely administrative and legal electoral reforms geared towards expanding the democratic space in Kenya; and harmonize institutional skills or resources in current/ongoing interventions.

4.10.2 Advocacy for electoral reforms for lasting peace in Kenya by KHRC, AfriCOG & KPTJ, was another game changer, premised on lack of public oversight of electoral actors and processes as a major problem in Kenya's electoral process. KHRC through the election Technical Working Group (TWG) which they co-chair with the Institute for Education in Democracy (IED), lobbied for uptake of reform proposals from field monitoring reports, most of which were taken up by IEBC, ORPP and PPDT. Other CSOs championing electoral reforms are: - Africa Centre for Open Governance (AfriCOG), Kenyans for Peace with Truth and Justice (KPTJ)⁷, Kura Yangu Sauti Yangu (KYSY) coalition, Kenya ICT Action Network (KICTANet), ELGIA and ICJ, among others.

⁷ <https://www.knchr.org/Publications/Thematic-Reports/Civil-and-Political-Rights/Election-Related-Reports> accessed on 527/07/23

4.10.3 Kenya Electoral Assistance Program (KEAP) by International Foundation for Electoral Systems (IFES). During 2013 and 2017 electoral cycles KEAP focused on building upon and strengthening the sustainability of previous electoral reforms and increasing the participation of women and youth. IFES implemented KEAP with partners like, National Democratic Institute (NDI), Act Change Transform (Act!), Healthcare Assistance Kenya, Uraia Trust and United Disabled Persons of Kenya. As part of KEAP, the Strengthening Electoral Accountability and Inclusivity Program (SEAIP), has also been rolled out as a partnership between ELGIA, Federation of Kenya Women Lawyers (FIDA-Kenya), Centre for Multiparty Democracy (CMD-Kenya) and Transparency International (TI-Kenya), collaborating with U.S based Democracy International (DI).

4.10.4 Drivers of Accountability Programme (DAP) and Deepening Democracy Programme (DDP) by FCDO & DANIDA. Jointly designed to improve the Kenyan government's accountability to its citizens (2010-2016) DAP supported key reforms and built on efforts to strengthen oversight and increase the demand for accountability and better governance, helping Kenya to become a more stable democracy⁸. DAP was succeeded by the Deepening Democracy Programme (DDP), funded by FCDO. Managed by DAI between 2010 and 2020, both promoted more inclusive governance in Kenya by improving electoral processes and enhancing government accountability across the 3 electoral cycles.

4.11 Contributions from other CSOs in the Electoral process. Significant contributions of selected CSOs to Kenya's electoral landscape have been witnessed/recorded from the following 5 CSOs

4.11.1 CMD-Kenya: (The Centre for Multiparty Democracy), working to strengthen multiparty democracy and enhance institutional capacity of political parties in Kenya through policy influence and capacity building in partnership with Kofi Annan Foundation, United Nations Democracy Fund (UNDEF) among other agencies. Additionally, CMD conducts research e.g. did one on Special Interest Groups (SIGs) in the 2022 general elections.

4.11.2 Badili Africa: focuses on empowering everyday Chama women in Kenya's urban informal settlements by enhancing their leadership capacities. Badili Africa seeks to empower chama women to participate more effectively in decision-making processes in informal settlements.

4.11.3 Youth Alive! Kenya: advocates for a more informed and participatory approach to youth engagement in electoral processes, addressing the root causes of unemployment and highlighting the role of well-informed decision-making in elections. Conducts situational analysis from time to time on status of youth and their involvement in democratic processes.

⁸ <https://www.dai.com/our-work/projects/kenya-drivers-accountability-programme-dap>

4.11.4 Youth Agenda Kenya: plays different roles in Kenyan elections e.g. hosted a national post-election symposium in 2022 to review challenges, consolidate gains and enhance preparations for the 2027 elections. This initiative provided a platform for reflection and strategic planning to strengthen future elections.

