



Analysis of the Political Parties (Amendment) Act, 2018

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**Submitted to
The Parliamentary Committee on Legal and Constitutional Affairs**

Submitted on January 17, 2019

Honorable Chair and distinguished members of this Committee

We have honored your kind invitation to contribute to the review of this important Special Bill Supplement (as received) by submitting our written analysis on the proposed amendments.

Broadly, we believe that it is important and timely to amend the Political Parties Act (CAP 258, 2002) in order to improve the management of political parties specifically, and broadly for promoting democracy, good governance and development in the country.

We particularly acknowledge several proposed revisions and addition of new sections that:

- Ensure accountability and transparency in political parties affair: refer, for example to sections on management and reporting of parties' assets and resources including the role of the office of the CAG
- Promote principles of democracy; refer for example to sections that prevent political parties from delegating functions of key national organs and provisions on monitoring of intra-party elections and nomination of candidates: areas that have been sources of major conflicts in several political parties over the years
- Prevent disruption of peace and order by prohibiting political parties from forming militia and paramilitary groups, among others

However, we have serious reservations on several sections of the proposed amendments such that we believe, if adopted as they are, this Act will have adverse effects on democracy and the basic civic and political rights of citizens of the United Republic of Tanzania.

We strongly observe that limiting people's basic rights and failure to promote democracy in the country will lead to an apathetic citizenry, incapable of meaningfully contributing towards sustainable development for themselves and the nation at large.

Deeply concerned by the unnecessary criminalization of the basic duties and responsibilities of political parties and other actors, combined with excessively punitive measures without provisions for due process in the Act, we make the following general comments:

1. Throughout the Act, there is need for clarity in the provisions including more specificity to avoid vague and superfluous (redundant) provisions which provide loopholes for abuse of powers and can create fear among concerned stakeholders;
2. Reduce the powers of the Registrar in the provision of civic education from powers to regulate to powers to guide/monitor and as a result prevent the proposed criminalization of individuals and institutions in providing civic education and capacity building;
3. The powers of the office of the Registrar over political parties should be reasonable. The proposed amendment grants excessive discretionary powers to the Registrar seriously affecting autonomy and breaching confidentiality in political parties affairs. The Registrar should play a facilitative role rather than acting like a policing organ for political parties;
4. The Act should provide for establishment of an independent Political Parties Disputes Tribunal with judicial powers to hear and decide on all political parties' disputes. In the implementation of this Act, the Registrar of Political Parties should work in close collaboration, instead of competition, with other relevant authorities particularly the Political Parties Council and the National Electoral Commission (NEC);
5. Political parties should embrace and demonstrate principles of good governance as stipulated in the Act, including accountability, transparency and fairness in their conduct;
6. The Act should be aligned to the constitution of the United Republic of Tanzania and avoid contradictions with already existing laws of the country.

In subsequent pages, we provide detailed analysis to support our general and specific comments.

We humbly submit,

Center for Strategic Litigation
Media Council of Tanzania
Legal and Human Rights Centre
Tanganyika Law Society
Twaweza
WAHAMAZA

Consolidated Analysis | Political Parties' Act

Legal and Human Rights Centre, Tanganyika Law Society & Twaweza

Preamble (see Annex)

Section	Original	Comments/Rationale	Proposed Revision
3(a)(5)(e): Amendment of Section 4	Without prejudice to subsection (4), functions of the office of the Registrar shall be to - (e) monitor income and expenditures of political parties and accountability of party resources	Currently the Registrar receives and reviews income and expenditures of political parties including accountability of party resources (The Political Parties Act 14(1)(b)(i-ii)). Perhaps, what is missing is a mechanism for empowering party members to be able to hold their parties more accountable, hence our proposed revision.	Without prejudice to subsection (4), functions of the office of the Registrar shall be - (e) provide guidelines for party members to monitor income and expenditures of political parties and accountability of party resources, in line with party constitutions and relevant laws of the country
3(a)(5)(f): Amendment of Section 4	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (f) provide civic education regarding multiparty democracy, laws governed by the Registrar and related matters;	The Registrar does not govern laws, rather he/she is governed by laws	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (f) provide civic education regarding multiparty democracy, laws administered by the Registrar and related matters.
3(a)(5)(g): Amendment of Section 4	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (g) regulate civic education provided to political parties	Regulation connotes control/driving while guiding has a facilitative element	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (g) provide guidelines for civic education provided to political parties
3(a)(5)(h): Amendment of Section 4	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (h) advise the Government on issues related to political parties and multiparty democracy	Ignores other stakeholders	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (h) advise the Government and other democracy stakeholders on issues related to political parties and multiparty democracy
3(a)(5)(i): Amendment of Section 4	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (i) facilitate communication between political parties and the Government	The text of the provision leaves out stakeholders other than political parties and Government.	Without prejudice to subsection (4), the functions of the office of the Registrar shall be to - (i) facilitate communication between political parties, Government and/or any other stakeholders as necessary

