



NATIONAL CRIME RESEARCH CENTRE

Fighting Crime through Research



THE CHALLENGE OF ELECTION-RELATED CRIMES AND OFFENCES IN KENYA



**Isaiah Nyambariga Ndege
John Ngugi Kariuki**



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	Page
COPYRIGHT	ii
LIST OF FIGURES.....	vii
ABBREVIATIONS AND ACRONYMS	ix
FOREWORD	x
ACKNOWLEDGEMENTS	xi
EXECUTIVE SUMMARY	xii
CHAPTER ONE: INTRODUCTION.....	1
1.1 Background of the Study	1
1.1.1 Global perspective	2
1.1.2 African perspective.....	4
1.1.3 The Kenyan perspective	5
1.2 Statement of the Problem	8
1.3 Objectives of the Study	9
1.3.1 General objective.....	9
1.3.2 Specific objectives.....	9
1.4 Justification of the Study	9
1.5 Assumptions of the Study.....	10
1.6 Scope of the Study.....	11
1.7 Theoretical Framework of the Study	11
1.7.1 Rational Choice Theory.....	11
1.7.2 Aggressive Cues Theory.....	12
CHAPTER TWO: METHODOLOGY OF THE STUDY	13
2.1 Introduction	13
2.2 Research Design	13
2.3 Target Population of the Study	13
2.4 Sampling of Counties and Respondents	13
2.5. Data Collection Methods.....	16
2.6. Data Collection Tools.....	16
2.7 Data Collection and Management	16
2.8 Methods of Data Analysis	17
2.9 Ethical Considerations.....	17
CHAPTER THREE: RESULTS AND DISCUSSIONS.....	18
3.1 Introduction	18
3.2 Socio-demographic Characteristics of the Sample Respondents.....	18
3.3 Prevalence and Typology of Election-Related Crimes and Offences	20
3.3.1 Knowledge and/or experience on the existence of election-related crimes and offences....	20
3.3.2 Types and prevalence of election-related crimes and offences	22
3.3.3 Whether land use and/or ownership is a factor in election-related crimes and offences	32

3.3.4 Typology and prevalence of land use and/or ownership conflicts witnessed and/or encountered during recent political elections	35
3.3.5: Hotspot areas for election-related crimes and offences in Kenya	38
3.4 Perpetrators and Victims of Election-Related Crimes and Offences.....	41
3.4.1 Perpetrators of election-related crimes and offences.....	41
3.4.2 Victims of election-related crimes and offences	45
3.5 Factors Contributing to and Triggers of Election-Related Crimes and Offences	48
3.5.1 Underlying factors contributing to election-related crimes and offences.....	48
3.5.2 Triggers for election-related crimes and offences	56
3.6 Effects of Election-Related Crimes and Offences.....	57
3.7. Intervention Strategies for Addressing Election-related Crimes and Offences.....	59
3.7.1 Reporting of election-related crimes and offences	59
3.7.2 Existing mitigating interventions for the election-related crimes and offences	63
3.8 Challenges Faced in the Control of Election-related Crimes and Offences	68
3.8.1 Respondents' suggestions towards addressing election-related crimes and offences in Kenya.....	71
CHAPTER FOUR: SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS	79
4.1 Introduction	79
4.2 Summary of Key Findings.....	79
4.2.1 Prevalence and typology of election-related crimes and offences.....	79
4.2.2 Perpetrators and Victims of Election-related crimes and offences.....	80
4.2.3 Underlying factors and triggers contributing to election-related crimes and offences	80
4.2.4 Effects of election-related crimes and offences.....	81
4.2.5 Existing intervention strategies and the effectiveness of relevant stakeholders in controlling election-related crimes and offences	81
4.2.6 Challenges faced in the control of election-related crimes and offences	82
4.3 Conclusion.....	82
4.4 Recommendations	83
APPENDICES	91
Appendix 1: Interview Schedule	91
Appendix 2: Key Informant Guide.....	103
Appendix 3: Focus Group Discussion Guide	105
Appendix 4: Hotspot Areas for Election-Related Crimes and Offences per County	107

LIST OF TABLES

	Page
Table 3. 1: Socio-demographic characteristics of respondents.....	19
Table 3.2: Types and prevalence of election-related crimes and offences	24
Table 3.3: Types and prevalence of election-related crimes and offences as per respondent category.....	27
Table 3.4: Election-related crimes and offences committed during electioneering period as highlighted by Focus Group Discussants.....	30
Table 3.5: Whether land use and/or ownership is a factor in election-related crimes and offences.....	33
Table 3.6: Responses on whether it is right to destroy political opponents' property, evict and use violence against political opponents to settle land disputes.....	35
Table 3.7: Land use and/or ownership conflicts witnessed and/ or encountered during recent political elections.....	36
Table 3.8: Election-related crimes and offences arising from land use and/or ownership as highlighted by Focus Group Discussants	37
Table 3.9: Whether the respondents perceived their counties as hotspot areas.....	39
Table 3.10: Perpetrators of election-related crimes and offences.....	41
Table 3.11: Perpetrators of election-related crimes and offences as per the specific category of the respondents.....	42
Table 3.12: Perpetrators of election-related crimes and offences as highlighted by Focus Group Discussants	44
Table 3.13: Victims of election- related crimes and offences	46
Table 3.14: Victims of election-related crimes and offences as per the specific category of the respondents	47
Table 3.15: Underlying factors contributing to election-related crimes and offences.....	48
Table 3.16: Underlying factors contributing to election-related crimes and offences as per the specific category of the respondents.....	49
Table 3.17: Factors contributing to election-related crimes and offences as highlighted by Focus Group Discussants.....	51
Table 3.18: Likely effect of COVID-19 on the prevalence of election-related crimes and offences in the 2022 General Election as highlighted by Focus Group Discussants	55
Table 3.19: Triggers of election-related crimes and offences.....	56
Table 3.20: Effects of election-related crimes and offences as highlighted by Focus Group Discussants	58
Table 3.21: Whether the respondent has ever reported election-related crimes and offences.....	60
Table 3.22: Reasons for not reporting election-related crimes and offences.....	61
Table 3.23: Trusted Agency for reporting elections related to crimes & other offences.....	62
Table 3.24: Ideal mechanism for reporting election-related crimes and offences	63
Table 3.25: Existing interventions on election-related crimes and offences as highlighted by Focus Group Discussants	64
Table 3.26: Perceptions on the effectiveness of the electoral management stakeholders in the control of election-related crimes and offences as per the specific category of the	

respondents.....	66
Table 3.27: Challenges in addressing election-related crimes and offences	68
Table 3.28: Challenges faced in the control of election-related crimes and offences as highlighted by Focus Group Discussants	69
Table 3.29: Respondents’ suggested measures for addressing election-related crimes and/ or offences in general as per the specific category of the respondents.....	72
Table 3.30: Measures suggested for addressing election-related crimes and/ or offences as highlighted by Focused Group Discussants	74
Table 3.31: Addressing land use and/or ownership issues that contribute to election-related crimes and offences as per the specific category of the respondents	77

LIST OF FIGURES

Page

Figure 1: Respondents' knowledge and/or experience on the existence of election-related crimes and offences	20
Figure 2: Whether the sample respondent is a registered voter	21
Figure 3: Reasons for not registering as a voter	22
Figure 4: Whether land use and/or ownership is a factor in election-related crimes and offences.....	33
Figure 5: Whether the respondent's locality is a hotspot area for election-related crimes and offences.....	40
Figure 6: Comparative analysis of the top three perpetrators of election-related crimes and offences on NCRC's 2016 and 2021 studies.....	43
Figure 7: Whether the respondent has ever been a victim or witnessed the commission of election-related crimes and offences.....	45
Figure 8: Comparative analysis of the top five factors contributing to election-related crimes and offences in NCRC's 2016 and 2021 studies	53
Figure 9: Likelihood that COVID-19 may lead to the increase of election-related crimes and offences in the 2022 General Elections.....	54
Figure 10: Whether the respondent has ever reported election-related crimes and offences ..	59
Figure 11: A comparative analysis of the top five challenges faced in the control of election-related crimes and offences in Kenya based on NCRC (2016) and this study	71

OPERATIONAL DIFINITION OF TERMS

Campaign period

Refers to the period specified as such in the notice issued by IEBC in relation to an election.

Election-related crimes

Mean all the crimes punishable under the Penal Code Cap 63 Laws of Kenya which were committed during the electioneering period of a General Election and/or By-election for political offices and which were directly related to the particular elections.

Election-related offences

Refer to the offences provided for in the Elections Act of 2011, which is a legal framework instrument of the Independent Electoral and Boundaries Commission (IEBC) in Kenya.

Election period

Refers to the period between the publication of a notice by the IEBC for a presidential, parliamentary or county election and the Gazettement of the election results.

Election

Refers to a formal and organized choice by vote of a person for a political office. It includes the general election and by-elections. It entails presidential, parliamentary, county election and includes by-election.

Post-voting period

Denotes the period immediately after the day of casting the ballot.

Pre-election period

Indicates the period before the publication of a Gazette notice by IEBC declaring the commencement of the election period.

Voting period

Refer to the period between 6.00am to 5.00pm local Kenyan time on the voting day.

ABBREVIATIONS AND ACRONYMS

CBO	Community Based Organization
CIPEV	Commission of Inquiry into the Post-Election Violence
CRB	Credit Reference Bureau
EACC	Ethics and Anti-Corruption Commission
FBO	Faith Based Organization
FGD	Focus Group Discussion
ICT	Information Communication Technology
ID	Identification Documents
IEBC	Independent Electoral and Boundaries Commission
KHRS	Kenya Human Rights Commission
KI	Key Informant
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
KNEC	Kenya National Examination Council
KRA	Kenya Revenue Authority
NCIC	National Cohesion and Integration Commission
NCRC	National Crime Research Centre
NGAO	National Government Administration Office
NGO	Non-Governmental Organizations
NIS	National Intelligence Service
NPS	National Police Service
ODPP	Office of the Director of Public Prosecutions
ORPP	Office of Registrar Political Parties
SPSS	Statistical Package for Social Sciences
SRIC	Security Research and Information Centre
TJRC	Truth, Justice and Reconciliation Commission

FOREWORD

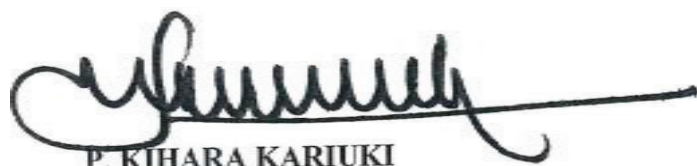
The Government of Kenya plays a cardinal role in ensuring that all citizens enjoy their political rights as provided for under Article 38 of the Constitution of Kenya. These include freedom of making political choices; the right to free, fair and regular elections; and the right to be registered as a voter and to vote or be voted for. The regrettable incidences of election-related crimes and offences that have prominently featured in Kenya's previous elections are a threat to the realization of these rights and a stain in the very foundation of our society owing to the far-reaching negative effects of these vices.

In 2016, the National Crime Research Centre (NCRC) undertook a survey on *Election Crimes and Offences in Kenya*. The study covered 20 counties and proposed a raft of policy recommendations towards ameliorating the challenge of election-related crimes and offences in the country. The study also recommended further research in the counties and sub-counties that were not covered. Using the 2016 study as a base, this new study seeks to examine the current situation with regards to election-related crimes and offences in Kenya with the aim of proposing further interventions.

The findings of this study indicate that election-related crimes and offences continue to pose a major security challenge in Kenya's electoral processes. For instance, the most prevalent crimes and offences identified in 2016 including voter bribery, hate speech, incitement to violence and giving of alcohol to interrupt electoral processes continue to be prominent in the current dispensation. The main perpetrators of these iniquities are the political class and supporters; organized criminal gangs; and the youth. Therefore, there is need for strategic multi-agency and multi-sectoral initiatives and efforts towards addressing the recurring dynamics of election-related crimes and offences. This study provides a robust empirical foundation upon which these initiatives can be anchored.

I wish to reiterate and applaud the significant efforts by the Government of Kenya and other stakeholders in addressing election-related crimes and offences. Indeed, we all have a stake in countering this menace and ensuring that Kenyan elections are free of crimes and offences.

Finally, I call upon the duty-bearer agencies, institutions and stakeholders in electoral management to take cognizance of and utilize the findings and recommendations of this study in their programming and preparedness for the forthcoming General Election in Kenya.



P. KIHARA KARIUKI

ATTORNEY GENERAL/CHAIRMAN OF THE GOVERNING COUNCIL
NATIONAL CRIME RESEARCH CENTRE

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It is my sincere hope that the findings and recommendations arising from this study will inform policies and programming aimed at mitigating election-related crimes and offences in Kenya.



VINCENT O. OPONDO
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EXECUTIVE SUMMARY

In the recent past, elections in Kenya have been marred by incidences of crimes and offences which undermine both the legitimacy of elections and public confidence in our democracy. While the magnitude of these vices vary from each election period and geographical location, the incidents keep on recurring. Furthermore, all counties in Kenya have experienced election-related crimes and offences.

Predicated on the above context, this study sought to establish the nature of election-related crimes and offences in Kenya with a view of recommending remedial measures. Specifically, the following variables were examined: typology and prevalence of election-related crimes and offences; victims and perpetrators of election-related crimes and offences; factors contributing to and triggers of election-related crimes and offences; effects of election-related crimes and offences; existing intervention strategies and the effectiveness of various stakeholders in dealing with election-related crimes and offences; and challenges faced in the control of election-related crimes and offences.

A mixed method research design was utilized in this study. Data collection was carried out in the 47 counties. A total of 2583 members of the public, 332 political party representatives, 434 electoral/election regulatory/enabling agency representatives, and 137 governance/electoral-related civil society organizations' representatives were interviewed. In addition, 16 Focus Group Discussions and 141 key informant interviews were held.

Key Findings

Prevalence and typology of election-related crimes and offences

It was established that the key election-related crimes and offences committed during **pre-election period** included: hate speech; voter bribery; campaigning outside the prescribed period; incitement to violence; giving of alcohol and drugs to interrupt electoral processes; provision of food, refreshments, fare reimbursement and rewards to supporters; and stealing and looting of property.

The main election-related crimes and offences committed during **campaign period** were: voter bribery; hate speech; giving of alcohol and drugs to interrupt electoral processes; incitement to violence; stealing and looting of property; creating disturbance and engaging in

disorderly conduct; treating; affray; threat to violence; defacing of posters; intimidation of the opponents; character assassination; use of violence; and malicious damage to property.

As revealed in this study, the leading election-related crimes and offences committed during **voting period** included: voter bribery; giving of alcohol and drugs to interrupt electoral processes; hate speech; provision of food, refreshments, fare reimbursement and rewards to supporters (treating); threat to violence; creating disturbance and engaging in disorderly conduct; and incitement to violence.

In addition, the most prominent election-related crimes and offences committed during the **post-voting period** were stealing and looting of property, malicious damage to property, use of violence, incitement to violence, forceful displacement of the population and hate speech.

Perpetrators and Victims of Election-related crimes and offences

On the one hand, the findings of this study indicated that the prominent **perpetrators** of election-related crimes and offences were the politicians, aspirants and candidates; vulnerable youths (unemployed, unskilled, lowly educated, etc.) and political party agents and supporters; hired goons; organized criminal gangs; ethnic groupings; rogue business persons/ financiers; and rogue public officials in elections, regulatory and/or enabling agencies.

On the other hand, women were identified as the main victims of election-related crimes and offences followed by children and general members of the public including voters. Other victims as per the study findings were: the elderly, youths, people living with disability, men, minority ethnic groups, aspirants and candidates, the sick and party agents.

Underlying factors contributing to and triggers of election-related crimes and offences

The study revealed that the main underlying factors contributing to election-related crimes and offences were the vulnerabilities occasioned by unemployment and by poverty. The other significant factors were: perceived marginalization including political, socio-economic inequality; negative ethnicity; perceived corruption/unethical conduct of some election management officials; perceptions of a compromised electoral system; contested electoral laws; presence and engagement in organized criminal gangs' activities; and availability of weapons.

According to the findings of this study, the main triggers of election-related crimes and offences identified in the study included: perceptions that the results have been stolen followed closely by fake news and rejection of election results. Other noticeable triggers were: provocative and violent actions by political parties and candidates, high stakes of gaining or losing power, misuse of social media, perception of biasness by electoral officials, unethical media reporting and premature announcement of results by unauthorized persons.

Effects of Election-related crimes and offences

The main effects of election-related crimes and offences were: loss and destruction of property; ethnic hatred, disunity and animosity; loss of lives and injuries; forceful displacement of populations.

Existing intervention strategies and the effectiveness of relevant stakeholders in controlling election-related crimes and offences

The study findings indicated that majority of Kenyans do not report election-related crimes and offences. The main reasons mooted for not reporting were: lack confidence in the responsible agencies, fear of reprisals. Other significant reasons cited included: ignorance, expected promises/benefits/gifts of not reporting, lack of prompt action by the responsible agencies.

It was further established that the main existing intervention strategies for election-related crimes and offences were: civic and voter education by relevant agencies; peace building meetings by relevant stakeholders; and intelligence gathering and mapping of election crime hotspots.

The National Government Administration Officers (NGAO) and the Civil Society Organizations /Faith Based Organizations (FBOs) were perceived by 7 out of 10 Kenyans as relatively effective in addressing election-related crimes and offences. It is only 5 out of 10 Kenyans who perceived the Independent Electoral and Boundaries Commission (IEBC) as effective in this regard. Most members of the public felt that the National Intelligence Service (NIS), the Office of Director of Public Prosecutions (ODPP), Educational Examining Bodies (including regulatory agencies such as Commission on University Education), Kenya Revenue Authority, Office of the Registrar of Political Parties, Ethics and Anti-Corruption Commission, Credit Reference Bureau, and National Cohesion and Integration Commission were less effective in the control of these vices.

Challenges faced in the Control of Election-Related Crimes and Offences

The main challenges faced in controlling election-related crimes and offences as identified in this study included: vulnerability occasioned by poverty; inadequate civic education; impunity and selfishness of political leaders; alcohol, drug and substance abuse; inadequate resources to stakeholders in the election management; illiteracy and ignorance among the electorate. Other noticeable challenges faced in addressing election-related crimes and offences were: negative ethnicity and nepotism; lack of goodwill by some stakeholders; lack of integrity in the electoral processes; deficiencies in investigation, prosecution and sentencing of perpetrators; insecurity in some parts of the country; inadequate cooperation and partisan interest among concerned agencies/stakeholders; voter apathy in the electoral process; and inadequacies of election infrastructure and technology.

Key policy recommendations

1. Institute economic programmes aimed at reinvigorating the economy or empowering the vulnerable

Vulnerabilities caused by poverty and unemployment were mapped out as the key drivers of election-related crimes and offences. For instance, due to these susceptibilities, most people are influenced to commit election-related crimes and offences for monetary/material gains. Consequently, there is need for the enhancement of short-term interventions such as *Kazi mtaani*, cash transfers to the vulnerable, among others, especially targeted during the most volatile periods (for example during the campaign period) and hotspot areas; and long-term interventions such as employment guarantee schemes, governance reforms, among others. County Governments and the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes should take the lead on this.

2. Adopt a multi-agency/stakeholder framework in electoral management

Inadequate resources and cooperation among the stakeholders were identified among key challenges faced in controlling election-related crimes and offences in Kenya. These challenges can be addressed by combining synergies through a multi-agency/stakeholder approach. This will entail sharing of resources, information, technologies, among others, with an aim of ensuring crime-/offence- free elections.

3. Enhance early mapping of election-related crimes and offences

This study established that the consequences of election-related crimes and offences are far reaching – transcending all spheres of the society. Consequently, there is need for proactive as opposed to reactive interventions. This should entail electoral risk analysis and early warning through multi-agency intelligence in mapping out electoral-crime hot-spots and perpetrators. This has to be made a standing agenda in all County Security and Intelligence Planning and Coordination.

4. Enhance fight against organized criminal gangs

It was indicated in this study that organized criminal gangs are among the key perpetrators of election-related crimes and offences. The National Intelligence Service (NIS), National Police Service (NPS) and other security agencies, therefore, need to heighten surveillance and vigilance on organized criminal gangs by amongst others, dismantling their organizational and operational structures and disrupting their funding sources and networks.

5. All electoral management stakeholders to make mitigation of election-related crimes and offences a standing agenda in their operations

The study established that the prevalence of election-related crimes and offences is high in Kenya. Indeed, some crimes and offences such as voter bribery and hate-speech which were most prevalent in 2016 were found to be still prevalent in 2021. For the citizenry to exercise their political rights freely as envisaged under Article 38 of the Constitution of Kenya, 2010, these vices have to be mitigated; and this requires the attention and action of all stakeholders.

6. Regulation of political campaign financing

Voter bribery was identified among the prominent election-related crimes and offences experienced in Kenya. The main perpetrators of these vices were the political aspirants/candidates and their agents. To mitigate this, there is need for IEBC to ensure strict enforcement of the Election Financing Act, 2013.

7. Making zero-tolerance to corruption a standing agenda in electoral planning and management

The findings of this study revealed that most Kenyans do not report election-related crimes and offences because they lack confidence on the duty bearer agencies. The foremost factor accounting for this lack of trust emerged to be corruption. To address this, there is need for making zero-tolerance to corruption a standing agenda in electoral planning and management by all the agencies/actors concerned.

8. Adopt “Elite Pacts and Pledges”

Elite pacts and pledges, will be a “top-down” method to mitigating election-related crimes and offences that focuses on the most common perpetrators of these vices as established in this study: politicians. These agreements should be designed to publicize commitments to noninvolvement or non-propagation of election-related crimes and offences and incentivize adherence to those commitments. The National Government Administration Office (NGAO) and National Cohesion and Integration Commission (NCIC) should take the lead on this.

9. Promote peace messaging

Hate speech was identified as one of the most prevalent election-related crime/ offence in Kenya. The aim of hate speech is to encourage hate or violence against a person or group of people based on their demographic orientation. Peace messaging will go a long way towards mitigating this. Peace messaging is a “bottom-up” approach that targets the incited, rather than the inciters. It should involve the dissemination of anti-hate or anti-violence messages through social media, traditional media, *barazas*, among others. NCIC and NGAO should take a lead on this.