4.11.5 Siasa Place: has contributed significantly to Kenyan elections through its past involvement in Strengthening the Power of Youth Voices (SPYV), in collaboration with CMD-Kenya, to address challenges in youth participation in governance. Focused on empowering youth voices by targeting existing CBOs, working with County authorities in 6 selected counties, namely Busia, Homabay, Lamu, Kericho, Kitui, and Nairobi.

4.11.6 Daraja Civic Initiatives Forum: under ECCESS, Daraja's interventions revolved around promoting and advocating for peaceful elections and safeguarding the rights of women, youth, and persons with disability before, during, and after the 2022 general elections. Daraja organized capacity-building forums to strengthen capacity of sub-county-based CSOs within Nairobi - Kibra, Mathare, Embakasi South, Westlands, and Makadara.

5.0

CONCLUSIONS

- 5.1** Civil Society Organizations (CSOs) play vital roles in various aspects, including advocating for electoral reforms, contributing to resolving electoral disputes, creating civic awareness, conducting voter education, fostering civic engagement, promoting citizen empowerment, monitoring / observing elections, and promoting inclusion of marginalized groups, among other functions.
- 5.2** CSOs possess capacities & abilities to influence Kenya's democratic landscape. Nevertheless, to fully harness their potential, it is important to tackle the challenges they face, such as legal constraints, limited resources, shrinking civic space and the necessity for enhanced collaboration.
- 5.3** A lot of CSOs engaged in election related activities in 2013, which was after the 2007 Post Election Violence (PEV). They were actively involved in mobilization of voters and peacekeeping campaigns to avoid repeat of PEV. After the 2013 elections, CSOs played important roles in advocating for legal reforms to guide the electoral process. However, in 2017 & 2022, they encountered challenges, including limited funding and a series of government interference that derailed most CSO activities, lessening their reach and impact.
- 5.4** The 2022 elections witnessed improved performance in terms of monitoring, peacebuilding and media outreach by ELOG and other CSOs. However, most CSOs were left out due to limited resources and lack of trust by the electorate. In some instances, they were perceived to be paying lip service and siding with politicians or political coalitions.
- 5.5** In 2022, there were improvements in performance compared to 2017, for example CSOs carried out their roles more effectively in civic awareness, electoral reforms, mobilization of voters, overseeing election protocols and deployment of observers among others.
- 5.5** Uraia's promotion of civic engagement through its flagship program, 'Rooting Democracy in Kenya through Informed Citizenry', has made significant contribution towards developing an informed, empowered and democratic nation, through CSOs non-partisan projects targeted at entrenching constitutionalism, promoting free and fair elections by enhancing participation of citizens in the electoral processes

and addressing the historical political marginalization of women, youth, PWDs and minorities.

- 5.6** CSOs played crucial roles in promoting inclusion during the 2022 electoral process and continue to play pivotal roles in advocating for the rights of underrepresented groups. They elevated inclusion as essential to a fair and peaceful election by supporting initiatives that promote participation of women, youth and PWDs and mainstreaming their inclusion throughout the past 3 elections. They have further enhanced women's participation, inclusion of marginalized groups (youth/minorities) and their representation in politics through training, mentorship and media profiling.
- 5.7** CSOs have worked over the years to improve the Kenyan government's accountability to its citizens, pursuing or supporting key reforms and building on efforts to strengthen oversight and increasing demand for accountability & better governance, promoting more inclusive governance in Kenya by improving electoral processes, enhancing government accountability across the 3 electoral cycles in the process helping Kenya to become a more stable democracy.