Section	Original	Comments/Rationale	Proposed Revision
5(5A)(1): Addition of new sections 5A and 5B	Marginal Note: Regulation of civic education 5A(1): A person or institution registered within or outside the United Republic wishing to conduct civic education or any kind of capacity building training or initiative to a political party, shall prior to conducting such training, inform the Registrar in writing stating the objective and kind of training, training programme, persons involved in such training, teaching aids and expected results.	Monitoring is more facilitative, enabling. There is no good reason for giving the Registrar power to block capacity building initiatives or civic education. Parties should be free – and even encouraged – to seek such assistance, rather than to have this regulated and restricted. At most, parties should perhaps be required to disclose this as a form of “in-kind” donations. The Registrar should also note that there are already existing institutions and regulations that monitor civic and voters education such as the National Electoral Committee, NGO Registrar, among others. Therefore, it is important to avoid contradictions between this Act and other relevant laws.	Marginal Note: Monitor civic education 5A(1): A person or institution registered within or outside the United Republic wishing to conduct civic education or any kind of capacity building training or initiative to a political party, shall prior to conducting such training, inform the Registrar in writing stating the objective and kind of training, training programme and expected results.
5(5A)(2): Addition of new sections 5A and 5B	5A.-(2) Upon receipt of information under sub-section (1), the Registrar may disapprove the training and capacity building programme and give reasons for such disapproval	This has negative implications for stakeholders involved in provision of civic education such as education institutions, the media and CSOs and may lead to denial of basic rights such as right to information, freedom of disseminating information to political party groups. Existing laws provide that any institution in the country planning to undertake these types of activities must be registered and compliant with the laws of the country. So there is no need for an additional burden of bureaucracy here. Furthermore, there is no a stipulated period of time for Registrar to issue such approval. And the Registrar should not have so much discretion so as to approve or disapprove provision of civic education and capacity building	Upon receipt of information under subsection (1), the Registrar shall advise accordingly
5(5A)(3): Addition of new sections 5A and 5B	Any person who contravenes this section, commits an offence and is liable, on conviction to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.	Too punitive, can be in offences section, discourages CSO engagement and work with political parties. These are administrative offenses and should not face such large sanctions.	Any person who contravenes this section is liable to a written warning from the Registrar, or in the case of repeated default a fine of fifty thousand shillings or imprisonment of not more than one month or to both a fine and imprisonment

Section	Original	Comments/Rationale	Proposed Revision
5(5A)(4): Addition of new sections 5A and 5B	Any institution which contravenes this section, commits an offence and is liable, on conviction to a fine of not less than five million shillings but not exceeding thirty million shillings.	Too punitive, can be in offences section, discourages CSO engagement and work with political parties. These are administrative offenses and should not face such large sanctions.	Any institution which contravenes this section is liable to a fine of not more than one hundred thousand shillings
5(5B)(1): Powers of Registrar to demand information from political parties	The Registrar may, in the execution of functions and responsibilities under this Act, demand from a political party, a leader or a member any information as may be required for implementation of this Act.	This provision will result in violation of official communication channels of political parties as stipulated in party constitutions. There is no good reason why the office of the Registrar should not follow formal processes of obtaining any information from political parties.	In the execution of functions and responsibilities under this Act, the Registrar may request from a political party relevant information as may be required for implementation of this Act.
5(5A)(6): Addition of new sections 5A and 5B	A person or institution which fails to comply with an order under subsection (5) commits an offence.	No specificity here, can be in offences section	A person or institution which fails to comply with an order under subsection (5) commits an offence and shall be liable to a written warning from the Registrar or in the case of repeated default a fine for a person up to fifty thousand shillings; and for institutions a fine not exceeding more than five hundred thousand shillings
5(5B)(2): Addition of new sections 5A and 5B	A political party which contravenes this section shall be liable to a fine of not less than one million shillings but not exceeding ten million shillings	Too punitive, can be in offences section	A political party which contravenes this section shall be liable to a fine of not more than one hundred thousand shillings
5(5B)(3): Addition of new sections 5A and 5B	Any person, being a person having the mandate of his political party, who contravenes this section or provides false information to the Registrar, commits an offence and is liable, on conviction to a fine of not less than one million shillings but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both	Too punitive, can be in offences section, no warning process	Any person, being a person having the mandate of his political party, who contravenes this section or provides false information to the Registrar shall be liable to a written warning from the Registrar after which the party shall be reported to the Political Parties Council and may be fined up to one hundred thousand shillings, where necessary upon repeated default
5(5B)(5): Addition of new sections 5A and 5B	The Registrar may, where a political party contravenes subsection (4), suspend or deregister such political party	Too punitive, can be in offences section	Any political party which contravenes this section or provides false information to the Registrar shall be liable to a written warning from the Registrar after which the party shall be reported to the Political Parties Council and may be fined up to one hundred thousand shillings, where necessary upon repeated default