10. Encourage local peace agreements

The study identified high stakes of gaining or losing power among the foremost triggers of election-related crimes and/ or offences. This can be addressed through local peace agreements where communities agree on how to share local power after elections; for instance, by nominating different county positions from different groups. Such arrangements will promote inter-group tolerance, reduce fears of exploitation and make politicians less likely to use divisive rhetoric. The NGAO and Faith-/Community-Based Organizations should be empowered to spearhead these arrangements.

11. Enhance civic and voter education

It was revealed that most people in Kenya do not report election-related crimes and offences. One of the reasons cited was ignorance. From the foregoing, there is need for enhanced civic and voter education for the members of the public on their civic duties as citizens and rights and obligations with regards to election-related crimes and offences including the importance of free, fair, transparent and crime-/offence-free elections.

12. Pursuit of public confidence building by all electoral management agencies/stakeholders

The study showed that most Kenyans did not have confidence on the ability of most electoral management agencies/stakeholders in tackling election-related crimes and offences. Indeed, this was also given as the prime reason for not reporting these offences/crimes. Furthermore, perceived corruption/unethical conduct of some election management officials and perceptions of a compromised electoral system were mooted as some of the key contributing factors to election-related crimes and crimes. As a consequence, these agencies should boost public confidence by fostering transparency, effectiveness, reliability and competence in the execution of their mandates.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Election-related crimes and offences are increasingly becoming a common feature of many electoral processes globally. Disturbingly, majority of the countries in Africa – including Kenya, constitute the bulk of nations where such crimes and offences have become part and parcel of their electoral processes (Fund, 2004).

According to Birch, Daxecker, and Höglund (2020), use of violence, forced abductions and voter bribery constitute the most prevalent election-related crimes and offences experienced in many jurisdictions. Destruction of property, terrorism, defacing of opponents' campaign posters, multiple voting and rigging have also been reported to be among the most prevalent election-related crimes and offences (NCRC, 2016; Taylor, Pevehouse & Straus, 2017). Furthermore, Straus and Taylor (2009) observe that harassment and intimidation are the most frequent forms of crimes and offences experienced during the electioneering period in Africa.

Election-related crimes and offences are attributed to a number of contributing factors which can be grouped into two broad categories. Firstly, structural factors related to the underlying power structures prevalent in new and emerging democracies such as informal patronage systems, poor governance, exclusionary politics, and the socio-economic uncertainties of losing political power. Secondly, factors related to the electoral process and the electoral contest itself, such as failed or flawed elections, election fraud and weak or manipulated institutions and institutional rules governing the electoral process (Adolfo, Kovacs, Nyström & Utas, 2012).

The consequences of election-related crimes and offences are varied and detrimental. For instance, they jeopardize the development, stability, transparency and efficiency of electoral systems (Ukwayi & Okpa, 2017). They have equally been associated with economic problems including high poverty, hunger and high unemployment rates (IFES, 2012). According to (NCRC, 2016), election-related crimes and offences lead to the loss and injury of human life; destruction and/or loss of property; violence, disturbed peace, fear and tension; animosity/hatred/enmity; poor leadership and governance; interruption of businesses; and forced migration – including displacement, of populations.

Addressing election-related crimes and offences has taken a number of approaches. The main strategies have revolved around institutional, legal and policy reforms. For instance, institutionally, special election dispute resolution courts and tribunals are now gaining prominence; legally, several laws guiding electoral management such as election financing and election offences laws have been enacted; and the adoption of Information Communication Technology (ICT) in the electoral management has now become a policy in many countries (NCRC, 2016; The Electoral Commission, 2013).

1.1.1 Global perspective

Election-related crimes and offences are serious social problems affecting most countries across the globe. Illustratively, according to Besaw (2021), (54%) of national political elections held in 2020 globally had some form of violence and other election-related crimes and offences. In most instances, the aim of these vices was to unduly influence the process and outcome of the vote.

Goat and Banuta (2007) study in Hungary's political elections documented incidences of vote buying, voter intimidation and tampering with postal votes. The same issues were replicated in German's 2017 general elections with some 3660 election-related crime incidences being documented (Deutsche Welle, n.d). In the United Kingdom, bribery, undue influence, impersonation, treating, false application to vote by post or by proxy and multiple voting, false registration information and false postal or proxy voting application and proxy voting offences are common election-related offences (The Electoral Commission, 2013).

In the United States, the main election-related crimes and offences according to the Federal Bureau of Investigations (n.d) is electoral fraud. This manifests itself in three variants: fraud by the voters (for example, voting more than once, giving false information when registering to vote, using someone else's name to vote and voting when ineligible to vote); fraud by the elections/ campaign officials (for instance changing a ballot tally, voter bribery, voter intimidation, voter suppression); and election campaign financing fraud. These considerations make poor and rural voters more vulnerable. Election-related crimes and offences are a common feature in Chile. According to the Standing Committee of the Chilean Episcopate (Agenzia Fides, 2021), violent demonstrations have become a common feature during the electioneering period in Chile. Other forms of crimes and offences featuring in Chile as noted by the committee are murder incidences, destruction of property and hate

speech. The underlying grievances propelling these vices include economic inequalities, contested elections and poverty. Regarding societal factors, scholars have linked ethnic polarization, the exclusion of ethnic groups from power, and parties representing particular ethnic or religious identities to greater incentives for electoral violence.

Similarly, India has also experienced a significant spate of election-related crimes and offences. A report by Pollman and Purohit (2019) indicate that the common election-related crimes and offences are voter fraud, corruption, cybercrimes, abductions/forced disappearance, sexual offences and mob violence. Rebel groups, political militias, state forces and unidentified armed groups were established to be the main perpetrators of these crimes and offences.

Election-related crimes and offences are not experienced equally by all victims. Existing evidence suggests that certain demographic groups are more prone to victimization against certain types of electoral crimes and offences. For example, in their study on electoral violence in Sri Lanka, Höglund and Piyarathne (2009) found that activists from the lower classes were victims of more serious violence than the local elites. It was the people who were active in politics but with a fairly weak socio-economic background that bore the main brunt of arson and physical attacks, regardless of which party they belonged or associate with. A growing number of studies also look at the gendered nature of election violence and argue that women's experiences with electoral violence are very different from those of men. For example, male-oriented and non-gendered understandings of electoral violence often do not include sexist campaign rhetoric that is designed to intimidate and silence female candidates (Bardall, 2011).

Finally, in managing election-related crimes and offences, the practitioners and policymakers need to understand that due to high levels of mistrust and insecurity around election times, increased deployment of security personnel is sometimes necessary. Under the conditions when national capacity for security is low, or when domestic security forces are themselves involved in violence, international peacekeepers and police can act as external guarantors. In other cases, domestic security forces like the police, military police and intelligence among others can play important roles in preventing violence around elections both in the short-term and the long-term (Höglund & Jarstad, 2010).

1.1.2 African perspective

Elections in Africa have always been fraught with different forms of election-related crimes and offences. Indeed, a study on 50 political elections in Africa for the period 2011-2017 revealed that they all had some forms of crimes and offences (Kovacs & Bjarnesen, 2018). Wada, Obatta, Ijeoma and Nweke (2020) documents that Nigeria's 2019 general elections were marred with incidents of murder, abductions and kidnappings, voter bribery and intimidation, hate speech and character assassination, destruction of property, use of violence, ballot/vote fraud and multiple voting. Similarly, Sierra Leone's 2018 General Elections recorded incidences of violence and murder (Taylor et al, 2017) with Uganda's 2021 presidential elections being decorated with instances of violence, murders, human rights' abuses, kidnappings and electoral fraud (Kasozi, 2021).

In Africa, election-related crimes and offences are mainly orchestrated by people who have a vested interest in the election outcome. They include political aspirants and candidates, militias and organized criminal gangs who are loyal to particular parties/candidates and rank-and-file party supporters (Birch & Muchlinski, 2018). However, increasingly members of the state security apparatuses such as the police and military and the vulnerable youths have been used by those with vested interests to commit and/or perpetuate election-related crimes and offences with an aim of influencing electoral outcomes in the continent (Birch, Daxecker and Hoglund, 2020). Straus and Taylor (2009) further established that most election-related crimes and violence in Africa pre- and during the electioneering period has been perpetrated by the incumbent governments and their supporters while the opposition and their supporters are the main perpetrators of crime and violence in the post-election period.

Election-related crimes and offences have had several adverse consequences to the continent of Africa. For instance, these vices have denied citizens of many countries in the region a chance of electing leaders of their choice thereby undermining democracy in the continent (Taylor, Pavehouse & Starus, 2017). Plausibly, this accounts for the poor governance associated with most countries in the continent (Chukwuemeka, n.d). Furthermore, these crimes and offences adversely impacts on the continent's socio-economic development with majority of citizens in Africa living below the poverty line (Doctor & Bagwel, 2020).

Election-related crimes and offences in Africa are caused by a multiplicity of factors. Birch *et al.* (2020) and Fjelde and Höglund (2014) highlight some of the factors to include:

perceived historical injustices, the majoritarian electoral rule associated with many countries in Africa, the politics of the winner-takes-all and the high stakes of winning and losing elections associated with it. Other drivers of election-related crimes and offences in Africa include: perceptions that elections have been stolen, mismanagement of electoral process, political exclusion, economic marginalization, negative ethnicity, incitement and hate speech, poverty and weak institutions (Benard, 2015; NCRC, 2016; Kewir & Gabriel, n.d).

1.1.3 The Kenyan perspective

Like other countries across the globe, Kenya's past General and By-elections have been marred by election-related crimes and offences. These crimes and offences vary in magnitude with the worst being the 2007 general elections. According to Kenya Human Rights Commission (2008), the election-related crimes and offences reported in 2007 were bribery including monetary handouts (81.0%), hate speech (28.0%), discrimination (21.0%), incitement to violence (15.0%) and vote buying (4.0%). A study by NCRC (2016) showed that a number of election-related crimes and offences were committed during the electioneering period. The prevalent crimes revealed by this study were bribery (40.6%), voter/ballot fraud (16.6%), hate speech (15.4%), fighting (11.8%), voter intimidation (9.2%), and rigging of candidates during nominations (9.0%), defacing of posters (6.9%) and provision of food, refreshments, fare reimbursement and rewards to supporters (6.0%).

Studies have shown that people and institutions suffer in elections marred by election-related crimes and offences. According to Kenya Human Rights Commission (2008), women are among the categories that suffer most when there are election-related crimes and offences. They are more prone to gender-based violence and discrimination including rape, indecent assault, and sexual harassment during the electioneering period. According to Office of the High Commissioner for Human Rights (2008), over 300 women were raped during post-election violence in the early months of year 2008. Further, children are left injured, neglected or orphaned due to deaths of their parents or guardians. Other victims of election-related crimes and offences include political aspirants and candidates who may fall victims by being attacked and suffer injury or lose their lives; lose socially and economically after being rigged out if they had invested resources in the elections; and their families may lose their social status or even develop conflicts as a result of the loss of the anticipated political position. Further, according to IFES (2012) both public and private institutions may become victims of election-related crimes and offences when they fall victims of looting of

businesses and end up collapsing while investors are scared. Public entities including security agencies involved in elections lose credibility if they engage in commission or omission of election-related crimes and offences. For instance, the police were accused of using excessive force by unjustified shooting of people and failure to protect lives and property during the 2007/08 General Elections in Kenya.

Individuals and organizations have been accused of perpetuating election-related crimes and offences. Politicians; political party agents and supporters; the youths; public officials; hired goons; and members of the organized criminal gangs have been cited as the main perpetrators of election-related crimes and offences. On the other hand, some public and non-public agencies have been accused of engaging in election-related crimes and offences. Public agencies include the NPS and NGAO while non-public agencies include ICT-based firms (such as mobile telephony companies) which have at times been accused of being unethical and running or failing to prevent partisan advertisements and announcements and propagating hate speech and incitement communication (NCRC, 2013; SRIC, 2012; TJRC, 2013).

According to NCRC (2016), the main perpetrators of election-related crimes and offences were political aspirants and or candidates (45.7%), unemployed youths (28.0%), supporters of politicians (14.5%), party officials and agents (13.5%) and voters (11.4%). Political aspirants and or candidates, unemployed youths, supporters of politicians, party officials, party agents and voters. Political aspirants and candidates engage in bribery to influence and or buy support from registered voters who may sometimes be financially unstable. Perceived supporters of political opponents are bribed to vote for the bribing candidate or bribed so as not to vote for the challenger (International Foundation for Electoral Systems, 2012; Makabila, 2013).

A number of factors contribute to election-related crimes and offences in Kenya. According to Adeagbo and Iyi (2011), the 2007/2008 election violence was triggered by land disputes, ethnicity and ethnic animosity, economic and political inequality, impunity among other factors. Similarly, NCRC (2016) established that the most prevalent causes of election-related crimes and offences were ethnic animosity, tribalism and clannism (27.6%) poverty (26.4%) unemployment among the youths (20.4%) illiteracy among the electorate (18.4%) incitement and use of abusive and derogatory statements by politicians (15.7%) corruption in politics (12.6%) and drug and substance abuse (11.2%). Low conviction rates of perpetrators

of election-related crimes and offences has also been identified as one of the factors contributing to escalating cases of election-related crimes and offences. As documented by Kang'ata (2019), at least eight Members of Parliament were charged with the offences of hate speech and ethnic contempt by the NCIC in contravention of sections 13 and 62 of the NCIC Act, 2008 respectively during the 2017 General Elections. However, out of these eight, six got re-elected in 2017 in various political positions, one lost and the other one did not vie.

Literature on the effects of election-related crimes and offences shows that Kenya has previously experienced a spate of election-related crimes and offences whose effects are felt to date. According to National Elections Monitoring Unit (1993), the 1992 general elections were occasioned by clashes where over 1,000 people were killed, 20,000 families displaced and property worth Kshs 56 Million destroyed. Similarly, in 1997 General Elections, at least 25,000 families were internally displaced, 120 lives lost and properties worth Kshs 60 million destroyed (Kenya Human Rights Commission, 1998). Likewise, the 2007 General Election were marred by similar experiences and are considered the worst in the country's history as they were characterized by high levels of election-related crimes and offences. For instance, over 1,300 Kenyans lost their lives and over 650,000 people were displaced (Independent Review Commission, 2008; International Centre for Transitional Justice, 2008; Commission of Inquiry Post-Election Violence, 2008). Further, 3,561 people suffered severe injuries; 117,216 private properties destroyed; and 491 government properties destroyed (International Centre for Transitional Justice, 2013). In the 2013 General Elections, 477 lives were lost and 118,000 people displaced (Human Rights Watch, 2013). Finally, in the 2017 General Elections, at least 37 persons including a six months old baby died due to confrontations between state security agencies and opposition supporters during 33 days of protests, while unknown amount of properties was lost (Kenya National Commission on Human Rights, 2017).

In an effort to mitigate the effects of election-related crimes and offences, the current and previous Governments have instituted a raft of remedial measures. For instance, the Elections Act 2011 was enacted. The Act clearly stipulates what constitutes election offences. In addition, there has been enhanced civic education on electoral processes, voter's rights and obligations and peace campaigns in the country by the IEBC, the Media, NGOs, and FBOs among other agencies. Further, a multi-agency team on election planning and management has been put in place. Other measures include mapping out of election-related crimes and

offences hotspots, intelligence gathering and sharing, early warning mechanisms to identify and mitigate threats to security and peace during electioneering period, use of Biometric Voter Registration, the Kenya National Dialogue and Reconciliation among other measures (Munuhe, 2012; UNDP Kenya, 2013; Sharma, 2017).

According to Höglund & Jarstad (2010) in an attempt to address election-related crimes and offences, practitioners and policy makers ought to put into consideration the consequences of the electoral system and the risk to violence. This means that there is need to analyze the potential changes to electoral systems, codes of conduct, and other regulations on the electoral process. Also, there is need to stipulate sanctions against violence makers, for example by limiting the right for repeat violence-makers to engage in politics - to stem the culture of impunity. In addition, there is need to design measures and allocate adequate resources to support the institutional settings and legal frameworks geared towards mitigating electoral crimes and offences, for instance through the use of peace pledges.

1.2 Statement of the Problem

In the recent past, elections in Kenya have been marred by incidences of crimes and offences which undermine both the legitimacy of elections and public confidence in our democracy. For instance, the Kenya National Human Rights Commission recorded 32 deaths in the run-up to the 2017 General Elections - 3 minors, 26 males and 3 females (KNCHR, 2017). The report further documented 31 cases of property destruction in the major trading centres in Nairobi City, Kakamega, Vihiga and Kisumu counties.

The above spate of election-related crimes and offences did not manifest itself in the 2017 General Elections alone. It was equally experienced in the previous elections. Illustratively, according to the Human Rights Watch (2013), during the 2013 General Elections, 477 lives were lost and 118,000 people displaced. Similarly, Adeagbo and Iyi (2011) note that as a consequence of the 2007/2008 election violence, about 1000 people lost their lives, over 300,000 people sustained injuries and 600,000 persons internally displaced. While the magnitude of these vices varies from each election period, the incidents keep on recurring. It is against this backdrop that this study seeks to ascertain the current status of these crimes and offences with aim of suggesting remedial policy recommendations.

1.3 Objectives of the Study

1.3.1 General objective

The general objective of this study was to establish the nature of election-related crimes and offences in Kenya.

1.3.2 Specific objectives

The specific objectives of the study were to:

- i. Establish the prevalence and typology of election-related crimes and offences.
- ii. Identify the victims and perpetrators of election-related crimes and offences.
- iii. Examine factors contributing to and triggers of election-related crimes and offences.
- iv. Elucidate the effects of election-related crimes and offences.
- v. Assess the existing intervention strategies on election-related crimes and offences.
- vi. Establish the challenges faced in the control of election-related crimes and offences.

1.4 Justification of the Study

This study is justified by a number of reasons. Firstly, the Government of Kenya has a focal role in ensuring that all citizens enjoy their political rights as provided for under Article 38 of the Constitution of Kenya 2010. These include: freedom of making political choices; right to free, fair and regular elections; and right to be registered as a voter and to vote or be voted for. Election-related crimes and offences negates the enjoyment of these rights by the citizenry. Consequently, this study is very critical in establishing the status and nature of election-related crimes and offences in Kenya with a view of recommending remedial measures.

Secondly, NCRC (2016) established that the consequences of election-related crimes and offences are detrimental to all facets of the society. For instance, they result into loss of lives, injuries, destruction of property, poor governance, among others. These effects threaten the existential fabric of the society – and indeed the State. There is need therefore to have in

place evidence-based recommendations that will be effective and efficient in curbing these crimes and offences.

Thirdly, the Government of Kenya has instituted a wide array of reforms aimed at mitigating election-related crimes and offences in the country. Key among them include the institutional reforms in the electoral management agency, multi-agency framework in electoral management, and establishment of the electoral code of conduct, among others. Nevertheless, election-related crimes and offences continue unabated. This study seeks to establish the underlying factors perpetuating these crimes/ offences.

Lastly, the study was done in fulfilment of the objects of the National Crime Research Centre. The Centre is mandated to carry out research into the causes of crime and its prevention with a view to assisting agencies in the administration of criminal justice in their policy planning and formulation. Thus, the findings of this study will be very critical in informing relevant Government agencies and stakeholders on the various aspects of election-related crimes and offences in Kenya.

1.5 Assumptions of the Study

Election-related crimes and offences is a sensitive and emotive subject among various quarters of the society. It is against this background that this study made the following assumptions, that:

- i. The sample respondents would give objective views about election-related crimes and offences despite emotive nature of election-related crimes and offences.
- ii. The sample respondents are knowledgeable on the subject of election-related crimes and offences in Kenya and would freely report accurate information on this topic without any fear or prejudice.
- iii. State agencies and public officials will cooperate with researchers in providing the required information.
- iv. Institutions charged with prevention and control of corruption are effective.
- v. Election-related crimes and offences are experienced in all counties in Kenya.

1.6 Scope of the Study

The thematic scope of this study was the election-related crimes and offences. Specifically, the following variables were assessed: the prevalence and typology of election-related crimes and offences; perpetrators of election-related crimes and offences; factors contributing to and triggers of election-related crimes and offences; assess the effects of election-related crimes and offences; existing intervention strategies put in place to deal with election-related crimes and offences; and challenges faced in the control of election-related crimes and offences. Data collection was conducted in the 47 counties in Kenya.

1.7 Theoretical Framework of the Study

This study was hinged on the Rational Choice Theory and Aggressive Cues Theory.

1.7.1 Rational Choice Theory

Rational Choice Theory was proposed by Adam Smith in 1776. The central argument espoused by this theory is that individuals rely on rational calculations to make rational choices that result in outcomes aligned with their own best self-interests (Calhoun, 1995). In other words, people weigh the perceived and likely gains to be made from a particular action against the likely costs to be incurred and when they perceive that the likely gains outweigh the likely costs they adopt the behavior. Also, individuals will use the resources at their disposal to optimize their gains. However, when the value of the gains diminishes below the value of the costs incurred, the person will stop the action.

Based on the aforementioned assumptions of Rational Choice Theory, it can be argued that the commission of election-related crimes and offences is a calculated and deliberate undertaking. For instance, winning an election is likely to give the greatest satisfaction to rational political aspirants even if that means engaging in election-related crimes and offences. Equally, owing to the economic downturns occasioned by COVID-19 and the accompanying containment measures, and the high rates of poverty experienced in the country, some election-related crimes such as accepting a bribe, being treated or hired to interrupt political processes, among others, are likely to be satisfying to the affected segments of the population. The policy implication of this theory is that to reduce these crimes, interventions ought to focus in diminishing the value of the perceived or likely gains as a result of engaging in election-related crimes and offences.

1.7.2 Aggressive Cues Theory

The aggressive cues theory was propounded by Leonard Berkowitz - a professor of psychology, in 1969. According to this theory, acts of aggression are predisposed by the existence of socially learnt cues or environmental situations which makes engaging in aggression acceptable. The theory argues that exposure to aggressive stimuli will increase physiological and emotional arousal which will increase the probability of violence (Berkowitz, 1969).

Aggressive cues theorists are quick to point out that watching violence does not mean always becoming more aggressive or violent but increase the chances (Berkowitz, 1969). They also note that the way in which the violence is presented will have an impact on individuals. For instance, if individuals can relate to the protagonist committing the violence as presented in a justifiable way, they can be led to aggressive behavior too. For example, if an individual sees people being bribed by politicians every day, they are more likely to accept voter bribery as a normal behavior.

In this study, this theory will help in understanding how the socio-political environment within which people live and operate can be a determining factor as to whether they may engage in election-related crimes and offences.

