

KENYA COURT DECISION DEMONSTRATES RESPECT FOR RULE OF LAW

September 1, 2017 – Today’s decision by the Kenya Supreme Court demonstrates that the Kenyan Judiciary can effectively and efficiently handle electoral disputes in line with the Constitution, said the International Development Law Organization (IDLO).

“The ruling is a clear demonstration of why supporting the independence of the Judiciary and investing in building judicial capacity, including to resolve electoral disputes, builds the democratic process.”

“The ruling by the Kenyan Supreme Court and the decision of the country’s political leaders to abide by it is an encouraging sign of respect for the rule of law.”

Confidence in the independence of the Judiciary and in their capacity to resolve electoral disputes are critical elements that help secure the integrity of elections and curb electoral-related violence. The Kenyan experience highlights the need for governments around the world to pay attention to and invest in reforms to uphold judicial independence and electoral dispute resolution.

IDLO has been working with the Kenyan Judiciary [since 2010](#) to strengthen its capacity to resolve electoral disputes independently, efficiently and fairly. The findings of IDLO’s work in this area are summarized in a [report](#). “*Avoiding violence and enhancing legitimacy: judicial preparedness for handling electoral disputes in Kenya and beyond*”, launched jointly with the Judiciary. The report provides a roadmap for other countries in Africa and elsewhere on how to tackle the complex issue of electoral disputes.

“As a contest for political power, elections by their nature invite disputes. Effective electoral dispute resolution is therefore key to preventing electoral violence and ensuring legitimacy of the results,” said Irene Khan, IDLO Director-General, at the May 2017 report launch in Nairobi.

“IDLO remains committed to working with the Judiciary and other Kenyan institutions to strengthen their capacity to uphold the rule of law and ensure access to justice.”

For more information or to arrange a media interview, please contact Judit Arenas, Director - External Relations, jarenas@idlo.int, mob +1-646-506-5996.

Note to editors:

The International Development Law Organization (IDLO) is the only intergovernmental organization exclusively devoted to promoting the rule of law. IDLO works to enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. Kenya is a Member Party of the Organization.

IDLO has been supporting the implementation of the 2010 Constitution of Kenya by strengthening the capacity of the Kenyan Judiciary, including on electoral dispute preparedness and resolution. In the run-up to the 2013 elections, the Organization assisted the temporary Judiciary Working Committee on Election Preparations to enhance the Judiciary’s management of disputes. One of the many factors credited for the calm of the 2013 elections was the Kenyan Judiciary’s management of election petitions. Since then, IDLO has continued to work with the permanent

Judiciary Committee on Elections and the Political Parties Disputes Tribunal to build preparedness to manage electoral disputes arising from the August 2017 elections.

IDLO's support to the Kenyan Judiciary to strengthen its independence and ability to handle election petitions has included:

- Assistance so that clear, consistent, transparent and comprehensive laws and regulations to be in place ahead of elections;
- Promoting ownership, leadership and coordination of the dispute resolution mechanism by the Judiciary;
- Delivering comprehensive, tailored skills-building programs for judges and their support staff, and easily accessible guidance on the procedural and substantive aspects of electoral law (such as benchbooks and checklists for election petitions);
- Engaging and building the capacity of non-legal partners in the electoral process;
- Public outreach to empower marginalized groups, political parties, candidates and lawyers to use the electoral dispute system.

Read and download IDLO's related publications at:

- Avoiding Violence and Enhancing Legitimacy: Judicial Preparedness for Handling Electoral Disputes in Kenya and Beyond - <http://www.idlo.int/publications/avoiding-violence-and-enhancing-legitimacy-judicial-preparedness-handling-electoral>
- Balancing the Scales of Electoral Justice: Resolving Disputes from the 2013 Elections in Kenya - <http://www.idlo.int/publications/balancing-scales-electoral-justice-resolving-disputes-2013-elections-kenya>
- Friend of the Court & the 2010 Constitution: The Kenyan Experience and Comparative State Practice on Amicus Curiae - <http://www.idlo.int/publications/friend-court-2010-constitution-kenyan-experience-and-comparative-state-practice-amicus>

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