



# Issue Brief on Election Crimes and Offences in Kenya Report, 2016

## Objective - To establish prevalence and types of election crimes and offences

**Methods** - The study adopted descriptive research design. The survey was carried out in 20 out of the 47 counties in Kenya. 1,222 (654 males and 568 females) sample respondents from both rural and urban areas were interviewed. Key informants were drawn from Criminal Justice Agencies; IEBC; civil society organizations; political parties and education sector. Probability and non-probability sampling techniques were employed. Quantitative data was analyzed through SPSS and qualitative data analyzed through interpretation of key informants' responses along research themes.

**Counties of study:** Nairobi, Kirinyaga, Laikipia, Kitui, Nakuru, Kericho, Migori, Siaya, Kisumu, Kakamega, Bungoma, Mombasa, Kwale, Tana River, Marsabit, Isiolo, Uasin Gishu, Bomet, Narok and Garissa

**Findings:** Election crimes were committed in all the 20 counties sampled. 85.9% of the respondents reported that election crimes and offences occurred within their neighborhoods and this was supported by the fact that 85.8% of the respondents lived in their localities for more than 1 year and thus were aware of what was happening from within. 85.9% of the respondents highlighted 27 typologies of election crimes and offences committed within their localities. These offences were voter bribery; voter/ ballot fraud; hate speech; voter intimidation; rigging of candidates during nominations; defacing of posters; provision of food; refreshments, fare reimbursement and rewards to supporters; destruction of property; use of violence; killings/ murder; discrimination and/ or being denied to vote; stealing of property; looting of property; compromised election officials; assault; campaigning beyond IEBC given time; forceful displacement of populations; giving of alcoholic drinks to people to interrupt campaigns; rape; character assassination; robbery; arson; burglary; unjustified use of public resources; unjustified use of national security organs; and use of weapons by opponents

When the above findings are broadly classified based on Elections Act of 2011, undue influence 41.7% was the most prevalent form of election crime and offence, followed by bribery 40.6%, offences relating to elections 26.5%, use of force or violence 25.9% and offences relating to voting 16.6%, treating voters 7.6%.

The least prevalent election offences were offences by members and staff of IEBC 3.2%, unjustified use of public resources in campaigns 0.7% and unjustified use of national security organs 0.1%.

In terms of County prevalence of election crimes and offences, the study found out bribery as one of the most prevalent election offences in the counties. Voter bribery was most prevalent in Narok County at (77.6%), Garissa (69.0%), Bomet (56.3%), Siaya (53.8%) and Kisumu (41.5%). Voter/ballot fraud was ranked second in order of prevalence. The study found out that hate speech occurred in all counties but was most prevalent in Narok (38.8%), Kisumu (26.4%) and Nairobi (23.7%). Fighting was also reported in all the sampled counties except Kwale. It was mostly reported in Nairobi (27.6%), Bomet (25.0%) and Siaya (21.2%).

Further, burglary was not a common election crime and was committed only in Mombasa (6.8%), Isiolo (2.0%), Kisumu (1.9%), Kirinyaga (1.6%) and Nairobi (1.3%) counties during the 2013 General Elections. The offence of unjustified use of public resources in campaigns was less prevalent and was only reported in 6 counties. The offence of unjustified use of national security organs was not prevalent as it was reported by a few respondents in Nairobi County implying that it was not a major problem in Kenya's elections. Finally, use of weapons by opponents was a rare offence only reported by a few respondents in Narok County.

**Conclusions:** These findings point out that elections crimes and offences are very common occurrences in electoral process in Kenya. The IEBC, in collaboration with the Office of the Director of Public Prosecutions (ODPP) handled 86 cases of election offences arising from the 2013 General Elections. There is need therefore to address election crimes and offences through administrative policies, legal frameworks and court precedents. Further, parliament and county assemblies should formulate legislations with stiff penalties against election crimes and offences. Additionally, there is need for advance mapping of election crimes and offences in every election cycle. Finally, there is need to create awareness on what election crimes and offences through the existing education systems and through civil society organizations.

## References

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