CHAPTER TWO: METHODOLOGY OF THE STUDY

2.1 Introduction

This chapter deals with research design, methods and tools of data collection, data collection and management, methods of data analysis and ethical considerations.

2.2 Research Design

This study employed a mixed method research design – a design that combines both quantitative and qualitative research and methods in a single study to understand a research problem (Klassen, 2012). This design is appropriate in ensuring data triangulation as the weaknesses and strengths of each approach are combined to provide valid data.

2.3 Target Population of the Study

The target population for the study (hereinafter referred to as “sample respondents”) consisted of adult male and female members of the public, political parties’ representatives, electoral and election regulatory/enabling agencies’ representatives, and governance/electoral-related civil society organizations’ representatives drawn from all the 47 counties of Kenya. The study also involved key informants and focus group discussions comprising of senior representatives drawn from key stakeholders in electoral management and the criminal justice system.

2.4 Sampling of Counties and Respondents

All the 47 counties in Kenya were selected for the study. This gave the study a national outlook and significantly mitigated on the sampling error. Convenience and purposive sampling were used to select the specific sites for the study. Both urban and rural dynamics were considered.

The sampling unit for the members of the public was the household. The sample size for the members of public (n=2576) was determined using the Slovin’s formula, thus:

$$n = N / (1 + Ne^2)$$

Where: **n** = target sample size; **N**=total population size of households (12,028,743); **e**: margin of error (0.0197 at 97% confidence level).

Probability proportional to size sampling was used to distribute the sample in the 47 counties.

Table 2.1 Distribution of the Sample Respondents per County

County	Members of public			Political party representatives			Electoral and election regulatory/enabling agencies' representatives			Governance/electoral-related civil society organizations' representatives		
	Target	Achieved	Rate (%)	Target	Achieved	Rate (%)	Target	Achieved	Rate (%)	Target	Achieved	Rate (%)
Baringo	31	30	96.8	8	7	87.5	10	10	100.0	3	3	100.0
Bomet	41	38	92.7	8	8	100.0	10	10	100.0	3	3	100.0
Bungoma	80	80	100.0	8	8	100.0	10	8	80.0	3	3	100.0
Busia	43	43	100.0	8	8	100.0	10	10	100.0	3	3	100.0
Elgeyo Marakwet	22	22	100.0	8	4	50.0	10	5	50.0	3	3	100.0
Embu	42	42	100.0	8	5	62.5	10	11	110.0	3	2	66.7
Garissa	31	30	96.8	8	5	62.5	10	10	100.0	3	3	100.0
Homa Bay	58	58	100.0	8	7	87.5	10	10	100.0	3	3	100.0
Isiolo	13	13	100.0	8	8	100.0	10	9	90.0	3	3	100.0
Kajiado	69	67	97.1	8	8	100.0	10	8	80.0	3	3	100.0
Kakamega	95	92	96.8	8	6	75.0	10	10	100.0	3	2	66.7
Kericho	45	45	100.0	8	8	100.0	10	8	80.0	3	3	100.0
Kiambu	174	170	97.7	8	5	62.5	10	10	100.0	3	3	100.0
Kilifi	65	40	61.5	8	7	87.5	10	8	80.0	3	3	100.0
Kirinyaga	46	46	100.0	8	5	62.5	10	9	90.0	3	3	100.0
Kisii	67	60	89.6	8	7	87.5	10	8	80.0	3	3	100.0
Kisumu City	66	66	100.0	8	8	100.0	10	9	90.0	3	3	100.0
Kitui	60	60	100.0	8	3	37.5	10	10	100.0	3	1	33.3
Kwale	38	38	100.0	8	8	100.0	10	10	100.0	3	3	100.0
Laikipia	33	33	100.0	8	8	100.0	10	11	110.0	3	3	100.0
Lamu	8	8	100.0	8	8	100.0	10	7	70.0	3	3	100.0
Machakos	88	88	100.0	8	8	100.0	10	7	70.0	3	2	66.7
Makueni	53	53	100.0	8	8	100.0	10	8	80.0	3	3	100.0
Mandera	28	28	100.0	8	5	62.5	10	9	90.0	3	3	100.0
Marsabit	17	17	100.0	8	6	75.0	10	9	90.0	3	3	100.0
Meru	93	93	100.0	8	6	75.0	10	9	90.0	3	2	66.7
Migori	52	51	98.1	8	8	100.0	10	10	100.0	3	3	100.0
Mombasa	84	84	100.0	8	6	75.0	10	10	100.0	3	2	66.7

County	Members of public			Political party representatives			Electoral and election regulatory/enabling agencies' representatives			Governance/electoral-related civil society organizations' representatives		
	Target	Achieved	Rate (%)	Target	Achieved	Rate (%)	Target	Achieved	Rate (%)	Target	Achieved	Rate (%)
Murang'a	69	52	75.4	8	7	87.5	10	3	30.0	3	3	100.0
Nairobi City	329	327	99.4	8	7	87.5	10	10	100.0	3	3	100.0
Nakuru City	135	135	100.0	8	7	87.5	10	8	100.0	3	3	100.0
Nandi	44	44	100.0	8	8	100.0	10	7	70.0	3	3	100.0
Narok	53	51	96.2	8	8	100.0	10	11	110.0	3	3	100.0
Nyamira	34	34	100.0	8	7	87.5	10	9	90.0	3	3	100.0
Nyandarua	40	40	100.0	8	7	87.5	10	10	100.0	3	3	100.0
Nyeri	54	42	77.8	8	7	87.5	10	5	50.0	3	3	100.0
Samburu	14	14	100.0	8	8	100.0	10	10	100.0	3	3	100.0
Siaya	55	55	100.0	8	8	100.0	10	10	100.0	3	3	100.0
Taita Taveta	21	21	100.0	8	6	75.0	10	10	100.0	3	3	100.0
Tana River	15	14	93.3	8	8	100.0	10	8	80.0	3	3	100.0
Tharaka-Nithi	24	21	87.5	8	8	100.0	10	9	90.0	3	3	100.0
Trans Nzoia	51	51	100.0	8	5	62.5	10	8	80.0	3	2	66.7
Turkana	37	37	100.0	8	7	87.5	10	10	100.0	3	3	100.0
Uasin Gishu	67	66	98.5	8	8	100.0	10	9	90.0	3	3	100.0
Vihiga	32	31	96.9	8	7	87.5	10	8	80.0	3	3	100.0
Wajir	29	29	100.0	8	4	50.0	10	10	100.0	3	3	100.0
West Pokot	25	24	96.0	8	6	75.0	10	10	100.0	3	3	100.0
Total	2669	2583	96.8	376	319	84.8	470	418	88.9	141	133	94.3

An arbitrary 376 political parties' representatives (8 per county); 470 electoral and election regulatory/enabling agencies' representatives (10 per county); and 141 governance/electoral-related civil society organizations' representatives were targeted for the study.

The study targeted 3 key informants in each county and 16 focus group discussions (FGD) in 16 counties. Purposive sampling was used to select the key informants and counties for focus group discussions. Only individuals deemed as highly knowledgeable on the subject of election-related crimes and offences owing to the positions they hold; and the counties with high incidence of election-related crimes and offences per region based on the previous reports were selected.

2.5. Data Collection Methods

Primary data were collected from sample respondents (who were members of public, political parties' representatives, electoral and election regulatory/enabling agencies' representatives, and governance/electoral-related civil society organizations' representatives), Key Informants (KI) and focus group discussants in the study locations through structured individual face-to-face interviews and FGD. Data collection exercise for the primary data was carried out in September, October and November 2021. Correspondingly, secondary data were collected by undertaking literature review of materials such as Government publications and reports, published research reports/journals, books and other publications on the subject matter of the study.

2.6. Data Collection Tools

An interview schedule was used to solicit information from the sample respondents. The schedule had both open and closed ended questions. Key informant and focus group discussion (FGD) guides were used to collect information from the key informants and focus group discussants. Field notebooks, pens, pencils and rubbers were used in recording information.

2.7 Data Collection and Management

The National Crime Research Centre (NCRC) worked closely with relevant stakeholders – both in the public and private sectors, in realizing the objective of the study.

Qualified Research Assistants were identified and trained. They were then allocated study sites and facilitated with required resources for the exercise (that is, funds, data collection

tools and authority letters). Supervision of the Research Assistants and quality control of the exercise was done by the Centre's researchers.

All data collected from the field were then organized and analyzed at the NCRC's offices. A draft report of the study was compiled by NCRC's researchers for review by NCRC's Research and Development Committee of the Governing Council, the full Governing Council and later for stakeholder validation before the final dissemination to the relevant agencies and the public.

2.8 Methods of Data Analysis

This study utilized both qualitative and quantitative data analysis methods. The filled interview schedules were first coded (transformed into quantitative data) and the Statistical Package for Social Sciences was used to analyze the data. The data was then analyzed through descriptive statistics and the information presented in distribution frequency and percentage tables and figures (bar graphs and pie charts) in order to give a clear picture of the findings at a glance. The qualitative data were analyzed through interpretation of responses of the KIs and Focus Group Discussants. All information from the analyzed data was presented in themes guided by the research objectives.

2.9 Ethical Considerations

The study observed the following ethical considerations:

- i. Authority to collect data was sought from the relevant institutions before commencement of interviews.
- ii. Informed consent of the respondents was sought before commencement of interviews.
- iii. Interviews were conducted using a language respectful to the socio-cultural, economic, and political beliefs of the respondents. Only the language of communication the respondents understood well was used.
- iv. Confidentiality of respondents' identity and information was safeguarded by collecting the data anonymously.
- v. The comfort of the respondents with regard to convenient interview venues was ensured.
- vi. Researchers recorded only answers coming from the respondents.
- vii. Adequate orientation of Research Assistants was undertaken.

CHAPTER THREE: RESULTS AND DISCUSSIONS

3.1 Introduction

This chapter is organized into the following sections: the first section addresses prevalence and typology of election-related crimes and offences; the second maps out the victims and perpetrators of election-related crimes and offences; the third deals with factors contributing to election-related crimes and offences; the fourth assesses the effects of election-related crimes and offences; and the fifth examines the existing control measures and their effectiveness in dealing with election-related crimes and offences while the last section captures the challenges facing control of election-related crimes and offences in Kenya.

The survey respondents were divided into four categories: political party representatives; members of public; respondents drawn from election, regulatory and/or enabling agencies; and respondents drawn from Governance/ electoral-related civil society organizations.

3.2 Socio-demographic Characteristics of the Sample Respondents

This study interviewed a total of 3481 sample respondents of whom 62.2% were males and 37.8% were females. Out of this, the majority (72.9%) of the sample respondents were aged between 18 and 51. These findings therefore point to a productive segment of the population in Kenya and their probable interest in election and governance matters. Majority of the respondents of this study were married (79.6%). This implies that most of the respondents were family members who were likely to influence one another in the family setting on the election-related issues.

Also, a significant majority of the respondents (96.2%) had attained some level of education. This was an indication that the level of literacy was high and that most of the respondents were knowledgeable enough to engage on the study's subject. A noticeable percentage of the sample respondents (38.8%) were business people and in formal employment (36.4%). This shows that most of the respondents were engaged in some income generating activity. On the level of income, (56.7%) of the respondents were of the low-income status. This reflects the national picture as depicted by the Kenya National Bureau of Statistics (KNBS) Economic Survey of 2021 where low-income earners formed the majority followed by the middle and high income earners respectively.

Finally, a significant majority of the respondents had stayed in their localities for more than 10 years (74.4%). This implies that they had knowledge and or experience on issues of election-related crimes and offences in these localities having lived/witnessed two election cycles.

The distribution of the sample across the various categories of the socio-demographic variables is summarized in Table 3.1 below.

Table 3. 1: Socio-demographic characteristics of respondents

Variable	Category	Frequency	Percent
Gender	Male	2164	62.2
	Female	1317	37.8
Age of respondent	18-34	1007	29.0
	35-51	1525	43.9
	52-68	786	22.6
	69+	158	4.5
Marital status	Single/Never Married	467	13.4
	Married	2768	79.6
	Divorced	68	2.0
	Separated	70	2.0
	Widowed	105	3.0
Level of education attained	None	129	3.7
	Primary	898	25.8
	Secondary	1146	32.9
	Middle level college	638	18.3
	Graduate	533	15.3
	Post Graduate	127	3.7
	Adult Education	7	0.2
Main occupation	Formal employment	1261	36.4
	Business	1346	38.8
	Subsistence farming	553	15.9
	House wife	134	3.9
	Student/pupil	28	0.8
	Unemployed	93	2.7
	Retiree	35	1.0
	Volunteer	13	0.4
	Intern	5	0.1
Average monthly income	None	297	8.6
	Low income-Ksh 23,670 and below	1966	56.7
	Middle income-Ksh 23,671-119,999	1115	32.2
	Upper income-Ksh 120,000 and above	88	2.5

Variable	Category	Frequency	Percent
Length of stay in the study loaction	Below one year	110	3.2
	1-3 years	269	7.7
	4-6 years	301	8.7
	7-9 years	210	6.0
	10-12 years	309	8.9
	13 and above	2280	65.5

3.3 Prevalence and Typology of Election-Related Crimes and Offences

3.3.1 Knowledge and/or experience on the existence of election-related crimes and offences

The sample respondents were asked whether there existed election-related crimes and offences committed during pre-elections, campaigns, voting and post-voting period in their locality. Majority (96.2%) of the respondents said that they had knowledge and or experience on existence of the election-related crimes and offences in their locality as indicated in Figure 1 below.

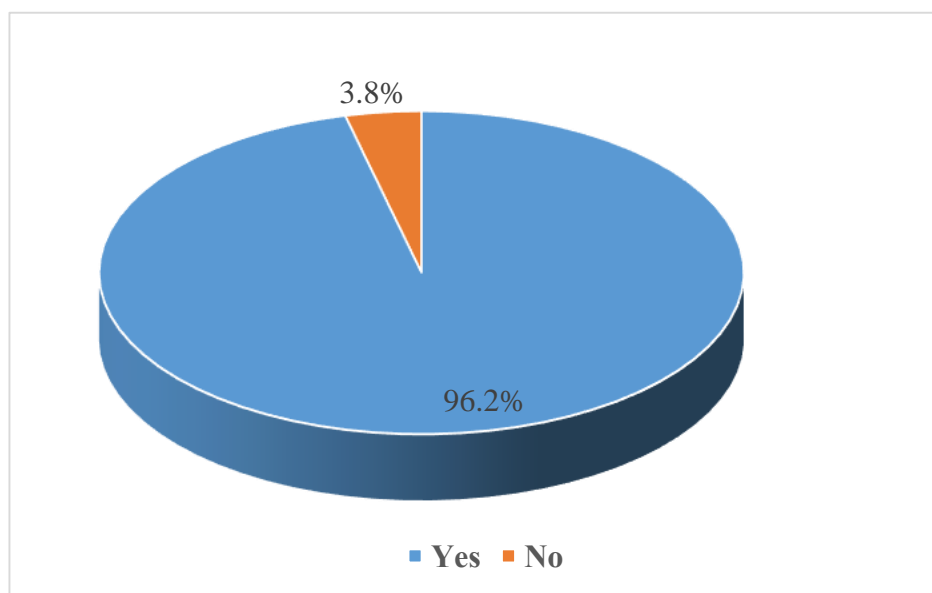


Figure 1 – Respondents’ knowledge and/or experience on the existence of election-related crimes and offences

The above finding confirms the existence of the election-related crimes and offences in Kenya; and concurs with NCRC (2016) where 85.9% of the respondents indicated that they were aware of the occurrence of election-related crimes and offences in their localities during

the 2013 General Elections. Therefore, there has been a significant increase (10.1%) on the public perception on the incidence of election-related crimes and offences in 2021.

The high incidence of election-related crimes and offences in Kenya may plausibly explain why some members of the public have refrained and are not willing to participate in the electoral processes as voters. Indeed, among the sample respondents, approximately 1 out of 10 females (9.2%) and 2 out of 10 (15.2%) youths were not registered as voters as captured in Figure 2.

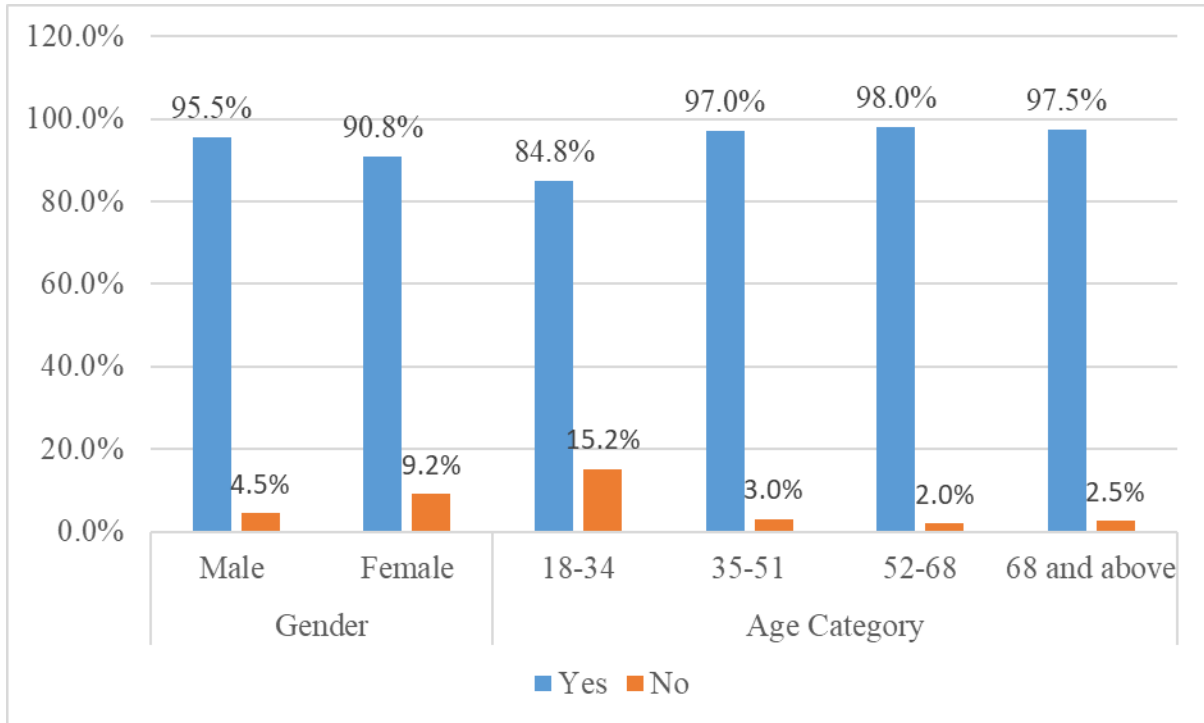


Figure 2: Whether the sample respondent is a registered voter

The prominent reasons for the respondents not registering as voters included lack of national identification document (41.4%) and lack of interest in elections (38.9%). Some of the respondents mentioned ignorance (15.3%) while others cited inaccessibility to voters registration center's (12.1%) and health related issues (1.9%) as the reasons as summarized in Figure 3.

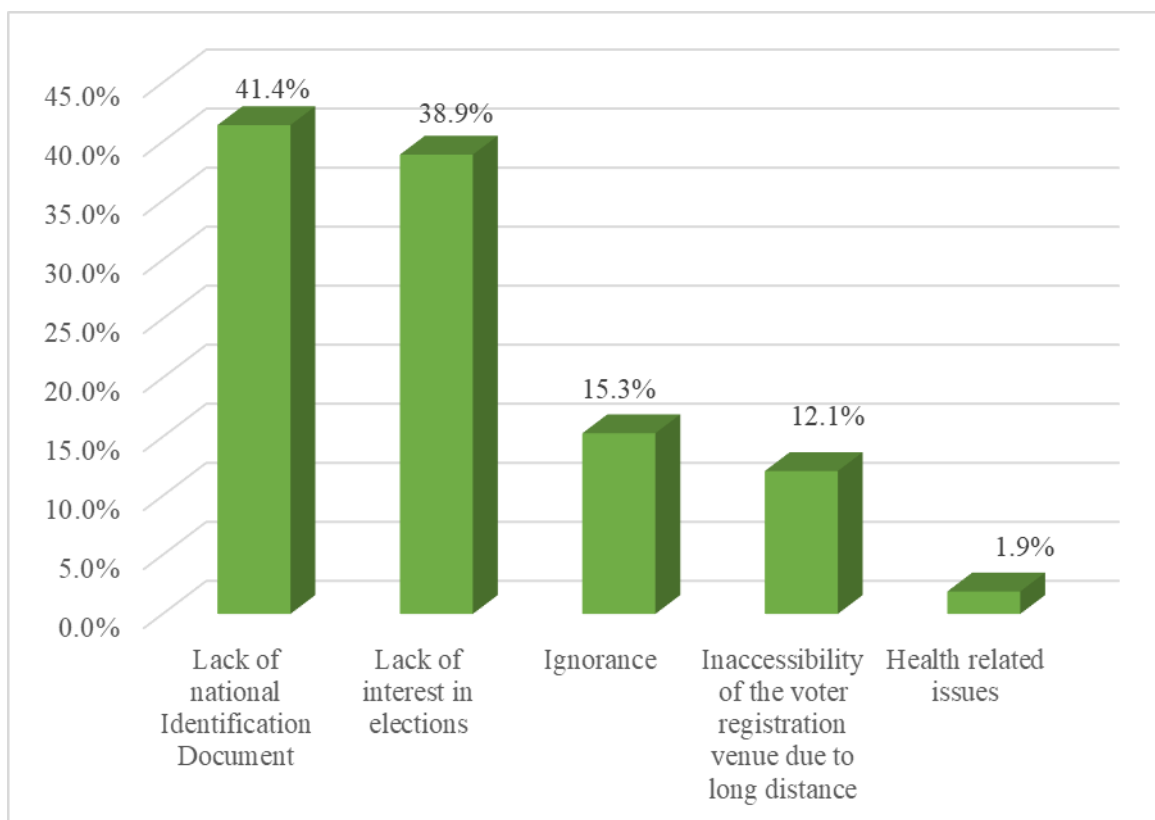


Figure 3: Reasons for not registering as a voter (based on percentage of cases)

On the one hand, those who cited lack of national identification document as the reason for non-registration as voters portray either lack of initiative/inadequate knowledge on their part in applying for the identification document or delays in the issuance of the identification documents. Therefore, the Department of National Registration Bureau should expedite the process of issuance of identification documents as well as conduct civic education for those eligible to apply for the documents. On the other hand, those who indicated lack of interest in elections pointed out to their lack of confidence in Kenya's electoral system

3.3.2 Types and prevalence of election-related crimes and offences

The most prevalent election-related crimes and offences identified during the pre-election period included hate speech (40.1%), voter bribery (39.8%), campaigning outside the prescribed period (29.5%), incitement to violence (26.4%) and giving of alcohol and drugs to interrupt electoral processes (25.3%). The main election-related crimes and offences during the campaign period were voter bribery (62.5%) and hate speech (57.5%). The other key crimes and offences identified were: giving of alcohol and drugs to interrupt electoral processes (42.2%) and incitement to violence (41.2%). Other election-related crimes and offences committed were: stealing and looting of property (39.5%); creating disturbance and

engaging in disorderly conduct (35.1%); treating (34.8%); affray (32.4%); and threat to violence (30.4%). The most prominent election-related crimes and offences during voting identified by the respondents included voter bribery (62.2%) and giving of alcohol and drugs to interrupt electoral processes (37.5%). Others included hate speech (28.1%); provision of food, refreshments, fare reimbursement and rewards to supporters (treating) (24.8%); threat to violence (24.5%); creating disturbance and engaging in disorderly conduct (21.7%); and incitement to violence (20.9%). The study further established that the most common and significant election-related crimes and offences committed during the post-voting period were stealing and looting of property (45.5%), malicious damage to property (24.9 %), use of violence (21.2 %), incitement to violence (20.5 %), forceful displacement of the population (20.5%) and hate speech (20.0%). Table 3.2 below summarizes this information.