6.0

TEN POINT AGENDA FOR IMPROVING CSO PERFORMANCE & ROLES BEFORE, DURING & AFTER ELECTIONS

- 6.1 Push for implementation of necessary electoral reforms:** CSOs should engage with EMBs (IEBC, ORPP, PPDT, political parties) and policymakers to advocate for electoral reforms to enhance transparency, fairness, and inclusivity in the electoral process. CSOs should push IEBC to work on all the necessary reforms before 2027 touching on its internal structure, voter registration, boundaries delimitation, voter education and results management system.
- 6.2 Civic Awareness & Voter Education:** CSOs should prioritize comprehensive but continuous civic awareness & voter education initiatives using innovative, sustainable and people-centered techniques (e.g. social media, schools / education institutions, CBOs / chamas, community forums, local football clubs among others). Advocating for increased resources from the government and better coordination with the IEBC can enhance CSO effectiveness here.
- 6.3 Increasing CSO Funding for Election Activities:** CSOs should push for more sustainable, diverse, flexible funding sources and reduce dependence on single funding avenues. CSOs should also promote accountability and transparency requirements to enable them secure necessary funds for effective participation in election-related activities. CSOs should lobby the Government to allocate more resources to civic awareness & voter education, ensuring it is robust and timely. Funding to CSOs by election donor groups should be targeted to organized collectives like networks, consortia or collaboratives.
- 6.4 Fighting election-related fraud & corruption:** CSOs are called upon to be proactive advocates for transparent campaign financing. This involves not only exposing instances of corruption or malpractice but also actively engaging with relevant stakeholders, including policymakers and EMBs.
- 6.5 Coordination and Collaboration:** Enhancing collaboration between CSOs, the IEBC, political parties, and other election stakeholders is vital. More collaborative and cohesive efforts can lead to more impactful interventions and better outcomes. CSOs should deliberately facilitate collaboration among themselves to pool resources, share information, and coordinate efforts for more effective advocacy and impact. CSOs should also foster stronger collaboration with media outlets.

- 6.6 Demanding Accountability of EMBs:** CSOs should actively hold Election Management Bodies (EMBs) accountable for their actions, ensuring adherence to electoral laws and fairness in the electoral process. Transparency and integrity in the functioning of EMBs are crucial for a credible electoral system. CSOs should monitor and observe party primaries to ensure fair and transparent nominations to build the trust and integrity of the public on the aspirants in the final elections. CSOs should lobby ORPP to increase their oversight on political parties, instill party discipline and ensure all parties adhere to the rule of law.
- 6.7 (a) Proactive Engagement with Mainstream & social media:** CSOs should take proactive measures to combat disinformation before and during elections, especially those targeting women. This can include media literacy campaigns, collaboration with social media platforms to remove harmful content, and advocating for stronger measures against those using disinformation to marginalize women. Empowering women to identify and resist misinformation aimed at them is crucial. Need to emphasize the importance of conflict-sensitive journalism practices among media outlets and reporters covering elections.
- 6.7 (b) Countering misinformation:** CSOs should advocate for improved/regular access to official public information and proactively establish clear and accessible channels for citizens to report concerns related to election malpractices. This will involve leveraging digital platforms, hotlines, and community outreach programs. By creating user-friendly avenues for reporting, CSOs should empower citizens to play active roles in upholding the fairness and transparency of the electoral process.
- 6.8 Inclusion of Women, Youth & PWDs:** CSOs should strategize and implement targeted approaches to engage marginalized and hard-to-reach populations, ensuring their inclusion and participation in electoral activities. This might involve innovative outreach programs, utilizing digital platforms, and grassroots initiatives to connect with these demographics effectively. Offer economic empowerment opportunities to specific groups to reduce reliance on politicians for financial support during electioneering periods.
- 6.9 Peace building & conflict resolution:** CSOs should work towards ensuring there is always peace building and conflict resolution in the electoral cycle by establishing regular platforms for continuous discussions on peaceful elections at the grassroots level, fostering informed citizen engagement.
- 6.10 Advocacy against intimidation of CSOs:** CSOs should intensify campaigns against government intimidation. Intimidation in this case hinders CSOs' performance in their roles before, during and after elections.

7.0

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