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6: Repeal and replacement of section 6	No suit shall lie against the Registrar, Deputy Registrar, Director or other officers under the Registrar for anything done or omitted to be done in good faith in the performance of any function under this Act	Providing the Registrar with this immunity puts the Registrar above the Law which is against the constitution of the United Republic of Tanzania. Moreover, this Act grants the Registrar with excessive powers without sufficient checks and mechanisms for accountability.	Remove this section entirely
6A(5): Formation of political party	A political party shall promote the union of the United Republic, the Zanzibar Revolution, democracy, good governance, anti-corruption, ethics, patriotism, uhuru torch national peace and tranquility, in the- (a) formulation and implementation of its policies (b) nomination of candidates for elections; and (c) election of its leaders	1. It is not clear how the Uhuru Torch will be applied as a principle in the nomination of candidates and elections of party leaders. In a multiparty democracy, diversity of viewpoints is what makes healthy and competitive politics. 2. Some of the other terms included here are very vague and allow for a wide range of plausible interpretations. "Ethics" is a particularly problematic term, as it is highly subjective, as is "peace and tranquility". Even terms such as "democracy", "good governance" and "patriotism" are difficult to define with precision.	<u>Alternatives</u> 1. A political party shall promote democracy, good governance, anti corruption, the union of the United Republic as per the Constitution of the URT (a) formulation and implementation of its policies; (a) nomination of candidates for elections; and (b) election of its leaders
6A(6)(7): Formation of political party	6A(6): A political party shall not function as a pressure or activist group (7) For purposes of subsection (6), a pressure group or activist group means a group of people that influences public opinion or Government action in the interest of a particular cause.	Prohibiting political parties from acting as pressure groups shall render them inactive between elections which is not healthy in a multiparty democracy; generally this contradicts with the objectives and nature of a political party.	6A(6): A political party shall identify its ideology and influence the public on its ideology.
6B (a): Qualification of people applying for registration of political party	6B (a): A person shall qualify to apply for registration of a political party if - (a) both parents of that person are a citizen of the United Republic by birth	Citizenship of the individual should be sufficient, and parents should not have to be citizens by birth, excessive requirements	6B (a): A person shall qualify to apply for registration of a political party if - (a) that person is a citizen of the United Republic
6B (d): Qualification of people applying for registration of political party	A person shall qualify to apply for registration of a political party if - (d) that person has attained or is above the age of twenty-one years	The principle of age of majority has not been applied in here	A person shall qualify to apply for registration of a political party if - (d) that person has attained or is above the age of eighteen years