Table 3.2: Types and prevalence of election-related crimes and offences

Election-related crimes and offences	Responses (Percentage of cases)			
	Pre-election period	Campaign Period	Voting Period	Post Voting Period
Hate speech	40.1	57.5	28.1	20.0
Voter bribery	39.8	62.5	62.2	11.4
Campaigning outside the prescribed period	29.5		6.4	
Incitement to violence	26.4	41.3	20.9	20.5
Giving of alcohol and drugs to interrupt electoral processes	25.3	42.2	37.5	18.2
Provision of food, refreshments, fare reimbursement and rewards to supporters (Treating)	24.0	34.8	24.8	4.7
Stealing and looting of property	20.6	39.5	27.9	45.5
Rigging			24.3	15.3
Creating disturbance and engaging in disorderly conduct	19.2	35.1	21.7	12.8
Threat to violence	18.6	30.4	24.5	19.4
Character assassination	14.5	24.7	10.3	5.4
Affray	14.0	34.8	15.2	17.1
Intimidation of the opponents	13.8	28.0	13.1	11.1
Defacing of posters		29.0		
Use of violence	11.5	23.5	14.4	21.2
Malicious damage to property	10.8	22.3	14.8	24.9
Double registration	8.1			
Assault	7.8	17.2		11.3
Announcing false results				15.3
Selling and buying of voters' Identification Document	7.7	13.3	13.5	
Forceful displacement of populations	6.5	8.1	6.3	20.5
Using state resources by aspirants for political purposes	5.5	8.3		
Giving false information, forgery and impersonation during voter registration	6.0			
Burglary	5.1	8.8	6.4	8.0
Not maintaining secrecy of voting			9.7	5.6
Murder	5.0	10.8	7.5	18.3
Voter intimidation	4.9	10.9	19.3	3.1
Ballot and vote fraud			11.8	6.1
Unlawful possession of weapons	4.2		3.9	5.5

Election-related crimes and offences	Responses (Percentage of cases)			
	Pre-election period	Campaign Period	Voting Period	Post Voting Period
Violation of IEBC's code of conduct			7.2	4.7
Hindering other persons from registering	4.0	5.9		
Discrimination and/or being denied to vote (voter rights violations)			4.5	
Robbery	4.0	7.0	4.1	6.6
Arson	2.9	5.8	3.9	10.4
Unjustified use of weapons	2.2	3.5	2.2	3.9
Using state resources by aspirants and candidates			2.5	2.0
Unauthorized displaying of symbols of political party and/or candidates at voting Centre			3.8	
Rape	1.9	4.5	2.4	4.6
Kidnapping and abduction	1.8	3.2	2.1	2.0
Preventing opponents from using free media		3.6	1.1	0.7
Voting by unregistered persons			1.4	
Unjustified use of national security organs for political purposes	1.8	2.9	2.6	3.6
Forced voter transfer	0.8			
Impersonation during political party nominations		1.0	3.8	0.5
Snatching or destroying election material		0.7	4.0	1.1
Defilement		0.1	0.1	0.1

The above findings show that voter bribery is one of the most prevalent offense in the pre-election, campaign and voting periods. The results further indicate that the prevalence of this offence is significantly high during the campaign and voting period. Section 9 of the Election Offences Act considers voter bribery to have taken place when during an election period, a person directly or indirectly offers a bribe to influence a voter to vote or refrain from voting for a particular candidate or political party. Voter bribery also occurs where a voter is influenced to attend, participate or refrain from attending a political meeting, a march, a demonstration or other political event. The high prevalence of voter bribery witnessed during the pre-election, campaign and voting periods may be explained by the fact that the perpetrators engage in this vice to influence people to vote or not to vote in a certain manner.

The study also identified hate speech as a prominent crime during the pre-election and campaign period. Section 12 of the National Cohesion and Integration Commission (NCIC) Act indicates that hate speech involves the use of threatening, inciting, abusive or insulting words or behavior, or display of any written material with the intention of stirring up ethnic hatred. Indeed, as confirmed by NCIC in a Press Briefing dated 8th April 2022, the incidence of hate speech in Kenya is high.

For the post-voting period, the key crime/ offence identified was stealing and looting of property. In the recent past, election results have been disputed leading violent demonstrations by the aggrieved supporters. These demonstrations have been characterized by the incidences such as destruction, stealing and looting of property.

An analysis based on the sample respondent categories showed that there were no significant differences on the respondents' views on the prevalence and typology of election-related crimes and offences in Kenya. For example, all respondent categories agreed that voter bribery was the leading offence in the pre-election, campaign and voting period. Equally, all categories agreed that stealing and looting of property was the most prevalent crime in the post-voting period. This information is captured in Table 3.3.

Table 3.3 Types and prevalence of election-related crimes and offences as per respondent category

Election-related crimes and offences per respondent category	Members of public (percentage of cases)				Political party representative (percentage of cases)				Respondents drawn from election, regulatory and/or enabling agencies (percentage of cases)				Respondents drawn from Governance /electoral-related civil society organizations (percentage of cases)			
	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period
Voter bribery	42.1	64.0	61.5		33.0	58.6	72.7		40.6	59.1	63.9		40.7	58.0	68.9	
Hate speech	41.1	57.2	28.7	21.5	45.6	62.0	30.9	18.4	38.9	58.1	31.3	18.2	39.0	53.4	26.2	20.6
Campaigning outside the prescribed period	30.8		6.6	2.3	26.5		4.8	1.7	28.7		6.3	1.5	34.7		9.0	0.0
Giving of alcohol and drugs to interrupt electoral processes	27.5	44.0	39.7	21.0	25.9	43.0	36.7	17.9	18.3	33.7	31.3	9.7	22.9	35.9	34.4	13.4
Incitement to violence	26.3	40.1	20.3	20.6	32.3	49.8	23.2	24.8	28.5	43.3	24.7	24.5	23.7	38.9	23.0	16.5
Provision of food, refreshments, fare reimbursement and rewards to supporters (Treating)	24.6	35.1	24.9	5.0	25.9	38.9	26.7	5.1	24.5	31.3	26.3	5.2	24.6	33.6	25.4	3.1
Creating disturbance and engaging in disorderly conduct	19.5	34.9	21.2	12.9	20.1	34.3	20.6	14.1	22.5	38.1	26.3	14.9	14.4	33.6	32.0	11.3
Threat to violence	17.6	29.2	16.2	20.1	26.5	36.8	19.3	19.2	22.3	33.0	20.8	23.8	16.9	29.8	9.8	12.4
Stealing and looting of property	16.4	27.3	30.3	48.2	12.2	23.4	23.8	45.7	12.4	22.7	31.3	45.0	8.5	16.8	20.5	40.2
Character assassination	14.9	24.0	10.1	5.4	17.7	31.8	12.5	6.8	13.5	22.7	8.9	6.7	13.6	29.0	16.4	4.1
Affray	14.1		15.4	18.0	11.2	29.9	15.4	14.1	18.3	32.3	16.8	21.2	16.1	28.2	13.1	13.4
Intimidation of the opponents	11.7	25.1	11.7	10.5	26.2	41.4	17.7	18.4	17.7	33.3	15.8	11.5	16.9	34.4	18.9	11.3
Malicious damage to property	10.9	22.7	15.4	26.3	12.2	23.7	14.1	24.8	10.7	19.2	13.7	24.2	11.9	20.6	13.9	26.8
Use of violence	10.7	22.1			13.3	27.1			15.5	28.8		22.7	16.1	27.5		28.9
Selling and buying of voters' Identification Document	6.9	12.1	12.7	0.5	11.2	17.8	17.7	1.3	10.7	14.8	15.8	0.7	8.5	19.8	15.6	0.0
Double registration	6.7				10.2				14.9				11.9			
Assault	6.6	16.1	10.3	10.9	9.2	27.1	17.7	12.4	13.8	22.4	14.2	15.2	11.0	27.5	11.5	12.4
Forceful displacement of persons	5.5	7.2	6.1	19.5	10.5	12.1		30.8	9.3	9.9	7.4	24.2	9.3	9.9	7.4	18.6
Burglary	5.3	9.0	7.0	9.0	5.8	14.6	6.1	6.4	6.2	16.7	4.7	7.1	1.7	6.9	2.5	4.1
Murder	4.6	10.8	7.6	18.2	6.8	11.8	6.8	17.9	5.9	10.3	8.4	24.2	6.8	12.2	8.2	18.6

Election-related crimes and offences per respondent category	Members of public (percentage of cases)				Political party representative (percentage of cases)				Respondents drawn from election, regulatory and/or enabling agencies (percentage of cases)				Respondents drawn from Governance /electoral-related civil society organizations (percentage of cases)			
	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period
Using state resources by aspirants for political purposes	4.4	6.3	1.9		6.1	13.7	3.9		11.0	13.1	4.7		9.3	16.8	2.5	
Giving false information, forgery and impersonation during voter registration	4.1				10.2				12.7				11.0			
Robbery	4.0	6.9	4.5	7.4	4.1	6.9	3.5	6.0	5.1	7.9	8.4	5.6	3.4	6.9	1.6	5.2
Voter intimidation	3.8	9.3	23.6	2.6	5.1	14.6	43.7	5.6	11.3	16.7	34.2	5.2	6.8	12.2	42.7	1.0
Unlawful possession of weapons	3.3	4.7	3.2	5.2	7.5	9.3	6.4	6.0	7.6	10.8	7.4	9.3	5.1	5.3	2.5	3.1
Hindering other persons from registering	3.2				7.5				6.2				6.8			
Arson	2.4	5.3	3.5	11.2	3.7	6.5	5.5	9.4	5.6	6.7	4.7	11.2	3.4	12.2	6.6	6.2
Rape	1.8	3.8	2.4	4.4	1.4	5.6	1.9	4.3	3.1	6.9	3.2	7.4	2.5	8.4	2.5	5.2
Kidnapping and abduction	1.4	2.5	1.7	1.6	3.1	3.4	3.9	0.9	3.4	6.7	4.5	2.6	2.5	5.3	2.5	2.1
Unjustified use of national security organs for political purposes	1.3	2.1	2.0	2.9	3.7	6.9	4.5	4.3	3.4	3.4	4.7	7.8	1.7	6.1	2.5	4.1
Unjustified use of weapons	1.3	2.5	1.7	2.9	3.1	4.4	3.2	5.1	6.5	8.1	5.8	8.9	4.2	6.1	1.6	5.2
Forced voter transfer	0.7				1.8				1.4				4.2			
Snatching or destroying election material	0.4	0.5	2.9	0.6	0.7	1.9	6.4	3.0	0.8	1.2	7.6	2.6	1.7	0.0	9.0	0.0
Voting by unregistered persons			2.0				4.5				4.7				2.5	
Defacing of posters		28.0				35.2				28.3				37.4		
Impersonation during political party nominations		1.0				1.6				1.0				1.5		
Preventing the opponents from using free media		2.9	0.8	0.6		6.9	1.9	0.4		5.7	2.9	2.2		4.6	0.0	0.0
Ballot and vote fraud			9.9				19.6				8.9				15.6	
Impersonation during voting			3.0				6.4				7.6				9.0	
Not maintaining secrecy of voting			8.9				11.9				14.2				8.2	
Defilement		0.0	0.0	0.1		1.9	0.0	0.0		0.5	0.5	0.4		0.8	0.0	1.0

Election-related crimes and offences per respondent category	Members of public (percentage of cases)				Political party representative (percentage of cases)				Respondents drawn from election, regulatory and/or enabling agencies (percentage of cases)				Respondents drawn from Governance /electoral-related civil society organizations (percentage of cases)			
	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period	Pre-election period	Campaign Period	Voting Period	Post-Voting Period
Unauthorized display of symbols of political parties and/or candidates at the voting center			2.7				6.4				7.1				9.0	
Violation of IEBC's code of conduct			5.9				15.1				8.4				10.7	
Discrimination and/or being denied right to vote (voter rights violations)			3.6				7.7				6.1				9.8	
Rigging			22.8	13.7			31.5	14.3			34.2	11.4			32.0	13.3
Use of violence				20.6				27.8								
Announcing false results				15.4				20.5				14.5				17.5

In concurrence with the findings on the typology of election-related crimes and offences by the sample respondents, the Focus Group Discussions (FGDs) conducted in 16 counties also showed that voter bribery; hate speech; assault; and use of violence were the most prevalent types of election-related crimes reported by the discussants in most counties in Kenya as shown in Table 3.4.

Table 3.4: Election-related crimes and offences committed during electioneering period as highlighted by Focus Group Discussants

Election-related crimes and offences committed during the electioneering period	County																
	Kakamega	Trans Nzoia	Kirinyaga	Mombasa	Kisii	Kitui	Machakos	Kisumu	Meru	Baringo	Nyandarua	Nakuru	Nairobi	Uasin Gishu	Kilifi	Garissa	Total tally
Voter bribery	√			√	√	√	√		√		√	√	√	√	√	√	12
Hate speech	√		√	√	√	√		√	√		√			√	√		10
Assault			√		√	√	√	√		√			√	√	√		9
Use of violence			√				√	√		√		√	√		√		7
Voter intimidation	√			√	√		√	√						√			6
Incitement to violence						√			√				√	√	√	√	6
Being a member of an organized criminal gang and engaging in organized criminal activities			√	√			√	√		√							5
Defacing of posters				√			√		√	√				√			5
Malicious damage to property				√	√				√		√	√					5
Giving of alcohol & drugs to interrupt electoral processes				√			√				√			√	√		5
Campaigning outside the prescribed							√	√						√	√	√	5

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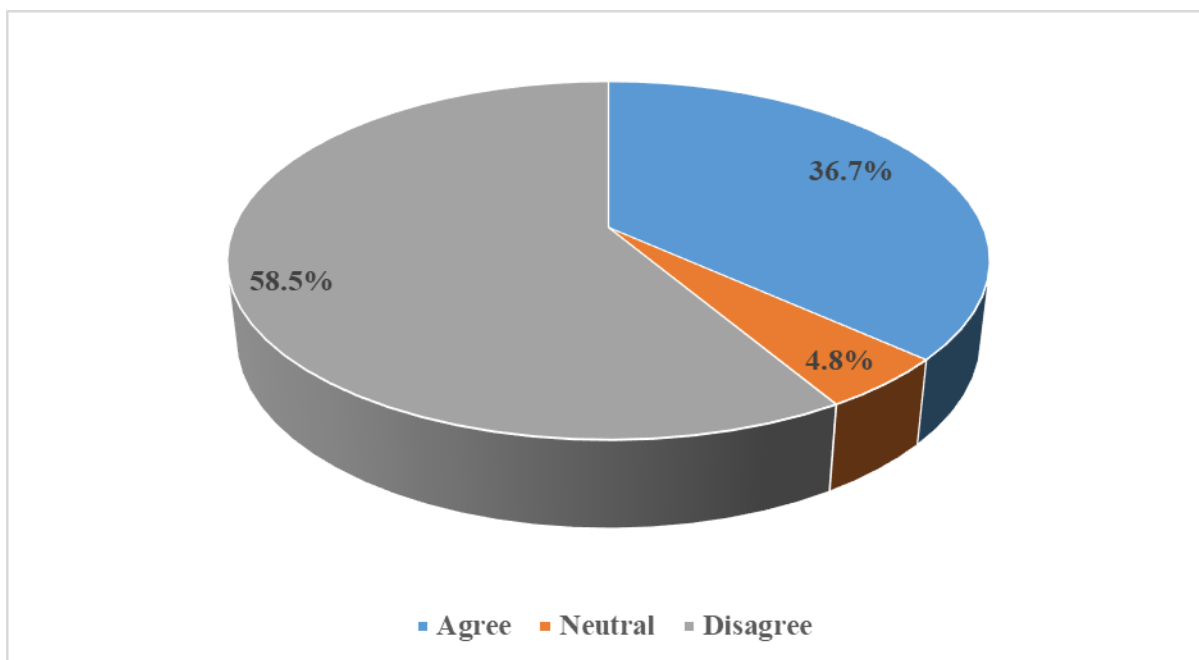


Figure 4: Whether land use and/or ownership is a factor in election-related crimes and offences

The key counties where land use and/or ownership was mentioned as a factor in election-related crimes and offences were Mandera (84.4%), Lamu (77.8%), Uashin Gishu (75.9%), Elgeyo Marakwet (73.5%), Marsabit (71.4%), Garissa (68.6%), Narok (64.0%), Nakuru (61.0%), Samburu (60.0%), Wajir (56.2%), Trans Nzoia (56.1%), Kwale (55.9%), Tana River (54.3%), Kilifi (52.6%), Nandi (51.0%), Mombasa (51.0%), Laikipia (50.9%), Bomet (50.0%) as captured in Table 3.5.

Table 3.5 Whether land use and/or ownership is a factor in election-related crimes and offences

County	Agree (%)	Neutral (%)	Disagree (%)
Mandera	84.4	2.3	13.3
Lamu	77.8	0.0	22.2
Uasin Gishu	75.9	1.1	23.0
Elgeyo-Marakwet	73.5	0.0	26.5
Marsabit	71.4	5.7	22.9
Garissa	68.6	3.9	27.5
Narok	64.0	8.0	28.0
Nakuru	61.0	7.8	31.2
Samburu	60.0	0.0	40.0
Wajir	56.2	6.2	37.5
Trans Nzoia	56.1	9.1	34.8
Kwale	55.9	3.4	40.7
Tana River	54.3	0.0	45.7

County	Agree (%)	Neutral (%)	Disagree (%)
Kilifi	52.6	0.0	47.4
Nandi	51.6	0.0	48.4
Mombasa	51.0	5.0	44.0
Laikipia	50.9	1.8	47.4
Bomet	50.0	6.5	43.5
Kisumu	48.8	0.0	51.2
Migori	48.6	6.9	44.4
Isiolo	48.5	9.1	42.4
Kajiado	46.1	2.2	51.7
Baringo	46.0	0.0	54.0
Kericho	45.3	9.4	45.3
Taita/Taveta	42.5	2.5	55.0
Turkana	33.3	15.8	50.9
Tharaka-Nithi	31.7	0.0	68.3
Bungoma	31.3	1.0	67.7
Nairobi City	31.2	6.3	62.5
West Pokot	30.2	4.7	65.1
Makueni	29.7	10.8	59.5
Embu	28.3	10.0	61.7
Kitui	26.7	2.7	70.7
Nyandarua	23.7	5.1	71.2
Kiambu	22.5	6.4	71.1
Kakamega	20.7	6.3	73.0
Murang'a	16.9	10.8	72.3
Homa Bay	16.7	0.0	83.3
Kirinyaga	14.3	6.3	79.4
Busia	14.1	4.7	81.2
Machakos	13.2	8.5	78.3
Nyamira	11.5	5.8	82.7
Siaya	10.5	0.0	89.5
Vihiga	10.2	0.0	89.8
Nyeri	6.9	3.4	89.7
Kisii	6.4	3.8	89.7
Meru	3.6	0.9	95.5

The findings in Table 3.5 reveal that land question was a key factor contributing to election-related crimes and offences in a significant number of counties. As a mitigation measure, this study calls for the full implementation of the recommendations of the Truth, Justice and Reconciliation Commission's Report of 2013 on historical land injustices.

Still on the subject of land use and/or ownership in context of election-related crimes and offences, respondents were tasked to indicate their level of agreement on some statements. On whether it is right to destroy political opponents' property to settle land dispute, a

significant majority (99.6%) of the respondents disagreed. Similarly, when asked if it is right to evict political opponent from their land during election period to settle land disputes, a resounding majority (99.4%) disagreed. Correspondingly, on whether it is right to use violence to intimidate political opponents to settle land disputes, an overwhelming majority (99.6%) disagreed. These results are captured in Table 3.6.

Table 3.6: Responses on whether it is right to destroy political opponents' property, evict and use violence against political opponents to settle land disputes

Statement	Responses	Percent
1. It is right to destroy political opponents' property to settle land disputes	Agree	0.1
	Neutral	0.3
	Disagree	99.6
	Total	100.0
2. It is right to evict political opponent from their land during election period to settle land disputes	Agree	0.1
	Neutral	0.5
	Disagree	99.4
	Total	100.0
3. It is right to use violence to intimidate political opponents to settle land disputes	Agree	0.1
	Neutral	0.3
	Disagree	99.6
	Total	100.0

From the findings, it is indicative that majority of the respondents disapprove of the commission of election-related crimes and offences aimed at settling land disputes. This finding may plausibly explain why hate speech and incitement to violence are the main drivers of election-related crimes and offences as majority of Kenyans, on their own, disapprove of these vices but only engage in them after being influenced/incited.

3.3.4 Typology and prevalence of land use and/or ownership conflicts witnessed and/or encountered during recent political elections

This study further examined the types and prevalence of land use and/or ownership conflicts witnessed and/ or encountered during recent political elections. Majority of the respondents (60.0%) said there they had not witnessed or encountered any land use and/or ownership conflicts during the recent political elections, while (17.2%) indicated forceful displacement of populations, (9.9%) mentioned trespass. In addition, (8.2%) identified ethnic or racial contempt. The details are presented in Table 3.7.

Table 3.7: Land use and/or ownership conflicts witnessed and/ or encountered during recent political elections

Land use and/or ownership conflicts witnessed and/ or encountered during recent political elections	Responses	
	Frequency	Percentage of cases
None	2042	60.0
Forceful displacement of populations	585	17.2
Trespass	384	11.2
Ethnic or racial contempt	13.1	8.2
Malicious damage to property	185	5.4
Land grabbing	177	5.2
Border disputes	171	5.0
Incitement to violence	69	2.0
Stealing and looting of property	98	2.9
Arson	41	1.2
Failure to honor lease terms/ agreement	39	1.1
Murder	33	1.0
Intimidation of non-locals	27	0.8
Assault	11	0.3
Grazing-pasture conflicts	7	0.2

The above findings resonate well with an early study conducted by NCRC in 2016 where it was established that forceful displacement of populations and destruction of property were among the main election-related crimes and offences involving land use and ownership that were reported (NCRC, 2016). Also, the TJRC (2013) report established that forceful displacement of populations and destruction of property were among the main crimes and offences committed in the 2007/2008 post-election violence in Kenya.

The findings in Table 3.7 were further corroborated by the Focus Group Discussions. Incitement to violence was reported in 6 out of 16 counties while forceful displacement of populations and use of violence in 5 out of 16 counties respectively. Trans-Nzoia and Baringo Counties led in the typology of election-related crimes and offences arising from land use and/or ownership with a tally of 5 each. They were followed closely by Kakamega and Kisumu Counties with a tally of 4 respectively as presented in Table 3.8.

Table 3.8: Election-related crimes and offences arising from land use and/or ownership as highlighted by Focus Group Discussants

Election-related crimes and offences arising from land use and/or ownership	Counties																Total tally
	Trans Nzoia	Kakamega	Kirinyiga	Kisii	Mombasa	Kitui	Machakos	Meru	Kisumu	Nairobi	Baringo	Nyandarua	Nakuru	Uasin Gishu	Kilifi	Garissa	
Incitement to violence	✓				✓		✓	✓			✓	✓					6
Forceful displacement of populations		✓			✓				✓		✓		✓				5
Use of violence		✓		✓		✓					✓	✓					5
Hate speech	✓						✓		✓		✓						4
Disputes over the boundaries				✓		✓		✓			✓						4
Affray	✓	✓				✓			✓								4
Land grabbing	✓	✓										✓			✓	✓	4
Malicious damage to property				✓					✓								2
Threat to violence	✓																1
Illegal grazing								✓									1
Intimidation													✓				1
Poisoning of farm produce to kill livestock for pastoralists													✓				1
Murder																✓	1

Corroborating the above findings, a National Government Administrative Officer (NGAO) had this to say:

“There is a non-indigenous ethnic group that bought land here. Back in 2007 they decided to leave their land due to political tension emanating from election-related crimes and offences and resettled in Nyahururu area. When the tension subsided they decided to sell their land however, they found that the indigenous ethnic group had already invaded the land claiming its ownership from their grandparents. This has become a problem that has resulted into animosity and threat of forceful displacement of the inhabitants” (Key Informant Interview, Elgeiyo Marakwet).

Another NGAO official also observed that:

“In this locality, most of the land is under communal ownership. The locals from the Gabra and Borana sub-tribes always claim ownership. During election period this is often exploited by the politicians who incite their tribesmen to cause violence against the minority groups as a means of evicting them from their supposed land” (Key Informant Interview, Marsabit County).

In agreement with the above sentiments, a Senior Police officer noted that:

“The Maasais in this locality once they sell land they still assume it belongs to them and they demand to use the sold land for grazing. As a result they trespass and destroy farm produce which finally brings violence between them. Further, they demand to be employed as security guards or herders in the non-local farms failure to which they become violent and keep on intimidating others” (Key Informant Interview, Kajiado County).

An official from National Council of Churches of Kenya also noted that:

“There are historical land injustices in Nakuru County especially in areas like Ndefo and Mauche. Those who genuinely bought land in these areas are named “Madoa doa” (non-natives/local) by the locals and are intimidated by being threatened with evictions out of “our land”. There is also incitement to violence by the local political leaders so as to influence support from the local populace. As a result, they relocate when the General Elections approach for fear of being victimized” (Key Informant Interview, Nakuru County).

3.3.5: Hotspot areas for election-related crimes and offences in Kenya

Respondents were prompted to state if they considered their counties as hotspot areas for election-related crimes and offences in Kenya. The top 10 counties considered as hotspot areas were Laikipia (91.2%), Mombasa (87.2%), Tana River (85.7%), Kisumu (84.5%), Lamu (80.8%), Nairobi City (79.1%), Marsabit (76.7%), Uasin Gishu (75.6%), Mandera (74.4%) and Baringo (73.5%) as detailed in Table 3.9 below.

Table 3.9 Whether the respondents perceived their counties as hotspot areas for election-related crimes and offences

County	Responses (percentage)	
	Yes	No
Laikipia	91.2	8.8
Mombasa	87.2	12.8
Tana River	85.7	14.3
Kisumu	84.5	15.5
Lamu	80.8	19.2
Nairobi City	79.1	20.9
Marsabit	76.7	23.3
Uasin Gishu	75.6	24.4
Mandera	74.4	25.6
Baringo	73.5	26.5
Migori	72.2	27.8
Turkana	70.2	29.8
Kilifi	69.6	30.4
Wajir	67.4	32.6
Samburu	65.7	34.3
Elgeyo Marakwet	65.6	34.4
Trans Nzoia	65.6	34.4
Nakuru	63.0	37.0
Isiolo	62.5	37.5
Siaya	61.8	38.2
Kwale	57.6	42.4
Embu	56.7	43.3
Homa Bay	55.8	44.2
Garissa	55.3	44.7
West Pokot	54.8	45.2
Meru	52.8	47.2
Nyeri	51.7	48.3
Bomet	51.6	48.4
Narok	51.4	48.6
Machakos	51.0	49.0
Nandi	50.8	49.2
Kiambu	49.4	50.6
Kericho	49.2	50.8
Bungoma	49.0	51.0
Murang'a	47.5	52.5
Kakamega	47.1	52.9
Makueni	40.5	59.5
Kitui	40.3	59.7
Nyandarua	39.6	60.4
Tharaka-Nithi	37.8	62.2
Kajiado	37.2	62.8
Taita/Taveta	35.9	64.1

County	Responses (percentage)	
	Yes	No
Busia	33.9	66.1
Kisii	32.9	67.1
Nyamira	32.7	67.3
Kirinyaga	30.6	69.4
Vihiga	26.1	73.9

The findings in Table 3.9 clearly indicates that all counties in Kenya have a potential of experiencing election-related crimes and/ or offences. However, the prevalence potential of these crimes/ offences is varied across the counties. This study, therefore, urges the relevant stakeholders to take cognizance of these dynamics and put in place appropriate interventions and contingency measures to address likely occurrence of election-related crimes and offences.

The respondents were further probed on whether their specific localities were considered as hotspot areas for the election-related crimes and offences in Kenya. As depicted in Figure 5, the opinion was divided with half of the respondents affirming and the other half saying the contrary.

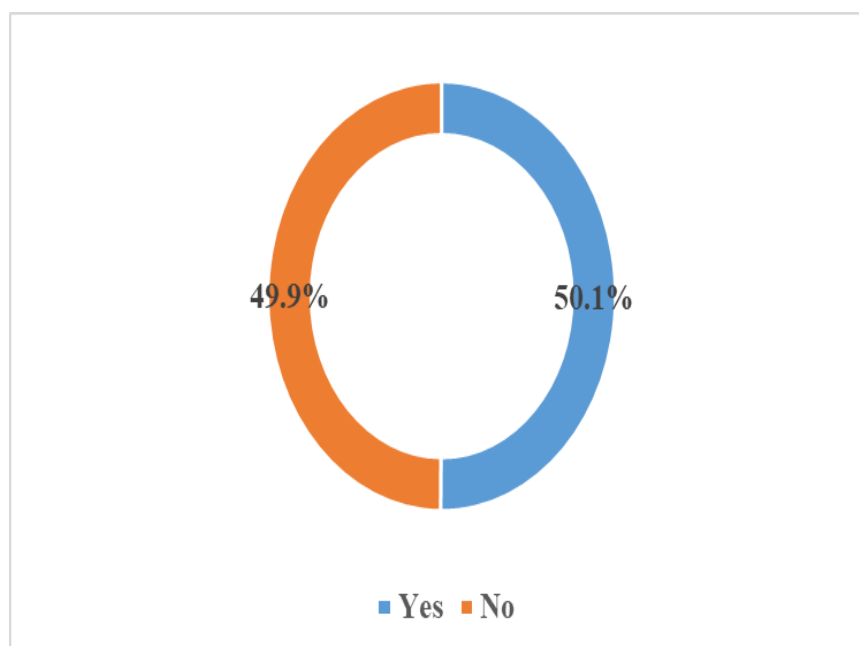


Figure 5: Whether the respondent's locality is a hotspot area for election-related crimes and offences

The above findings show that whilst some counties may be considered as hotspot areas not all locations in those counties may be hotspot areas. There is thus an imperative for security

agencies and other stakeholders to be vigilant in monitoring and responding to probable underlying factors likely to predispose certain specific areas as hotspots for election-related crimes and offences. Appendix 4 provides a list of specific hotspot areas in each county.

3.4 Perpetrators and Victims of Election-Related Crimes and Offences

3.4.1 Perpetrators of election-related crimes and offences

Most of the respondents pointed to politicians, aspirants and candidates (88.7%), the vulnerable youths (59.6%), political party agents and party supporters (51.4%), hired goons (37.5%), organized criminal gangs (23.3%) and ethnic groupings (22.0%) as the main perpetrators of election-related crimes and offences. These results are indicated in Table 3.10.

Table 3.10: Perpetrators of election-related crimes and offences

Perpetrators of election-related crimes and offences	Responses	
	Frequency	Percentage of cases
Politicians, aspirants and candidates	3047	88.7
Vulnerable youths (unemployed, unskilled, lowly educated, etc.)	2048	59.6
Political party agents and supporters	1767	51.4
Hired goons	1288	37.5
Organized criminal gangs	801	23.3
Ethnic groupings	755	22.0
Rogue business persons/ financiers	373	10.9
Rogue public officials in elections, regulatory and/or enabling agencies	354	10.3
Media and /or their agents	238	6.9
Elders	17	0.5
Rogue church leaders	9	0.3
Women groups	7	0.2
Men	7	0.2

The findings based on the respondent categories show that most respondents from members of the public were of the view that the dominant perpetrators were the politicians/ aspirants/ candidates (88.4%), vulnerable youths (60.7%), political party agents and supporter (51.1%), hired goons (35.7%) and criminal gangs (24.4%). Most of the political party representatives identified the politicians/aspirants/candidates as the main perpetrators (87.1%), followed by vulnerable the youths (58.3%), political party agents and supporters (48.8%), hired goons

(43.6%) and criminal gangs (25.1%). Similarly, majority of the respondents drawn from election, regulatory and/or enabling agencies said that the perpetrators are politicians/ aspirants/ candidates (90.7%), vulnerable youths (57.8%), political party agents and supporters (56.6%), hired goons (43.1%) and criminal gangs (26.8%). Likewise, the respondents drawn from governance/electoral-related civil society organizations identified politicians/ aspirants/ candidates (91.9%), vulnerable youths (50.0%), political party agents and supporters (48.5%), hired goons (44.1%) and criminal gangs (25.0%) as the perpetrators of election-related crimes and offences. This information is summarized in Table 3.11.

Table 3.11: Perpetrators of election-related crimes and offences as per the specific category of the respondents

Perpetrators of election-related crimes and offences	Respondent category (percentage of cases)			
	Member of public	Political party representative	Respondents drawn from election, regulatory and /or enabling agencies	Respondents drawn from governance/ electoral-related civil society organizations
Politicians/ aspirants/ candidates	88.4	87.1	90.7	91.9
Vulnerable youths (unemployed, lowly educated e.t.c)	60.7	58.3	57.8	50.0
Political party agents and supporters	51.1	48.8	56.6	48.5
Hired goons	35.7	43.6	41.3	44.1
Organized criminal gangs	24.4	25.1	26.8	25.0
Ethnic groupings	20.3	27.9	24.0	31.6
Rogue business persons/ financiers	8.8	15.3	18.6	14.7
Rogue public officials in elections, regulatory and/or enabling agencies	8.7	18.7	11.5	16.9
Media and /or their agents	4.8	12.9	12.8	12.5
Elders	0.4	0.9	0.7	1.5
Women groups	0.1	0.0	0.7	0.7
Rogue church leaders	0.1	0.0	0.9	0.7
Men	0.1	0.0	0.9	0.0

From the above findings, all respondent categories agree that the main perpetrators of

election-related crimes and offences are the politicians (aspirants and candidates), the youth and the political party agents and supporters. This findings concur with the NCRC (2016) study on *Election-related crimes and offences in Kenya* as shown in Figure 6.

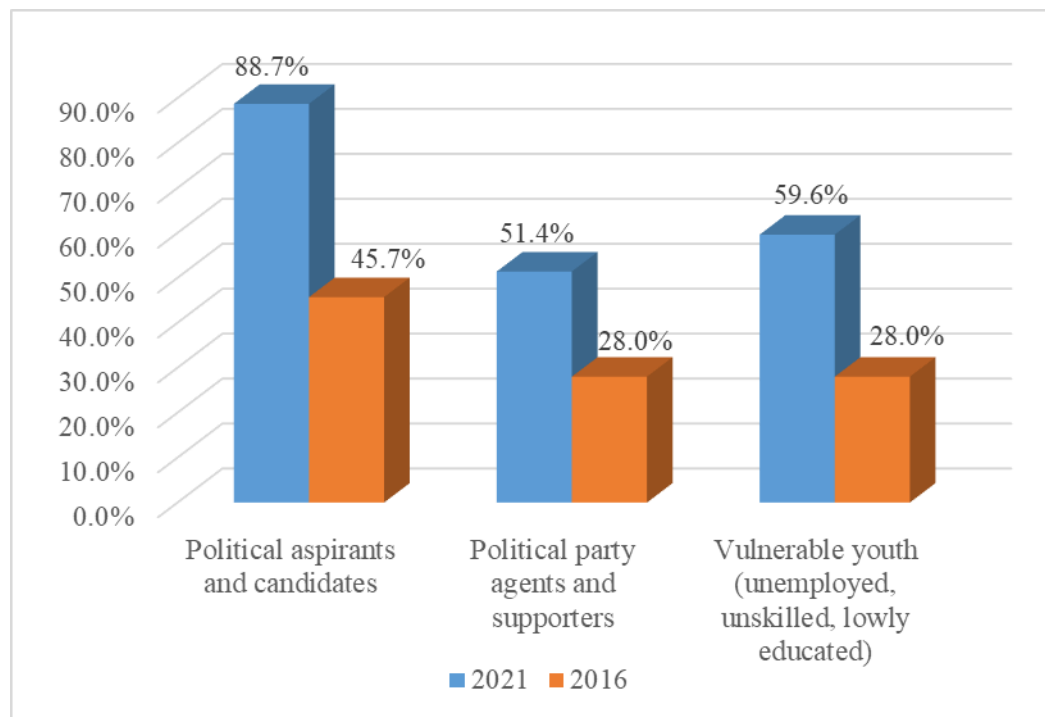


Figure 6: Comparative analysis of the top three perpetrators of election-related crimes and offences (using percentage of cases) from NCRC’s 2016 and 2021 studies

The political aspirants and candidates including their agents/supporters engage in election-related crimes and offences in a bid to influence voting behavior or the outcome of elections in their favor. The youth on the other end mainly engage in these vices because of their vulnerabilities – for instance, unemployment, ignorance and poverty. Because of these vulnerabilities, they are mostly taken advantage of by the political class to perpetrate election-related crimes and offences.

The findings on perpetrators of election-related crimes and offences from the sample respondents agreed with those of FGDs. As shown in Table 3.12, the main perpetrators of election-related crimes and offences were politicians/aspirants/candidates; vulnerable youths (unemployed, unskilled, lowly educated); political party agents and supporters; hired goons; organized criminal gangs; and rogue business persons/financiers.

Table 3.12: Perpetrators of election-related crimes and offences as highlighted by Focus Group Discussants

Perpetrators of election crimes & offences as highlighted by Focus Group Discussants	County																Total tally
	Kakamega	Trans Nzoia	Kirinyaga	Mombasa	Kisii	Kitui	Machakos	Kisumu	Meru	Baringo	Nvandarua	Nakuru	Nairobi	Usain Gishu	Kilifi	Garissa	
Political aspirants/ candidates	√	√	√	√	√	√	√	√	√	√	√	√	√	√		√	15
Vulnerable youths (unemployed, unskilled, lowly educated)		√	√	√	√	√	√	√	√		√	√			√		11
Political party agents and supporters	√	√	√	√		√				√				√			7
Hired goons						√			√			√	√	√			5
Organized criminal gangs					√		√	√				√			√		5
Rogue business persons/financiers				√							√		√	√			4
Media and/ or their agents								√		√	√						3
Rogue public officials in elections, regulatory and/or enabling agencies							√			√				√			3
Ethnic groupings			√									√			√		3
Elders				√		√										√	3
Men				√											√		2
Rogue church leaders						√											1

Illustratively, an IEBC official also observed that:

“The politicians are the major perpetrators due to hunger for power. They are also followed closely by the youths due the fact they are idle and unemployed thus looking for easy money from the politicians. In addition, drug dealers take advantage and sell

drugs to the same youths so that they can cause havoc during campaign and voting period” (Key Informant Interview, Kilifi County).

3.4.2 Victims of election-related crimes and offences

The respondents were asked to indicate whether they have ever been victims or witnessed election-related crimes and offences being committed. Most of the respondents (67.8%) said yes while 32.2% no as demonstrated in Figure 7.

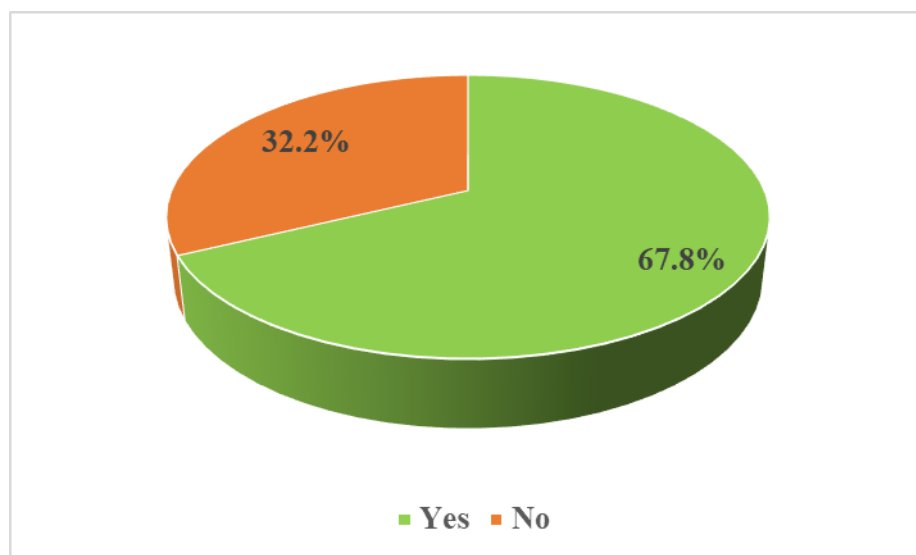


Figure 7: Whether the respondent has ever been a victim or witnessed the commission of election-related crimes and offences

The findings in Figure 7 show that averagely 7 out of 10 Kenyans have been victimized or witnessed election-related crimes and offences being committed. This confirms that these crimes/ offences are serious security threat in Kenya.

On the victim categories, the findings reveal that women are the main victims of election-related crimes and offences at (66.1%) and are closely followed by children at (56.6%), general members of the public including voters at (52.8%), the elderly (36.5%), youth (35.7%) and people living with disability (29.9%) as indicated in Table 3.13.

Table 3.13: Victims of election- related crimes and offences

Victims of election-related crimes and offences	Frequency	Percentage of cases
Women	2249	66.1
Children	1927	56.6
General members of the public including voters	1798	52.8
Elderly	1244	36.5
Youth	1214	35.7
People Living With Disability	1017	29.9
Men	624	18.3
Minority ethnic groups	609	17.9
Politicians/ aspirants/ candidates	483	14.2
The sick	420	12.3
Party agents	364	10.7
Public officials	296	8.7
Campaign workers	278	8.2
Business persons	130	3.8
The poor in the society	6	0.2
Motorists	3	0.1
Church leaders	2	0.1

Based on respondent categories, majority of the members of the public cited women (65.7%), children (55.2%) and the general members of public (51.2%) respectively. Similarly, political party representatives identified women (64.2%), general members of the public (56.8%) and children (56.0%) as the main victims. Respondents drawn from the election, regulatory and/or enabling agencies equally identified women (67.5%), children (64.2%), and the general members of public (58.0%) while those drawn from governance/electoral-related civil society organizations mentioned women (73.9%), children (59.0%) and general members of public (57.4%) as the key victims of election-related crimes and offences as presented in Table 3.14.

Table 3.14: Victims of election-related crimes and offences as per the specific category of the respondents

Victim of election-related crimes and offences as per the specific category of the respondents	Type of respondent (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and /or enabling agencies	Respondents drawn from governance / electoral-related civil society organizations
Women	65.7	64.2	67.5	73.9
General members of the public including voters	51.2	56.8	58.0	57.4
Children	55.2	56.0	64.2	59.0
Youth	36.2	37.0	30.0	41.0
Elderly	36.0	33.9	39.6	42.5
People Living With Disability	29.1	28.4	33.5	35.8
Minority ethnic groups	16.3	23.5	22.6	17.9
Politicians/ aspirants and candidates	12.6	22.6	16.3	16.4
Party agents	8.9	18.0	13.4	17.9
Men	18.8	18.0	14.6	21.6
Campaign workers	7.0	11.9	11.1	11.2
Public officials	7.0	11.9	14.9	13.4
The sick	11.8	9.5	18.2	10.4
Business persons	3.9	3.1	4.0	3.7
Church leaders	0.0	0.0	0.2	0.0
The very poor in the society	0.1	0.0	0.7	0.0
Motorists	0.0	0.0	0.2	0.7

These findings show that women and children are the main victims of election-related crimes and offences in Kenya. The victimization women and children manifest in several ways. For instance, women are may be subjected to various forms of gender-based violence while children are left injured, neglected or orphaned.