Section	Original	Comments/Rationale	Proposed Revision
6C: Restrictions in party membership and participation in political parties' activities	6C(4): A non citizen shall not participate in the decision making process of a political party with the aim of promoting the objectives of that party	This is redundant (superfluous) since non-citizens cannot be members and cannot be involved in decision making.	remove this section entirely
9:Amendment of Section 8A	8A: (1) There shall be kept and maintained by the Registrar registers in which matters and particulars of political parties shall be entered. (2) The registers under subsection (1) shall include- (a) a register of political parties; (b) a register of national leaders; (c) a register of members of political parties national organs; and (d) a register of members of board of trustees of political parties.	This represents an additional administrative burden on parties, also members may wish to keep their membership confidential. Previously this Section included a requirement to publish or make available registers for members of the public. The requirement for the register of political parties to be a public register is important and should be maintained. Its removal may not be intentional, but this should be made clear. Registers of Board of trustees are already kept with RITA.	8A: (1) There shall be kept and maintained by the Registrar registers in which matters and particulars of political parties shall be entered. (2) The registers under subsection (1) shall include- (a) a register of political parties; (b) a register of national leaders. (3) The registers mentioned in (2) should be publicly available
11: Addition of Section 8C, 8D, 8E	8C(3): A political party which fails to comply with the requirement of this section may be suspended in accordance with provisions of this Act	Immediate suspension, fines or imprisonments without lower measures such as warnings is against administrative law and principles of penology.	8C(3): A political party which fails to comply with the requirement of this section shall be liable to a written warning and in the event of repeated default shall be fined not more than one hundred thousand shillings
11: Addition of Section 8C, 8D, 8E	8C(4): Notwithstanding subsection (4), a leader of political party which contravenes subsection (1) commits an offence and shall on conviction be liable to a fine of not less than one million shillings and not exceeding three million shillings or to imprisonment for a term of not less than three but not exceeding six months or to both.	Immediate suspension, fines or imprisonments without lower measures such as warnings is against administrative law and principles of penology.	8C(4) Notwithstanding subsection (4), a leader of political party which contravenes subsection (1) commits an offence and shall be liable a written warning and the event of repeated default shall be fined not more than one hundred thousand shillings
11: Addition of Section 8C, 8D, 8E	8D(4): A political party which contravenes subsection (2) shall be deregistered.	Immediate suspension, fines or imprisonment without lower/alternative measures such as warnings is against the principles administrative law and penology.	8D(4): A political party which contravenes subsection (2) shall be liable a written warning and the event of repeated default shall be fined not more than one hundred thousand shillings

Section	Original	Comments/Rationale	Proposed Revision
11: Addition of Section 8C, 8D, 8E	8E(3): A political party which contravenes the requirement of this section, shall be deregistered and every leader or member of the party concerned shall be liable on conviction to imprisonment for a term of not less than five years but not exceeding twenty years or to both.	Punitive, can be in offences section. The penalties imposed for breach of this provision (deregistration of the party) is too harsh and is likely to violate the constitutional safeguards on the right to the freedom of association.	A political party which contravenes the requirement of this section, shall be liable to a fine of not more than two million shillings
12: Amendment of Section 9	Missing amendment	This section is missing from the Political Parties Act, 1992 and its amendment 2009	(i) in the opening phrase by deleting the word "constitution" and substituting for it the words "constitution, rules and"
15: Addition of Section 10B	10B(2): The Registrar may, at any time with adequate notice verify a political party to ensure compliance with the conditions for its registration.	Unspecified timeframe for notice	The Registrar may, at any time with minimum notice of twenty one days, verify a political party to ensure compliance with the conditions for its registration.
17: Repeal and replacement of sections 11A and 11B	11A(1): A political party fully registered in accordance with this Act may, within twenty one days prior to nomination of candidates for general election, be entitled to merge with another fully registered political party.	Only allowing mergers in such a narrowly defined time period – and a period when parties will be busy with preparing for elections – is a clear breach of citizens' freedom of association. It is highly impractical and disadvantageous to the merging parties, as the time taken by the process will leave parties unable to campaign or prepare effectively. There should be no time restrictions on when parties are allowed or not allowed to merge.	At any time before commencement of campaign period, a political party fully registered in accordance with this Act may be entitled to merge with another fully registered political party.
19: Amendment of Section 12	12(2): Subject to subsection (3) a political or any person shall not undertake a party activity, form, establish or allow to be established or formed in any office, branch, unit, youth or women organization or other organ of any political party in any working place, school or other place of learning, places of worship, Government buildings, public institutions	Any office, any working place - these are too broad and vague	The Act should provide definitions of "any office", "any working place" and delete "shall not undertake a party activity"
19: Amendment of Section 12	12(5): Notwithstanding subsection (1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.	Numbering error	12(5): Notwithstanding subsection (2), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.

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19: Amendment of Section 12	12(6): A person shall not use religion or religious organisation to further the objectives of a political party	It is going to be a challenge to provide proof of the use of religion in furtherance of objectives of a political party (since religion is an abstract)	Consider revising by adding detail on what constitutes the use of religion in furthering the objectives of a political party
21: Addition of section 12C	12C(2): (2) A declaration submitted to the Registrar under subsection (1) shall - (b) contain such other relevant particulars as the Registrar may prescribe	Too much discretion to Registrar to request any information. This is a serious intrusion into internal party financial matters. At this point in a party's existence, it receives no Government subvention, so there are no public funds involved. Further, lists of donors and donations are highly sensitive information, and requiring this kind of extreme transparency (the declarations are public) is likely to be a major obstacle to the establishment of new parties, thus infringing the right of citizens to associate freely. Regulation of election expenses is a separate matter, where regulation is highly appropriate, but this is more appropriately covered in other existing legislation, specifically the Election Expenses Act.	12C(2): (2) A declaration submitted to the Registrar under subsection (1) shall - (b) contain such other relevant particulars as the Registrar may prescribe without violating any other laws
21: Addition of section 12C	12C(4): Notwithstanding any other penalty prescribed by this Act, the Registrar shall deregister a political party which - (a) fails to comply with this section; or (b) submits a declaration which is false in any material particular	Deregistration should not be a first measure following default. Instead default should be followed by a written warning from the Registrar who is the custodian of democracy not a policeman. This should ensure due of the law is followed from charging, hearing and appellant process.	Revise as per the comment
22: Amendment of Section 13	13(2)(a,b): from any source within the United Republic as may be prescribed in the regulations made under this Act	This section is repetitive considering the fact that section 21 of the Bill already amends section 12 C (2) of the Principal Act to require the disclosure of all political party information including sources of funding. Further, it is entirely reasonable to require parties to disclose the source of any finance received from foreign sources. However, to extend this so that it also includes domestic sources will expose potential donors to the risk (or fear) of repercussions from representatives of other parties. Domestic donors should be free to donate in private, or indeed anonymously, if they choose to do so.	Remove because it repeats other sections of the same Act

Section	Original	Comments/Rationale	Proposed Revision
24: Amendment of Section 18	18(6): The Registrar may suspend grant of subvention to a political party for specified or unspecified period where he believes that management of the political party which includes its trustees is not able to account for or supervise accountability of such funds	A serious measure such as suspending party subvention must not be based on belief (rumor), rather proof that management of political party including trustees is not able to account for such subvention funds	1. 18(6): The Registrar, based on advice from the Controller and Auditor General, may suspend grant of subvention to a political party for specified or unspecified period where he has evidence that management of the political party which includes its trustees is not able to account for or supervise accountability of such funds
24: Amendment of Section 18	18(7): A political party which receives a qualified or disclaimer audit report shall be denied subsequent subvention for six months	Proposals / opinions for action in regard to qualified or disclaimer audited reports shall be picked from the Auditing Authority, not the registrar	Remove because this is already a function of the CAG
24: Amendment of Section 18	18(8): The Registrar may, at any time, where he is dissatisfied with management of the resources of a political party, request the Controller and Auditor-General to carry out a special audit	The power to request an audit has a very low threshold; the normal auditing of political party finances should be sufficient	Remove based on the comments provided
24: Amendment of Section 18	18(9): The Minister may make regulations prescribing procedures for better carrying out the provisions of this section	The requirements should be specific so as to ensure party confidentiality and autonomy. The minister should not be given such wide-ranging discretion	The minister together with the political parties council shall prescribe procedures for better carrying out the provisions of this Act
27: Addition of Section 19A	19A(1): The Registrar may suspend registration of a political party for a specified number of days to enable the party to remedy the breach as specified in the notice issued by the Registrar.	<ol style="list-style-type: none"> 1. Suspending a political party is such a grave action far beyond the said breach 2. A suspended party cannot afford to remedy anything 3. There is no detail provided in the Bill regarding acceptable grounds for suspension, how notices should be provided by the Registrar, what time period is reasonable for parties to respond, or indeed to replicate the protections for parties that apply to de-registrations. This vagueness, coupled with the serious effect of suspension on parties, particularly around election periods, gives the Registrar an inappropriate level of discretionary power 	2. include in 19A all the protections provided in sections 19(2) and 19(3) of the existing Act, including on notifications of intention to suspend; parties' right to respond within ninety days; and a prohibition on suspensions being issued when there are less than 12 months until the next scheduled general election.