The Truth, Justice and Reconciliation Commission of Kenya and Waki Commission Reports mentioned that during the 2007–2008 post-election violence in Kenya, women were sexually violated in some parts of the country. Empirical evidence also points out that women who engage in politics face a disproportionately higher risk of violence than men. There is thus, the need for the government to enhance security and protection of women, children, and all

other vulnerable groups during the electioneering period. In addition, there is need for provision of psychosocial support to the victims of election-related crimes and offences.

3.5 Factors Contributing to and Triggers of Election-Related Crimes and Offences

3.5.1 Underlying factors contributing to election-related crimes and offences

When the respondents were asked to highlight the underlying factors contributing to election-related crimes and offences, a significant majority of the respondents mentioned vulnerability occasioned by unemployment (70.9%) and by poverty (65.0%). The other notable factors highlighted were perceived marginalization including political, socio-economic inequality (39.9%), negative ethnicity (38.2%), corruption/unethical conduct of some election management officials (34.6%) and perceptions of a compromised electoral system (23.9%) as summarized in Table 3.15.

Table 3.15: Underlying factors contributing to election-related crimes and offences

Underlying factors contributing to election-related crimes and offences	Frequency	Percentage of cases
Vulnerability occasioned by unemployment	2420	70.9
Vulnerability occasioned by poverty	2218	65.0
Perceived marginalization including political, socio-economic inequality	1362	39.9
Negative ethnicity	1303	38.2
Corruption/unethical conduct of some election management officials	1180	34.6
Perceptions of a compromised electoral system	817	23.9
Contested electoral laws	551	16.1
Presence and engagement in organized criminal gangs' activities	522	15.3
Free availability of weapons	390	11.4
Inadequate electoral administrative rules	296	8.7
Gender based discrimination and violence	266	7.8
Un-harmonized parameters among the regulatory agencies	180	5.3
Illiteracy	81	2.4
Alcohol, drug and substance abuse	77	2.3
Idleness	70	2.1
Political incitement	69	2.0
Greed for power	67	2.0
Land dispute/conflict	60	1.8
Poor leadership	21	0.6
Peer influence	13	0.4
Socioeconomic effect of Covid-19	2	0.1

A further analysis was conducted within the specific category of the respondents. Most members of the public identified vulnerabilities occasioned by unemployment (71.7%) and by poverty (65.1%) as the underlying factors contributing to election-related crimes and offences. Similarly, the political party representatives identified vulnerability occasioned by unemployment (71.8%) by poverty (63.9%). Equally, respondents drawn from election, regulatory and/or enabling agencies cited vulnerabilities occasioned poverty (64.5%) and by unemployment (64.1%), and perceived marginalization/social exclusion (57.2%). Respondents drawn from governance/electoral-related civil society organizations identified vulnerabilities occasioned by unemployment (73.9%) and poverty (64.9%) respectively as indicated in Table 3.16.

Table 3.16: Underlying factors contributing to election-related crimes and offences as per the specific category of the respondents

Underlying factors contributing to election-related crimes and offences	Category of respondents (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and/or enabling agencies	Respondents drawn from governance/electoral-related civil society organizations
Vulnerability occasioned by unemployment	71.7	71.8	64.1	73.9
Vulnerability occasioned by poverty	65.1	63.9	64.5	64.9
Perceived marginalization including political, socio-economic inequality	34.7	55.2	57.2	45.5
Negative ethnicity	35.2	47.6	47.3	41.0
Corruption/unethical conduct of some election management officials	34.5	33.3	36.2	33.6
Perceptions of a compromised electoral system	22.5	30.6	24.6	29.9
Contested electoral laws	16.2	18.5	13.0	19.4
Presence and engagement in organized criminal gangs' activities	14.0	18.5	18.4	21.6
The availability of weapons	10.5	14.2	14.4	12.7
Gender based	5.8	11.2	14.7	14.2

Underlying factors contributing to election-related crimes and offences	Category of respondents (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and/or enabling agencies	Respondents drawn from governance/ electoral-related civil society organizations
discrimination and violence				
Inadequate electoral administrative rules	8.0	10.9	9.9	11.9
Un-harmonized parameters among the regulatory agencies	4.8	7.6	6.9	3.7
Greed for power	1.3	3.9	4.3	2.2
Land dispute/conflict	1.0	3.6	4.3	3.0
Political incitement	1.8	3.0	2.8	1.5
Illiteracy	1.9	2.4	4.7	3.0
Alcohol, drug and substance abuse	2.4	2.4	1.2	3.0
Idleness	2.4	1.5	1.2	0.0
Poor leadership	0.4	1.2	0.9	1.5
Peer influence	0.4	0.6	0.2	0.7
Socioeconomic effect of Covid-19	0.0	0.0	0.5	0.0
Inflation and tough economic times	0.3	0.0	1.2	0.0

The vulnerabilities arising from poverty and unemployment may predispose individuals into engaging in some election-related crimes and offences. For instance, a poor voter who does not have resources to meet basic needs may not resist the temptation of accepting bribes from politicians and/or being treated with foods, drinks and other rewards in exchange of their votes. Equally, idle and unemployed youth may be used by the political class to perpetrate some crime categories while others may engage in organized criminal activities – including election-related crimes and offences.

The above findings were corroborated by the focus group discussions where the main factors highlighted by the discussants were vulnerability occasioned by unemployment and poverty; alcohol, drug and substance abuse; political incitement; corruption of individual officials; illiteracy; perceived political and socioeconomic exclusion; presence and engagement in

organized criminal gangs activities; negative ethnicity; and un-harmonized parameters among the regulatory agencies as shown in Table 3.17.

Table 3.17: Factors contributing to election-related crimes and offences as highlighted by Focus Group Discussants

Factors contributing to election-related crimes and offences as highlighted by focus group discussants	County																
	Trans-Nzoia	Kisii	Kakamega	Kirinyaga	Mombasa	Kitui	Marchakos	Kisumu	Meru	Nairobi	Baringo	Nyandurua	Nakuru	Uasin Gishu	Kilifi	Garissa	Total tally
Vulnerability occasioned by unemployment	√	√			√	√	√	√	√	√	√	√	√	√			12
Vulnerability occasioned by poverty	√	√	√	√	√		√			√	√	√		√	√		11
Alcohol and drug abuse		√	√	√		√					√	√			√		7
Political incitement	√	√					√	√	√			√			√		7
Corruption of individual officials	√	√	√		√			√			√						6
Illiteracy			√		√	√			√		√	√					6
Perceived marginalization-political, socioeconomic exclusion					√		√			√		√	√	√			6
Presence and engagement in organized criminal gangs activities				√				√			√				√		4
Negative ethnicity		√			√							√	√				4
Un-harmonized parameters among the regulatory agencies			√		√				√			√					4
Perceptions of a compromised electoral system			√				√				√						3
Gender based discrimination			√								√						2
Peer influence						√	√										2
Land disputes/conflicts					√				√								2
Contested electoral laws					√							√					2
Struggle for limited														√		√	2

Factors contributing to election-related crimes and offences as highlighted by focus group discussants	County																
	Trans-Nzoia	Kisii	Kakamega	Kirinyaga	Mombasa	Kitui	Marchakos	Kisumu	Meru	Nairobi	Baringo	Nyandurua	Nakuru	Uasin Gishu	Kilifi	Garissa	Total tally
resources																	
Idleness				√													1
High stakes of gaining political power														√			1
Inadequate electoral administrative rules					√												1
Ignorance															√		1
Rejection of election results															√		1

On the underlying factors contributing to election-related crimes and offences, a NGAO official observed the following:

“Poverty and unemployment levels in this county are high leading to a high number of idle youths who are available for mobilization for engagement by the potential aspirants and incumbent politicians. Further, politicians buy cheap alcohol and drugs to idle youths making them indulge in criminal activities during the elections period” (Key Informant Interview, Migori County).

Further, a senior National Police Service officer noted that:

“A key factor that has contributed to election-related crimes and offences in this county is the existence of organized criminal gangs. We have got quite a number of criminal gangs in this area including Mungiki, 2 brothers and Gucunuo ni Ini most of whom are concentrated in the informal settlements schemes like Majengo, Chania, Kiang’ombe, Kiandutu and Gachagi” (Key Informant Interview, Kiambu County).

As compared to NCRC (2016) study on *Election-related crimes and offences in Kenya*, some of the main contributors to election-related crimes and offences in 2021 still remain the same. These include vulnerabilitites ocassioned by unemployment and poverty, and negative ethnicity as shown in Figure 8.

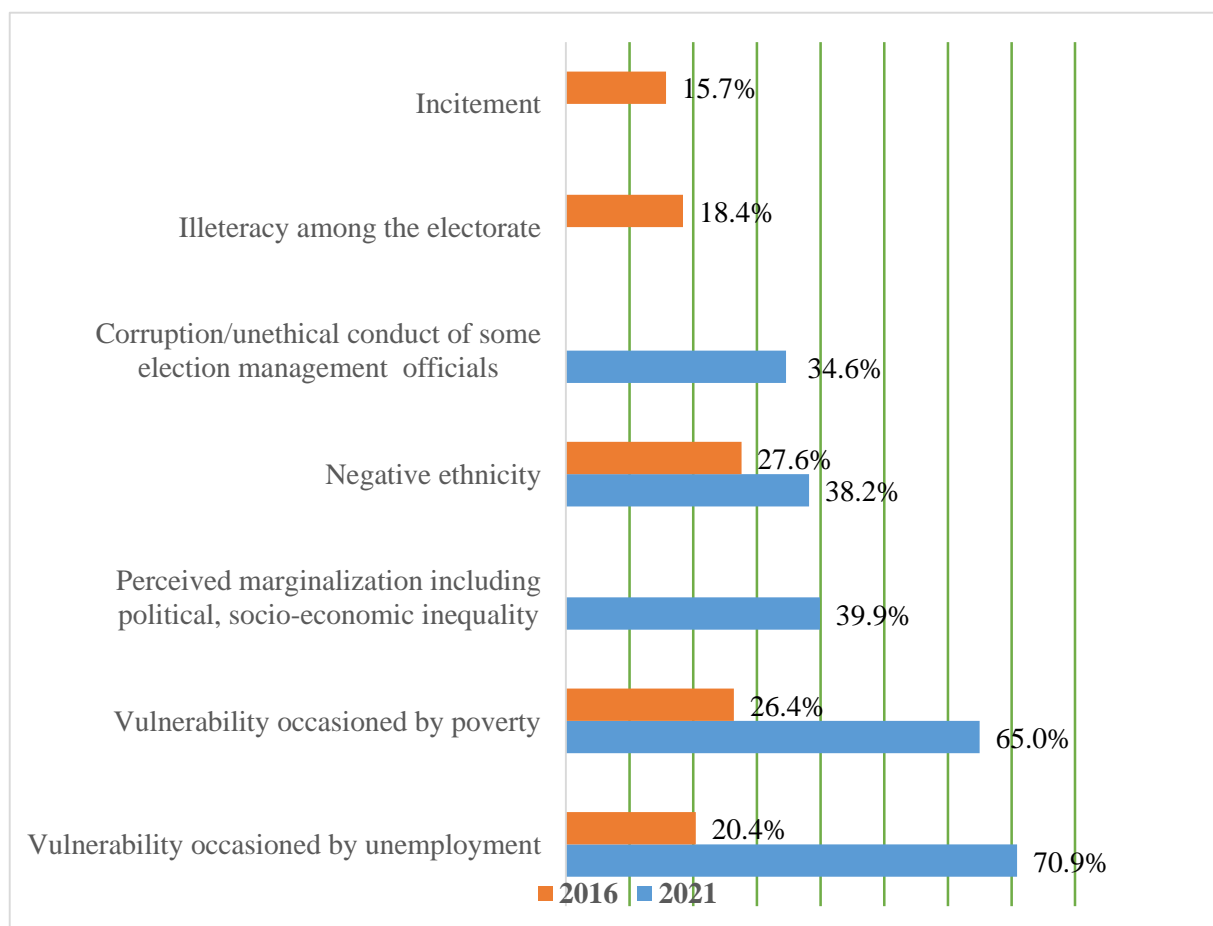


Figure 8 – Comparative analysis of the top five factors contributing to election-related crimes and offences (using percentage of cases) in NCRC’s 2016 and 2021 studies

The finding that some of the top factors identified by NCRC (2016) are still prevailing in 2021 is a call for the relevant stakeholders to take note and institute cogent policy measures towards sustainably addressing them.

This study also sought to find out the effect COVID-19 may have on the prevalence of election-related crimes and offences in the 2022 General Elections. Most of the respondents indicated that COVID-19 will unlikely (51.0%) contribute to the increase of the incidence of election-related crimes and offences with (42.7%) of the respondents saying that it will result into an increase. This information is presented in Figure 9.

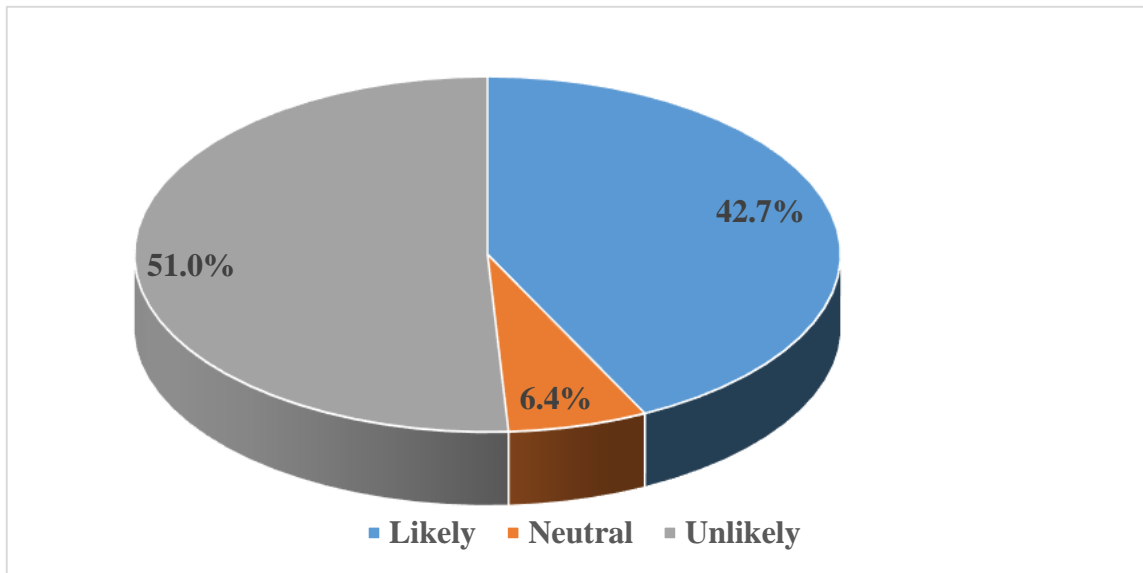


Figure 9: Likelihood that COVID-19 may lead to the increase of election-related crimes and offences in the 2022 General Elections

Evidently, there is a significant number of people (4 out of 10) who felt that COVID-19 may result to an increase in the prevalence of election related crimes and offences. They posit that the enduring effects of the containment measures rolled out by the Government may create opportunities for the commission of some crimes. Indeed, the focus group discussants noted some of the most likely prominent negative contribution of COVID-19 may include: decrease in voter turn-out which may encourage some crimes such as rigging; increase in voter bribery due to the economic downturn, and increase in organized criminal gangs also as a result of the economic hardships as presented in Table 3.18.

Table 3.18: Likely effect of COVID-19 on the prevalence of election-related crimes and offences in the 2022 General Election as highlighted by Focus Group Discussants

Likely effect of COVID-19 on the prevalence of election-related crimes and offences in the 2022 General Elections as highlighted by Focus Group Discussants	County															Total tally	
	Trans-Nzoia	Kisii	Kakamega	Kirinyaga	Mombasa	Kitui	Machakos	Kisumu	Meru	Nairobi	Baringo	Nyandarua	Nakuru	Uasin Gishu	Kilifi		Garissa
Decrease in the voter turn-out which may encourage the commission of some crimes such as rigging		√	√	√		√	√		√		√	√					8
Increase in voter bribery due to harsh economic times			√						√			√			√	√	5
Increase in criminal gangs participating in the commission of election-related crimes due to the economic downturn			√					√		√	√						4
Rural areas may be at risk of election crimes and related offences			√	√					√		√						4
It will lead to a general increase in election-related crimes and offences			√										√	√			3
Urban areas may be at risk of election crimes and related offences								√		√							2
Incitement due to COVID-19 funds										√	√						2

On the likely effect of COVID-19 on the prevalence of election-related crimes and offences in the 2022 General Election, one judicial officer had the following to say:

“You know Covid-19 has created new poverty levels as a result of slow down and closure of some businesses Therefore, it is possible that crimes are likely to be high come 2022 elections. It will be easier to manipulate most people due to increased vulnerability. Offences like treating, bribery, incitement to violence are likely to go up” (Key Informant Interview, Narok County).

The above sentiments were echoed by a political party representative who observed that:

“Covid-19 has led to unemployment and closure of businesses, this will culminate in the youths engaging in election-related crimes and offence because of the vulnerability. Cases of election-related crimes and offences are likely to be on increases because the politicians are likely to exploit their vulnerability and compromising them to engage in crime because of their selfish political interests”
(Key Informant Interview, Kisumu County).

Although the country is on a recovery path following the relaxation of the COVID-19 containment measures, still most people are yet to recover from the economic losses occasioned by the pandemic situation in the first place. In the framework of the General Strain Theory of Crime (Agnew, 2015), the strain/stress emanating from this economic downturn is likely to contribute to the commission of more crimes – including election-related crimes and offences. There is need, therefore, to activate more economic empowerment programmes to reinvigorate the economy.

3.5.2 Triggers for election-related crimes and offences

This study also identified the triggers of election-related crimes and offences in Kenya. Most respondents cited the perception that the results have been compromised (43.1%), fake news (42.4%) and rejection of election results (41.1%) as the main triggers. These were followed by provocative and violent actions by political parties and candidates at (34.7%), high stakes of gaining or losing power at (33.4%), misuse of social media at (19.8%), perception of biasness by electoral officials at (17.4%), unethical media reporting at (11.8%); and premature announcement of results by unauthorized persons at (11.4%). Table 3.19 below summarizes these findings.

Table 3.19: Triggers of election-related crimes and offences

Triggers of election-related crimes and offences	Responses	
	Frequency	Percentage of cases
Perceptions that the results have been stolen	1395	43.1
Fake news	1373	42.4
Rejection of election results	1331	41.1
Provocative and violent actions by political parties and candidates	1123	34.7
High stakes of gaining or losing power	1082	33.4
Misuse of social media	642	19.8

Triggers of election-related crimes and offences	Responses	
	Frequency	Percentage of cases
Perceptions of biasness by electoral officials	564	17.4
Unethical media reporting	383	11.8
Premature announcement of results by unauthorized persons	368	11.4
Intentional destruction of voter materials	202	6.2
Incitement	64	2.0
Use of illicit drugs and brews	33	1.0
Voter bribery	14	0.4
Fanatical loyalty	6	0.2
Malicious interruption of vote tallying	2	0.1

These findings seem to agree with those identified in different studies as responsible for most election-related crimes and offences witnessed in Kenya in the 2007, 2013 and 2017 General Elections (Sambuli, 2017; NCRC, 2016; Lafargue & Katumanga, 2008). For example, Lafargue and Katumanga (2008) established that the mobile phone was a key tool in the rumor propaganda/ fake news (via SMS) in the 2007/2008 election violence. Both the opposition and the government used it unsparingly weeks before, during and after the elections. Equally, the rejection of election results and perceptions of electoral fraud by the opposition and their supporters have featured prominently as the key triggers of some election-related crimes and offences.

3.6 Effects of Election-Related Crimes and Offences

This study sought to identify the effects of election-related crimes and offences. A number of these effects were highlighted by the focus group discussants and are presented in order of prevalence as follows: loss and destruction of property; loss of lives and injuries; tribalism, ethnic hatred and animosity; forceful displacement of population; increased rate of crime and insecurity; and loss of jobs. These results are shown in Table 3.20.

Table 3.20: Effects of election-related crimes and offences as highlighted by Focus Group Discussants

Effects of election-related crimes and offences as highlighted by Focus Group Discussants	County																
	Trans Nzoia	Kakamega	Kirinyaga	Kisii	Mombasa	Kitui	Machakos	Kisumu	Meru	Nairobi	Baringo	Nyandarua	Nakuru	Garissa	Usain Gishu	Kilifi	Total tally
Loss and destruction of property	✓	✓	✓		✓	✓	✓	✓			✓	✓	✓			✓	11
Ethnic hatred, disunity and animosity			✓		✓		✓	✓		✓	✓	✓			✓		9
Loss of lives and injuries	✓				✓	✓	✓				✓		✓			✓	7
Forceful displacement of population	✓								✓		✓		✓	✓		✓	6
Increased rate of crime and insecurity					✓		✓	✓			✓					✓	5
Loss of jobs					✓					✓				✓	✓	✓	5
Post-Traumatic Stress Disorders				✓			✓						✓			✓	4
Underdevelopment									✓	✓	✓				✓		4
High cost of living					✓								✓			✓	3
Hate speech	✓	✓	✓														3
Domestic separation									✓	✓	✓						3
Misuse of public office and abuse of power	✓	✓												✓			3
Increased level of poverty				✓								✓					2
Lack of trust in public office							✓		✓								2
Delayed and/or poor services									✓								1
Low voter registration and turn out										✓							1

On the effects of election-related crimes and offences, a senior political party representative had this to note:

“My property was destroyed. I had a supermarket that was burnt down due to political competition. The motive was to ensure that I am brought down economically completely. It is very painful for such actions just because of politics” (Key Informant Interview, Kitui County).

Furthermore, a senior official from the National Intelligence Service observed the following:

“The election-related crimes and offences have led to loss of lives, destruction of property, physical injuries, electing of people of questionable integrity and character into political office, crippled development and scaring of investors” (Key Informant Interview, Kiambu County).

The above averments were corroborated by a senior NGAO official who pointed out that:

“Definitely... it affects the economy of the country. This country spends too much on election management. This is occasioned by over securitization of elections and hotly contested campaigns. They spend approximately 25 dollars per voter compared to 1 dollar in a country like Rwanda. In addition, this country has never recovered from the effects of 2007/2008 post-election violence economic crisis. A number of companies closed down and tourism sector went down on its knees” (Key Informant Interview, Bomet County).

These findings on the consequences of election-related crimes and offences concur with the findings of NCRC (2016) which found out that loss and injury of human of life, displacement of people, destruction of property and violence were the most prevalent in the 2013 General Elections.

3.7. Intervention Strategies for addressing Election-related Crimes and Offences

3.7.1 Reporting of election-related crimes and offences

The respondents were asked if they have ever reported election-related crimes or offences. The majority (76.4%) said they had not. Only (23.6%) said had reported as shown in Figure 10.

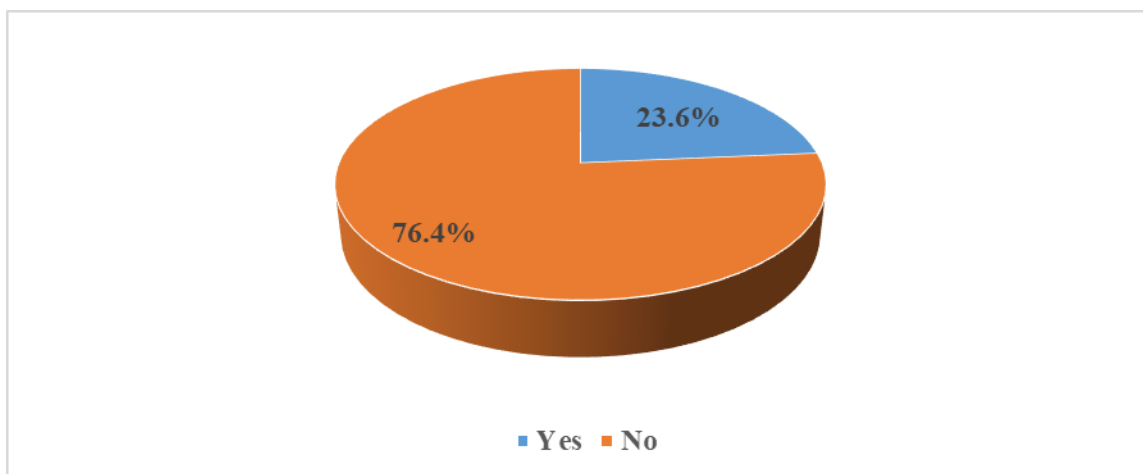


Figure 10: Whether the respondent has ever reported election-related crimes and offences

The respondent’s reporting behavior was cross-tabulated with their socio-demographic characteristics. Looking at Table 3.21 on the reporting of election-related crimes and

offences, it is evident that reporting of these crimes and offences was relatively high among those in the upper income bracket at (35.2%) and those with post-graduate qualification at (32.3%).

Table 3.21: Whether the respondent has ever reported election-related crimes and offences

Variable	Category	Responses	
		Yes (%)	No (%)
Gender	Male	25.7	74.3
	Female	20.2	79.8
Age of respondents in years	18-34	18.0	82.0
	35-51	25.7	74.3
	52-68	25.6	74.4
	69+	28.0	72.0
Marital status	Single/never married	19.7	80.3
	Married	24.4	75.6
	Divorced	23.5	76.5
	Separated	18.6	81.4
	Widowed	23.3	76.7
Highest level of education attained	None	18.0	82.0
	Primary	20.4	79.6
	Secondary	24.1	75.9
	Middle level college	27.7	72.3
	Graduate	21.8	78.2
	Post graduate	32.3	67.7
	Adult education	28.6	71.4
	None	22.5	77.5
Average monthly income	Low income-Ksh 23,670 and below	21.5	78.5
	Middle income-Ksh 23,671-119,999	26.7	73.3
	Upper income-Ksh 120,000 and above	35.2	64.8
Length of stay in the study site	Below one year	25.5	74.5
	1-3 years	18.0	82.0
	4-6 years	20.9	79.1
	7-9 years	22.6	77.4
	10-12 years	26.9	73.1
	13 and above	24.1	75.9

The respondents who said they did not report election-related crimes and offences were further asked to give reasons for not reporting. Most of them said that they lack confidence in the responsible agencies (56.9%), fear of reprisals (32.1%) and with (29.6%) stating that they

had never witnessed any election-related crime/ offense. Other significant reasons cited included: ignorance (25.7%), expected promises/benefits/gifts of not reporting (12.3%), lack of prompt action, uncertainty and cost implication (11.5%) and a personal issue or too trivial to report (10.6%). This information is captured in Table 3.22.

Table 3.22: Reasons for not reporting election-related crimes and offences

Reasons for not reporting election-related crimes and offences	Responses	
	Frequency	Percentage of cases
Lack of confidence on the responsible agencies	1472	56.9
Fear of reprisals	829	32.1
Never witnessed	764	29.6
Ignorance	665	25.7
Expected promises/benefits/gifts of not reporting	318	12.3
Lack of prompt action, uncertainty and cost implication	296	11.5
A personal issue or too trivial to report	275	10.6
Lack of evidence	26	1.0
Impunity	22	0.9

The finding that most people do not want to report the election-related crimes and offences because they lack confidence in the responsible agencies is a serious indictment on these institutions. The main reasons provided by the respondents accounting for this was the perceived inaction and high levels of corruption embedded in these agencies. Consequently, most people felt that even if they reported such crimes and offences, little action or if any, would be taken. With such revelations, there is need of for duty bearer agencies to strengthen professional relationship with the members of public as a way of building confidence and trust.

Besides, respondents were further asked to indicate the agency they trust in reporting election related-crimes and offences. Majority (55.2%) indicated National Government Administrative Office followed closely by the National Police Service (55.1%), and religious leaders / Faith Based Organization (21.7%). The detailed findings on the trusted agency for reporting election-related crimes and offences are presented in Table 3.23.

Table 3.23: Trusted agency for reporting election-related crimes and offences

Trusted agency for reporting election-related crimes and offences	Responses	
	Frequency	Percentage of cases
National Government Administration Offices (NGAO)	480	55.2
National Police Service (NPS)	479	55.1
Religious leaders / Faith Based Organization	189	21.7
Independent Electoral and Boundaries Commission (IEBC)	132	15.2
Family member and/or relative	130	14.9
National Intelligence Service	108	12.4
Friend	102	11.7
Civil Society Organization	63	7.2
Judiciary	53	6.1
National Cohesion Integration Commission	46	5.3
Health institutions	44	5.1
Ethics and Anti-Corruption Commission	41	4.7
Election monitors	40	4.6
Political party and/or agent	38	4.4
Office of the Director of Public Prosecutions	27	3.1
Office of Registrar Political Parties	16	1.8
Kenya National Commission on Human Rights	8	0.9
Educational Examining Bodies (KNEC, colleges and universities)	6	0.7
Independent Police Oversight Authority	5	0.6
Department of Children Services	3	0.3
Kenya Revenue Authority	2	0.2
Credit Reference Bureau	2	0.2
Media	1	0.1
National Council on Administration of Justice/ Ombudsman office	1	0.1

The findings in Table 3.23 indicate that most of the Kenyans prefer reporting to the NGAO and the NPS. Indeed, the current multi-sectoral electoral management framework incorporates NGAO as integral stakeholders in electoral management. Further, the fact that IEBC was rated lowly in terms of reporting election-related crimes and offences is a point of concern as they have a primary mandate in managing elections in Kenya.

In addition, the respondents were further required to identify the most ideal mechanism for reporting election-related crimes and offences in Kenya. The study revealed that the most preferred mechanism for reporting was verbal reporting at (46.6%). This was followed by emergency call numbers at (40.5%), police occurrence book at (36.2%), anonymous letter at (17.2%) and complaint desk and /or box at (13.7%). Table 3.24 captures this outcome.

Table 3.24: Ideal mechanism for reporting election-related crimes and offences

Ideal mechanism for reporting election-related crimes and offences	Responses	
	Frequency	Percentage
Verbal reporting	1565	46.6
Emergency call numbers	1360	40.5
Police occurrence book	1217	36.2
Anonymous letters	578	17.2
Complaint desk and /or box	461	13.7
Web-based reporting mechanisms	320	9.5
Official letters	274	8.2
Customer satisfaction feedback	123	3.7
Open mails	102	3.0
Radio and television	24	0.7

The policy implication of the above finding is that there is need to strengthen and make available the preferred mechanisms of reporting (verbal reporting, occurrence book, and emergency call numbers) to members of the public. This will enhance the reporting of election-related crimes and offences and thus an opportunity to address them.

3.7.2 Existing mitigating interventions for the election-related crimes and offences

This study established that the main existing interventions on election-related crimes and offences in Kenya in the order of prevalence as highlighted by the FGD discussants were: civic and voter education by relevant agencies (mentioned in all 16 counties); peace building meetings by relevant stakeholders (mentioned in 12 counties); and intelligence gathering and mapping of election crime hotspots (mentioned in 9 counties). The findings also reveal that Trans Nzoia, Nyandarua and Nakuru counties lead in Kenya in terms of the existing interventions put in place to mitigate election-related crimes and offences. These findings are captured in Table 3.25.

Table 3.25: Existing interventions on election-related crimes and offences as highlighted by Focus Group Discussants

Existing interventions on election-related crimes and offences in this locality	County																Total tally
	Trans-	Kakamega	Kirinyaga	Kisii	Mombasa	Kitui	Machakos	Meru	Kisumu	Nairobi	Baringo	Nyandarua	Nakuru	Uasin	Kilifi	Garissa	
Civic and voter education by relevant agencies	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	16
Peace building meetings by relevant stakeholders	√	√		√		√	√	√	√	√	√	√	√			√	12
Intelligence gathering and mapping of election crime hotspots							√		√	√	√	√	√	√	√	√	9
Multi-agency framework on elections management			√		√			√				√	√				5
Continuous monitoring of social media information	√				√		√										3
Crackdown on illicit brews and drugs		√		√							√						3
Psychosocial support especially by FBOs										√	√	√					3
Equitable distribution of resources	√																1
Issuance of title deeds to address land disputes	√																1
Youth empowerment programs				√													1
Social cohesion programs by the NCIC													√				1
Total Tally in 16 counties	5	3	2	4	3	2	4	3	3	4	4	5	5	2	2	3	55

The above findings were in concurrence with the sentiments of a NGAO official who noted that:

“We usually have public barazas to sensitize electorates during elections on peaceful election and harmonious co-existence between the locals and non-locals and different opponents. However, this has not had a meaningful impact because election-related crimes and offences keep on recurring” (Key Informant Interview, Elgeiyo Marakwet County).

Corroboratively, a senior NPS officer had this to note in respect to existing interventions:

“There are intensified intelligence collection on election-related crimes and offences for deterrence before the crimes occur. I feel this intervention is effective” (Key Informant Interview, Kwale County).

From the above findings, a number of measures exist to control election crimes and offences. However, they are either inadequate or need to be enhanced as the problem of election-related crimes and offences keeps on recurring in each election cycle.

3.7.2.1 Perceptions on the effectiveness of the electoral management stakeholders in the control of election-related crimes and offences

As captured in Table 3.26, the National Government Administration Officers (NGAO) and the Civil Society Organizations /Faith Based Organizations (FBOs) were rated highly across all respondent categories with at least seven (7 out of 10) people indicating that they are effective respectively. They were followed closely by the Independent Electoral and Boundaries Commission (IEBC), National Police Service (NPS), National Intelligence Service (NIS) and Office of Director of Public Prosecutions (ODPP) with five (5) out of ten (10) respondents respectively in each category indicating that they are effective.

The Educational Examining Bodies including regulatory agencies such as Commission on University Education, Kenya Revenue Authority, Office of the Registrar of Political Parties, Ethics and Anti-Corruption Commission, Credit Reference Bureau, and National Cohesion and Integration Commission were rated by at most 5 out of 10 respondents effective in the control of election-related crimes and offences by all respondent categories as detailed in Table 3.26.

Table 3.26: Perceptions on the effectiveness of the electoral management stakeholders in the control of election-related crimes and offences as per the specific category of the respondents

Public perceptions on the effectiveness of the electoral management stakeholders in the control of election-related crimes and offences	Members of public (percentage of cases)			Political party representative (percentage of cases)			Respondents drawn from election, regulatory and/or enabling agencies (percentage of cases)			Respondents drawn from governance/ electoral-related civil society organizations (percentage of cases)		
	Effective	Not effective	I don't know	Effective	Not effective	I don't know	Effective	Not effective	I don't know	Effective	Not effective	I don't know
National Government Administration Officers	75.7	14.5	9.8	72.7	19.6	7.7	78.4	14.4	7.2	73.5	16.7	9.8
Civil Societies/Faith Based Organizations	76.0	7.3	16.7	71.3	15.0	13.7	73.7	14.3	12.0	82.2	7.8	10.1
The Judiciary	56.4	18.8	24.8	62.0	22.4	15.7	68.0	20.2	11.8	68.8	22.4	8.8
Independent Electoral and Boundaries Commission	65.1	26.0	8.9	58.2	35.4	6.4	69.1	25.2	5.7	60.0	35.6	4.4
National Police Service	58.7	37.0	4.3	56.7	41.1	2.1	70.8	26.6	2.6	53.8	42.4	3.8
National Intelligence Service	44.5	6.5	49.0	55.1	9.2	35.7	65.7	8.4	25.9	56.2	9.9	33.9
Office of Director of Public Prosecution	40.3	12.4	47.3	50.5	19.2	30.4	62.1	18.8	19.1	52.9	14.0	33.1
Educational Examining Bodies (including Commission on University Education).	43.4	6.8	49.8	47.2	11.0	41.7	51.7	15.7	32.5	40.3	19.3	40.3
Kenya Revenue Authority	35.9	7.2	56.9	41.7	15.7	42.6	50.0	14.9	35.1	40.2	16.4	43.4
Office of the Registrar of Political Parties	33.6	8.3	58.2	40.5	17.4	42.1	47.8	19.5	32.6	41.2	19.3	39.5

Public perceptions on the effectiveness of the electoral management stakeholders in the control of election-related crimes and offences	Members of public (percentage of cases)			Political party representative (percentage of cases)			Respondents drawn from election, regulatory and/or enabling agencies (percentage of cases)			Respondents drawn from governance/ electoral-related civil society organizations (percentage of cases)		
	Effective	Not effective	I don't know	Effective	Not effective	I don't know	Effective	Not effective	I don't know	Effective	Not effective	I don't know
Ethics and Anti-Corruption Commission	35.1	28.1	36.8	38.1	43.2	18.7	43.3	38.8	17.9	36.8	38.4	24.8
Credit Reference Bureau	29.4	4.6	66.0	36.0	7.1	56.9	43.0	7.9	49.1	31.7	10.0	58.3
National Cohesion and Integration Commission	26.1	14.3	59.6	28.7	30.9	40.4	34.0	31.2	34.8	32.0	29.6	38.4

The above findings bring to fore the critical role played by the Civil Society/ Faith Based Organizations in mitigating election-related crimes/ offences in Kenya. Therefore, they need to be embraced as vital stakeholders in the management of elections in the country. In addition, despite their good rating in mitigating election-related crimes and offences in Kenya, concerns were voiced by some NGAO that their roles in the management of elections are not clearly spelled out leading to collision with other stakeholders. For instance, a NGAO official in Nyamira County had this to say:

Our roles in the management of elections are not well spelled out. This makes our work difficult. For instance, whenever we are seen at the polling station, we usually receive a lot resistance from people who think that we are going there to facilitate the rigging of elections in the favor of government.

Consequently, a legal framework needs to be worked on to clearly stipulate the roles of NGAO (especially the Chiefs and Sub-Chiefs) in the electoral management. This will address suspicions between the NGAO and other stakeholders. The Educational Examining Bodies (including regulatory agencies such as Commission on University Education), Kenya Revenue Authority, Office of the Registrar of Political Parties, Ethics and Anti-Corruption Commission, Credit Reference Bureau play a role in clearing candidates to run for political offices. However, according to most respondents, these agencies are not effective in

discharging these mandates thereby allowing candidates with questionable character to be cleared. The National Cohesion and Integration Commission has a key mandate in fostering cohesion in the country including taming hate speech. Nevertheless, the opinion of majority of Kenyans as reflected in these findings is that this mandate is not effectively executed. Indeed, hate speech has been flagged as one of the most prevalent election crime/ offence experienced in Kenya.

3.8 Challenges Faced in the Control of Election-related Crimes and Offences

This study established a number of challenges faced in the control of election-related crimes and offences. Table 3.27 shows that the most prevalent challenges include vulnerability occasioned by poverty (59.1%), inadequate civic education (56.6%), impunity and selfishness of political leaders (43.7%), persistent alcohol, drug and substance abuse (43.2%), inadequate resources to stakeholders (40.3%), illiteracy and ignorance among the electorate (40.1%). Other challenges include: negative ethnicity and nepotism (37.9%), lack of goodwill to credible elections by some stakeholders (33.6%), lack of integrity in the electoral processes (33.4%), deficiencies in investigation, prosecution and sentencing of perpetrators (29.9%), insecurity in some parts of the country (29.2%), inadequate cooperation and partisan interest among concerned agencies/stakeholders (16.4%), voter apathy in the electoral process (11.5%), and inadequacies of election infrastructure and technology (10.3%).

Table 3.27: Challenges in addressing election-related crimes and offences

Challenges in addressing election-related crimes and offences	Responses	
	Frequency	Percentage of cases
Vulnerability occasioned by poverty	2026	59.1
Inadequate civic education	1941	56.6
Impunity and selfishness of political leaders	1499	43.7
Persistent alcohol, drug and substance abuse	1481	43.2
Inadequate resources to stakeholders	13 80	40.3
Illiteracy and ignorance among the electorate	1373	40.1
Negative ethnicity and nepotism	1299	37.9
Lack of goodwill by some stakeholders	1150	33.6

Challenges in addressing election-related crimes and offences	Responses	
	Frequency	Percentage
		of cases
Lack of integrity in the electoral processes	1145	33.4
Deficiencies in investigation, prosecution and sentencing of perpetrators	1025	29.9
Insecurity in some parts of the country	999	29.2
Inadequate cooperation and partisan interest among concerned agencies/stakeholders	563	16.4
Voter apathy in the electoral process	395	11.5
Inadequacies of election infrastructure and technology	354	10.3
Media bias	304	8.9
Perception of influence from foreign interests (e.g. funding)	131	3.8
Corruption	85	2.5
Vulnerability occasioned by unemployment	44	1.3
Inadequate witness protection	10	0.3

The results from the Focused Group Discussions show that the most common challenges faced in the counties were inadequate resources to stakeholders; corruption; and deficiencies in investigation, prosecution and sentencing of perpetrators. These are summarized in Table 3.28.

Table 3.28: Challenges faced in the control of election-related crimes and offences as highlighted by Focus Group Discussants

Challenges faced in the control of election-related crimes and offences as highlighted by the Focus Group Discussants	County														Total tally		
	Trans-Nzoia	Kakamega	Kirinyaga	Kisii	Mombasa	Kitui	Machakos	Meru	Kisumu	Nairobi	Baringo	Nyandarua	Nakuru	Uasin Gishu		Kilifi	Garissa
Inadequate resources to stakeholders		√	√	√	√		√	√		√	√	√	√			√	11
Corruption	√	√	√				√	√		√		√	√		√		9
Deficiencies in investigation, prosecution and sentencing of perpetrators	√	√	√			√		√	√		√		√	√			9
Impunity and selfishness of political leaders			√				√		√			√	√	√			6
Inadequate civic education		√			√				√				√	√			5
Alcohol, drug and substance abuse	√	√				√		√								√	5
Inadequate cooperation & partisan interest among concerned agencies	√			√			√			√							4
Perception of influence from foreign interests			√					√	√		√						4
Lack of political goodwill by some stakeholders			√		√										√		3
Vulnerability occasioned by poverty	√	√											√			√	3

Challenges faced in the control of election-related crimes and offences as highlighted by the Focus Group Discussants	County														Total tally
	Trans-Nzoia	Kakamega	Kirinyaga	Kisii	Mombasa	Kitui	Machakos	Meru	Kisumu	Nairobi	Baringo	Nyandarua	Nakuru	Uasin Gishu	
Insecurity in some parts of the country	√	√													2
Voter apathy in the electoral process		√				√									2
Vulnerability occasioned by unemployment												√	√		2
Illiteracy and ignorance among electorate					√										2
Inadequate witness protection	√	√													2
Lack of integrity in the electoral processes		√													1
Negative ethnicity and nepotism		√													1
Poor transport and communication network			√												1
Weak enforcement of laws												√			1

In addition, interviews with the key informants identified impunity and selfishness by political leaders as the other challenges faced in the control of election crimes and offences.

In supporting this finding, a NGAO official pointed out that:

“Remunerations, privileges and powers attached to political class are very high thus not willing to lose power. They will do all manner of things including rigging, causing chaos to retain their political positions” (Key Informant Interview, Bomet County).

Further, the above finding on deficiencies in investigation, prosecution and sentencing of perpetrators were corroborated by a judicial officer who observed that:

“There are delays in processing election matters in courts of law. This delay is occasioned by a number of factors among them shortage of judicial officers and failure of the prosecutors and defense lawyers to appear in a court. These delays have negative consequences on the election management and also in the interest of the aggrieved party” (Key Informant Interview, Trans Nzoia County).

A comparative analysis on the top five challenges in the control of election-related crimes and offences was done using NCRC (2016) and this study. The outcome of the analysis as seen in Figure 11, shows that inadequate resources to the stakeholders, impunity and selfishness of the political class still remain among the foremost challenges.