Section	Original	Comments/Rationale	Proposed Revision
27: Addition of Section 19A	19A(3): The Registrar shall deregister a political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (1)	The spirit of a good Political Parties Act should be to nurture parties and not rushing into punitive measures. These are all administrative offences and as such do not warrant this level of sanction. This section overly widens the discretion of the Registrar with no immediate control mechanisms to avoid power abuse	remove as per the comments provided
31: Additions of Section 21D and 21E	21D(1): Any office bearer who fails to comply with the directive or request of the Registrar made under this Act or submits a statement which is false in any material or particulars commits an offence	It is against best practice to provide penalties against requests. The section should be rephrased to meet legal drafting standards. The penalties are huge and specific to undisclosed offences. To avoid confusion the unforeseen offences under this law could be punished under other laws such as the Penal Code, and other related laws.	Revise according to the comments provided

Section	Original	Comments/Rationale	Proposed Revision
31: Additions of Section 21D and 21E	21D(2): Without prejudice to any other penalty provided in this Act, a political party which makes a statement which is false in material particulars, commits an offence and is liable upon conviction to a fine not less ten million and not exceeding fifty million shillings	<p><u>Alternatives</u></p> <ol style="list-style-type: none"> 1. This section is repetitive considering that section 21 of the Bill amends section 12C(4)(b) to provide for a penalty up to deregistration for a similar offence of providing false information 2. Once again, this section is proof of bad intent of the Bill focusing on penalties rather than corrective measures or remedies. The penalties are huge and specific to undisclosed offences. To avoid confusion the unforeseen offences under this law could be punished under other laws such as the Penal Code, and other related laws. 3. This offence is unqualified 4. As stated, this applies to any statement made by a political party. It is not limited to statements made to the Registrar as part of fulfilling the requirements of the Act, which may have been the intention. Criminalisation of falsehood is highly problematic for freedom of speech, particularly in controversial areas where truth is contested – as in much political activity. 5. This is also vulnerable to selective enforcement, whereby some parties are allowed to make false statements unchallenged while others are prosecuted. 	<p><u>Alternatives</u></p> <ol style="list-style-type: none"> 1. <u>Remove</u> 2. 21D(2): Without prejudice to any other penalty provided in this Act, a political party which makes a statement, to the Registrar in regards to the process of registration, which is false in material particulars, commits an offence and is liable upon conviction to a fine not less ten million and not exceeding fifty million shillings
31: Additions of Section 21D and 21E	21D(3): Any person who contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable on conviction to a fine of not less than three million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both	This provision of blanket penalties is another indication of the spirit of the Bill focusing on punishment rather than corrective measures. The penalties are huge and specific to undisclosed offences. To avoid confusion the unforeseen offences under this law could be punished under other laws such as the Penal Code, and other related laws	<p><u>Alternatives</u></p> <ol style="list-style-type: none"> 1. Remove 2. Remove references to all offences in other parts of the Bill, put here a general offences section that addresses all these administrative offences with one penalty process that includes warning and suspension before fines, imprisonment, deregistration

Section	Original	Comments/Rationale	Proposed Revision
31: Additions of Section 21D and 21E	21D(4): Any political party which contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable to a fine of not less than ten million shillings and not exceeding fifty million shillings or to suspension or to deregistration	This provision of blanket penalties is another indication of the spirit of the Bill focusing on punishment rather than corrective measures. The penalties are huge and specific to undisclosed offences. To avoid confusion the unforeseen offences under this law could be punished under other laws such as the Penal Code, and other related laws	<u>Alternatives</u> 1. Remove 2. Remove references to all offences in other parts of the Bill, put here a general offences section that addresses all these administrative offences with one penalty process that includes warning and suspension before fines, imprisonment, deregistration
31: Additions of Section 21D and 21E	21E(1): Without prejudice to the generality of the power conferred by this Act, the Registrar may suspend any member of a political party who has contravened any provision of this Act from conducting political activities.	It is undue and unjustifiable powers for the law to confer the Registrar with ability to suspend party members. These powers should continue to vest in the respective parties	Remove based on the comments provided
31: Additions of Section 21D and 21E	21E(2): Any party member who conducts party or political activities or participates in an election or causes any person to conduct party political activity or participate in an election during period of suspension of such party, commits an offence	It is undue and unjustifiable powers for the law to confer the Registrar with ability to suspend party members. These powers should continue to vest in the respective parties. It is an excessive punishment, preventing members of a suspended party even from voting in elections. This is a serious denial of citizens' political rights. Given the ease with which the Registrar is able to suspend a party, this has huge potential for abuse.	Remove based on the comments provided
31: Additions of Section 21D and 21E	21E(3): The Minister may make regulations prescribing procedures for suspension of members of political parties	It is undue and unjustifiable powers for the law to confer the Minister with ability to make regulations on suspension of party members. These powers should continue to vest in the respective parties	Remove based on the comments provided