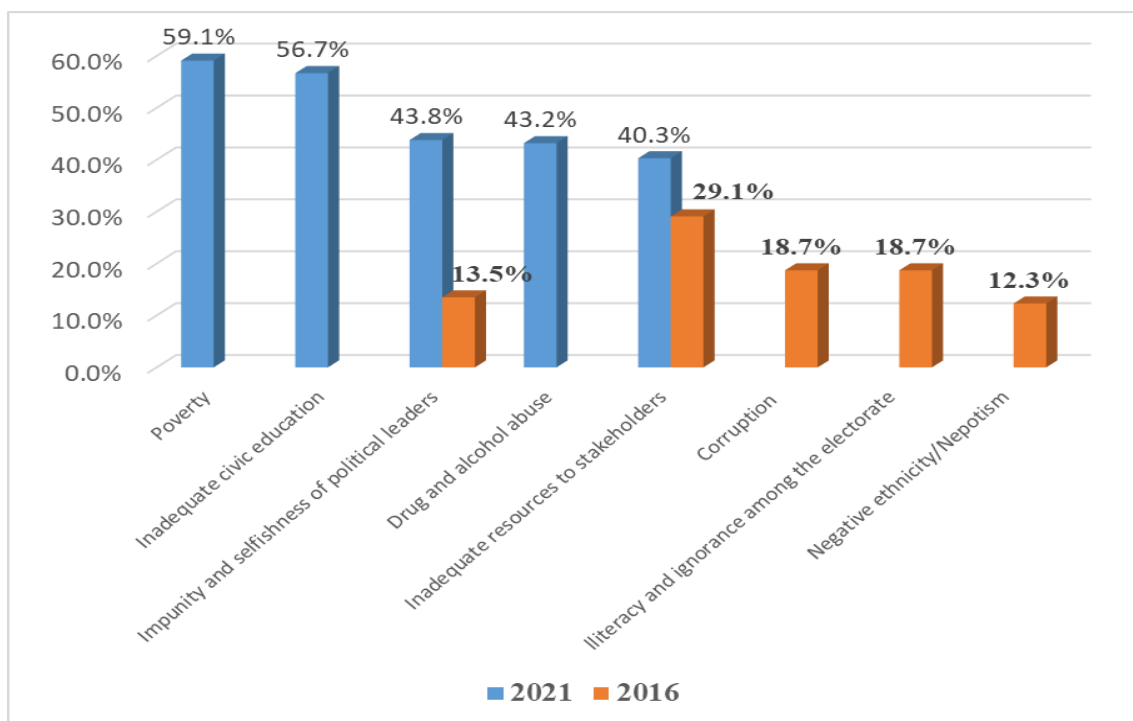


Figure 11: A comparative analysis of the top five challenges (based on percentage of cases) faced in the control of election-related crimes and offences in Kenya from NCRC’s 2016 and 2021 studies

The comparative analysis also shows that although the prevalence of poverty, drug and substance abuse, inadequate civic education among the electorate were relatively less prevalent challenges in the 2016 NCRC study, they have emerged among the top in the current study. The upsurge of poverty and alcohol, drug and substance abuse may be in part attributed to the strain arising from the recent COVID-19 pandemic situation.

3.8.1 Respondents’ suggestions towards addressing election-related crimes and offences in Kenya

Respondents were asked to propose measures towards addressing election-related crimes and offences. The most prominent solution cited by approximately 7 out of 10 respondents in all categories was timely civic education to the electorate. Four (4) out of ten (10) respondents in all categories suggested: strict enforcement of electoral law, observance of electoral laws, just and fair elections management and the creation of more economic opportunities for the youth and vulnerable emerged as the second most significant solutions. Table 3.29 displays these responses.

Table 3.29: Respondents' suggested measures for addressing election-related crimes and/ or offences in general as per the specific category of the respondents

Respondents' suggested measures for addressing election-related crimes and offences in general	Respondent category (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and/or enabling agencies	Respondents drawn from governance/ electoral-related civil society organizations
Conducting timely civic education	70.0	76.8	78.9	75.9
Creation of more economic opportunities to youth and vulnerable	48.4	46.2	42.2	38.3
Strict enforcement of the electoral law	41.7	49.5	48.0	51.1
Just and fair election management	40.1	44.3	40.3	41.4
Enhanced compliance of electoral laws	38.0	42.8	40.8	44.4
Intensified sensitization of politicians and citizens to accept defeat in fair free and transparent	26.7	29.7	32.6	24.1
Early mapping of hot pots of electoral crimes and offences for intervention	26.0	27.8	31.2	28.6
Strengthening intelligence gathering on security threats to elections	24.2	32.1	31.4	27.1
Initiate timely joint security planning (multi-agency framework)	22.0	29.1	34.1	28.6
Deployment of high integrity and efficient technological infrastructure	18.8	26.0	23.5	21.1
Undertaking thorough joint vetting of political candidates before clearance	18.3	26.0	24.7	19.5
Address historical injustices	16.6	27.2	21.6	23.3
Involving independent, high integrity and professional election observers	16.0	21.1	22.8	15.8
Judiciary to expedite election-related cases	13.6	20.2	21.8	18.8
Adequate training of electoral staff	13.3	18.7	20.1	18.8
Authoring peace pledges for parties and candidates to sign	12.9	18.3	24.9	15.8

Respondents' suggested measures for addressing election-related crimes and offences in general	Respondent category (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and/or enabling agencies	Respondents drawn from governance/ electoral-related civil society organizations
Enhance witnesses protection in election disputes	9.9	16.2	19.4	18.0
Avoid premature deployment of police in certain scenarios	9.6	14.4	14.1	12.0
Address negative ethnicity/ clannism/nepotism	2.5	3.1	2.9	4.5
Eradication of illicit brews and drugs	1.5	0.9	0.5	1.5
Prompt response by the relevant bodies	0.6	1.2	0.7	0.8
Embrace Alternative Dispute Resolution	0.6	0.6	1.7	2.3
Regular transfer of police officers especially during electioneering time	0.5	2.1	0.2	0.8
Increase number of polling stations and voting time	0.5	0.0	1.7	0.8
Embrace agenda oriented/ issues based politics and campaigns	0.2	0.0	0.5	1.5
Disarmament	0.1	0.0	0.0	0.0
Issuance of tittle deeds	0.0	0.3	0.0	0.0

Measures that were appropriate for addressing election-related crimes and offences as highlighted by Focus Group Discussants by order of prevalence include: conducting timely civic education; mobilize sufficient financial and human resources for joint action; arrest and prosecuting perpetrators of election-related crimes and offences; strict enforcement of electoral law; enhanced electoral security including to women aspirants; and joint security planning (multi-agency framework). A summary of these findings are presented in Table 3.27.

Table 3.30: Measures suggested for addressing election-related crimes and/ or offences as highlighted by Focused Group Discussants

Measures suggested for addressing election-related crimes and/ or offences in general as highlighted by Focused Group Discussants	County																Total tally
	Kakamega	Trans Nzoia	Kirinyaga	Kisii	Mombasa	Kitui	Machakos	Kisumu	Meru	Nairobi	Baringo	Nyandarua	Nakuru	Uasin Gishu	Kilifi	Garissa	
Conducting timely civic education	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	14
Strict enforcement of electoral laws	✓			✓	✓			✓		✓	✓		✓		✓		8
Mobilizing sufficient financial and human resources for joint action	✓			✓		✓	✓						✓	✓	✓		7
Enhanced electoral security	✓	✓						✓					✓				4
Joint security planning (multi-agency framework)				✓				✓			✓				✓		4
Just and fair elections management								✓			✓					✓	3
Deployment of high integrity and efficient-technological infrastructure	✓	✓				✓											3
Observance of electoral laws					✓		✓										2
Media sensitization on ethical electoral process and reporting	✓							✓									2
Early mapping of hot pots of electoral crimes and offences for intervention		✓		✓													2
Creation of more economic opportunities for youths and the vulnerable							✓								✓		2
Sensitization of politicians/ citizens to accept defeat in fair, free and transparent	✓	✓															2

Measures suggested for addressing election-related crimes and/ or offences in general as highlighted by Focused Group Discussants	County																
	Kakamega	Trans Nzoia	Kirinyaga	Kisii	Mombasa	Kitui	Machakos	Kisumu	Meru	Nairobi	Baringo	Nyandarua	Nakuru	Uasin Gishu	Kilifi	Garissa	Total tally
elections																	
Undertaking thorough vetting of political candidates					✓		✓										2
Eradicate illicit drugs & illicit brews	✓															✓	2
Authoring peace pledges for parties and candidates to sign													✓				1
Strengthening intelligence gathering on security threats to elections		✓															1
Involving independent, high integrity and professional election observers	✓																1
Expanding the witness protection program													✓				1
Judiciary to expedite election-related cases								✓									1
Increasing the number of polling stations and voting time	✓																1
Regular transfer of police officers		✓															1
Fast tracking issuance of title deeds									✓								1

Regarding the mitigation of election-related crimes/ offences, the key informants made an array of suggestions. For instance, a judicial officer observed the following:

“We need to change how we are doing public sensitizations. Let us have publications and documentaries of the 1992, 1997 and 2007/8 post-election crimes including violence as set books in our schools so that the students can reflect on the future of the country. This way, it will stick into the minds of the young generations thus averting future violence” (Key Informant Interview, Bomet County).

Equally, a NGAO official averred that:

“The major challenge here is unemployment and idleness. The government must create more job opportunities for the youths and other vulnerable members of the society. This way, we will have reduced the likelihood of being influenced by the politicians” (Key Informant Interview, Siaya County).

An official from the ODPP observed that:

“The relevant security agencies should do timely mapping and profiling of election crimes and offences hotspots across the country. Further, the government should consider changing the election calendar so that the Presidential and gubernatorial elections are conducted on separate dates with the other elective posts” Key Informant Interview, Baringo County).

Another suggestion was made by a political Party Representative who had this to say:

“The Government normally intimidates members of the public in this locality by over-deploying security officers during electioneering period. The officers often provoke members of the public by reminding them that they will deal with them ruthlessly thus forcing them to retaliate. The government should therefore avoid premature and uninformed deployment of security agencies” (Key Informant Interview, Kisumu County).

With regards to addressing land use and/or ownership issues that contribute to election-related crimes and offences, the main recommendations by the members of the public on the issue was having strict enforcement of land related laws and regulations at (17.5%) and to prioritization of land adjunction, regulation and the issuance of title deeds to rightful owners by the Government at (17.2%). The political party representatives suggested the need to prioritize land adjunction, regulation and the issuance of title deeds to rightful owners (20.2%). Respondents drawn from election, regulatory and/or enabling agencies on their part mainly recommended strict enforcement of the land related laws/regulations (19.7%). Lastly, respondents from governance/electoral-related civil society organizations highlighted prioritizing land adjunction, regulation and the issuance of title deeds to rightful owners (19.6%) as the key remedy. This information is summarized in Table 3.28.

Table 3.31: Addressing land use and/or ownership issues that contribute to election-related crimes and offences as per the specific category of the respondents

Suggestions on addressing land use and/or ownership issues that contribute to election-related crimes and offences	Respondent category (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and/or enabling agencies	Respondents drawn from governance/ electoral-related civil society organizations
Strict enforcement of land related laws and regulations	17.5	15.5	19.7	15.2
Government to prioritize land adjunction, regulation and the issuance of title deeds to rightful owners	17.2	20.2	19.4	19.6
Conducting timely civic education on land matters	12	10.3	13.8	15.2
Proactive/intelligence led policing	8.9	11.7	5.2	12
Address historical injustices related to land use and ownership	8.8	8.9	10.7	10.9
Demarcation of group lands and boundaries	7.1	10.3	12.5	6.5
The National Land Commission should speed up its work in solving land cases and disputes/land reforms	5.4	13.1	9.3	5.4
Continuous mapping of hotspots and deploy relevant security measures	5	4.2	1.7	6.5
Initiate social events and programs to promote harmonious coexistence	4.3	4.2	4.8	3.3
Embrace alternative dispute resolution	3.2	3.3	4.2	4.3
Politicians should be banned from using land issues as a campaigning tool	2.9	4.7	4.5	2.2
IEBC should ensure free and fair elections	1.3	0.9	0.3	1.1
Address corruption including abuse of office in relevant agencies	1.2	0.9	0.3	1.1
Disarmament exercises	0.6	1.4	1.0	0.0
Landlords and tenants should sign legal agreements spelling out the terms and condition of usage	0.5	0.5	0.3	0.0
Capacity building of the	0.3	2.3	0.7	4.3

Suggestions on addressing land use and/or ownership issues that contribute to election-related crimes and offences	Respondent category (percentage of cases)			
	Members of public	Political party representative	Respondents drawn from election, regulatory and/or enabling agencies	Respondents drawn from governance/electoral-related civil society organizations
Government agencies dealing with the adjudication of land issues/conflicts				

The above findings were corroborated by key informant interviews in the study. One of them, a senior NPS official observed the following in relation to addressing land use and/or ownership issues that contribute to election-related crimes and offences:

“Relevant agencies should conduct community sensitizations on land use and/ownership issues and also ensure proper demarcation of land and timely issuance of title deeds to land owners” (Key Informant Interview, Kisii County).

Similarly, a NGAO official was quoted saying the following:

“The government should implement the Ndung’u land report and the Truth Justice and Reconciliation Commission report immediately. The problems and solutions to land matters are known for they are contained in these two reports” (Key Informant Interview, Bomet County).

Correspondingly, a religious leader noted:

“To resolve election-related crimes and offences, the government should ensure equitable distribution of national resources. Kenyans need to feel that they get an equal share irrespective of their economic, social and political dynamics” (Key Informant Interview, Laikipia County).

CHAPTER FOUR: SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 Introduction

This study sought to establish the typology and prevalence of; victims and perpetrators; factors contributing to and triggers of; and effects of election-related crimes and offences. In addition, the existing intervention strategies towards mitigating these vices and their effectiveness were elucidated. Finally, the challenges faced in the control of election-related crimes and offences were established.

4.2 Summary of Key Findings

The key findings are summarized thematically according to the specific objectives of the study as follows:

4.2.1 Prevalence and typology of election-related crimes and offences

The study established that the key election-related crimes and offences committed during **pre-election period** include: hate speech (40.1%); voter bribery (39.8%); campaigning outside the prescribed period (29.5%); incitement to violence (26.4%); giving of alcohol and drugs to interrupt electoral processes (25.3%); provision of food, refreshments, fare reimbursement and rewards to supporters (24.0%); and stealing and looting of property (20.6%).

As identified in the study, the main election-related crimes and offences committed during **campaign period** were: voter bribery (62.5%); hate speech (57.5%); giving of alcohol and drugs to interrupt electoral processes (42.2%); incitement to violence (41.3%); stealing and looting of property (39.5%); creating disturbance and engaging in disorderly conduct (35.1%); treating (34.8%); affray (32.4%); threat to violence (30.4%); defacing of posters (29.0%); intimidation of the opponents (28.0%); character assassination (24.7%); use of violence (23.5%); and malicious damage to property (22.3%).

The leading election-related crimes and offences committed during **voting period** included: voter bribery (62.2%); giving of alcohol and drugs to interrupt electoral processes (37.5%); hate speech (28.1%); provision of food, refreshments, fare reimbursement and rewards to supporters (treating) (24.8%); threat to violence (24.5%); creating disturbance and engaging in disorderly conduct (21.7%); and incitement to violence (20.9%).

In addition, the most prominent election-related crimes and offences committed during **post-voting period** were: stealing and looting of property (45.4%), malicious damage to property (24.9%), use of violence (21.2%), incitement to violence (20.5%), forceful displacement of the population (20.5%) and hate speech (20.0%).

4.2.2 Perpetrators and Victims of Election-related crimes and offences

The findings of this study showed that the prominent **perpetrators** of election-related crimes and offences were: the politicians, aspirants and candidates (88.7%); vulnerable youths (unemployed, unskilled, lowly educated, etc.) (59.6%); political party agents and supporters (51.4%); hired goons (37.5%); organized criminal gangs (23.3%); ethnic groupings (22.0%); rogue business persons/ financiers (10.9%); and rogue public officials in elections, regulatory and/or enabling agencies (10.3%).

Women were mapped out as the main victims of election-related crimes and offences at (66.1 %) followed by children at (56.6%) and general members of the public including voters' at (52.8%). Other victims as per the study findings were: the elderly (36.5%), youths (35.7%), people living with disability (29.9%), men (18.3%), minority ethnic groups (17.9%), aspirants and candidates (14.2%), the sick (12.3%) and party agents (10.7%).

4.2.3 Underlying factors and triggers contributing to election-related crimes and offences

The study established that the main underlying factors contributing to election-related crimes and offences were vulnerabilities occasioned by unemployment (70.9) and by poverty (65.0%). The other significant factors were: perceived marginalization including political, socio-economic inequality (39.9%), negative ethnicity (38.2%), corruption/unethical conduct of some election management officials (34.6%), perceptions of a compromised electoral system (23.9%), contested electoral laws (16.1%), presence and engagement in organized criminal gangs' activities (15.3%), and availability of weapons (11.4%).

According to the findings of this study, the main triggers of election-related crimes and offences included: perceptions that the results have been stolen (43.1%) followed closely by fake news (42.4%) and rejection of election results (41.1%). Other noticeable triggers were: provocative and violent actions by political parties and candidates (34.7%), high stakes of gaining or losing power (33.4%), misuse of social media (19.8%), perception of biasness by electoral officials (17.4%), unethical media reporting (11.8%) and premature announcement

of results by unauthorized persons (11.4%).

4.2.4 Effects of election-related crimes and offences

Based on the findings of this study, the main effects of election-related crimes and offences were: loss and destruction of property (reported by FGD discussants in 11 out of 16 counties); ethnic hatred, disunity and animosity (reported by FGD discussants in 9 out of 16 counties); loss of lives and injuries (reported by FGD discussants in 7 out of 16 counties); forceful displacement of populations (reported by FGD discussants in 6 out of 16) counties.

4.2.5 Existing intervention strategies and the effectiveness of relevant stakeholders in controlling election-related crimes and offences

The study findings indicated that majority of Kenyans do not report election-related crimes and offences (76.4%). The main reasons mooted for not reporting were: lack confidence in the responsible agencies (56.9%), fear of reprisals (32.1%). Other significant reasons cited included: ignorance (25.7%), expected promises/benefits/gifts of not reporting (12.3%), lack of prompt action by the responsible agencies (11.5%).

The main existing intervention strategies for election-related crimes and offences were: civic and voter education by relevant agencies (reported by FGD discussants all the 16 counties); peace building meetings by relevant stakeholders (reported by FGD discussants in 12 out of 16 counties); and intelligence gathering and mapping of election crime hotspots (reported by FGD discussants in 9 out of 16 counties).

The study also revealed that majority of Kenyans (7 out of 10) perceived the National Government Administration Officers (NGAO) and the Civil Society Organizations /Faith Based Organizations (FBOs) as effective in addressing election-related crimes and offences. It is only 5 out of 10 Kenyans who perceived the Independent Electoral and Boundaries Commission (IEBC) as effective in this regard. Most members of the public (at least 5 out of 10) felt that the National Intelligence Service (NIS), the Office of Director of Public Prosecutions (ODPP), Educational Examining Bodies (including regulatory agencies such as Commission on University Education), Kenya Revenue Authority, Office of the Registrar of Political Parties, Ethics and Anti-Corruption Commission, Credit Reference Bureau, and National Cohesion and Integration Commission were less effective in the control of these vices.

4.2.6 Challenges faced in the control of election-related crimes and offences

The main challenges faced in the control of election-related crimes and offences as identified in this study include: vulnerability occasioned by poverty (59.1%); inadequate civic education (56.6%); impunity and selfishness of political leaders (43.7%); alcohol, drug and substance abuse (43.2%); inadequate resources to stakeholders in the election management (40.3%); illiteracy and ignorance among the electorate (40.1%). Other noticeable challenges faced in addressing election-related crimes and offences were: negative ethnicity and nepotism (37.9%); lack of goodwill by some stakeholders (33.6%); lack of integrity in the electoral processes (33.4%); deficiencies in investigation, prosecution and sentencing of perpetrators (29.9%); insecurity in some parts of the country (29.2%); inadequate cooperation and partisan interest among concerned agencies/stakeholders (16.4%); voter apathy in the electoral process (11.5%); and inadequacies of election infrastructure and technology (10.3%).

4.3 Conclusion

Based on the above findings, this study concludes that:

- i. The prevalence of election-related crimes and offences is high in Kenya.
- ii. Hate speech and voter bribery are the main election-related crimes and offences committed during the electoral period.
- iii. Women and children are the main victims of election-related crimes and offences in Kenya.
- iv. Politicians/aspirants/candidates and the vulnerable youth constitute the key perpetrators of election-related crimes and offences.
- v. A multiplicity of factors perpetuate election-related crimes and offences in Kenya. Key among them are the vulnerabilities occasioned by unemployment and poverty; political and socio-economic inequality and negative ethnicity. Consequently, a one-solution-fits-all approach cannot not work in effectively mitigating these vices.

4.4 Recommendations

Arising from the findings and conclusions of this study, the following policy and areas for further study are recommended:

4.4.1 Policy recommendations

The Government of Kenya and other stakeholders have instituted and implemented appreciable efforts towards addressing election-related crimes and offences. Nevertheless, as revealed from the findings of this study, the prevalence of these crimes and offences is still high. The implication of this is that the measures in place are inadequate and, therefore, need to be reinforced. Consequently, this study makes the following policy recommendations:

Key policy recommendations

1. Institute economic programmes aimed at reinvigorating the economy or empowering the vulnerable

Vulnerabilities caused by poverty and unemployment were mapped out as the key drivers of election-related crimes and offences. For instance, due to these susceptibilities, most people are influenced to commit election-related crimes and offences for monetary/material gains. Consequently, there is need for the enhancement of short-term interventions such as *Kazi mtaani*, cash transfers to the vulnerable, among others, especially targeted during the most volatile periods (for example during the campaign period) and hotspot areas; and long-term interventions such as employment guarantee schemes, governance reforms, among others. County Governments and the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes should take the lead on this.

2. Adopt a multi-agency/stakeholder framework in electoral management

Inadequate resources and cooperation among the stakeholders were identified among key challenges faced in controlling election-related crimes and offences in Kenya. These challenges can be addressed by combining synergies through a multi-agency/stakeholder approach. This will entail sharing of resources, information, technologies, among others, with an aim of ensuring crime-/offence- free elections.

3. Enhance early mapping of election-related crimes and offences

This study established that the consequences of election-related crimes and offences are far reaching – transcending all spheres of the society. Consequently, there is need for proactive as opposed to reactive interventions. This should entail electoral risk analysis and early warning through multi-agency intelligence in mapping out electoral-crime hot-spots and perpetrators. This has to be made a standing agenda in all County Security and Intelligence Planning and Coordination.

4. Enhance fight against organized criminal gangs

It was indicated in this study that organized criminal gangs are among the key perpetrators of election-related crimes and offences. The National Intelligence Service (NIS), National Police Service (NPS) and other security agencies, therefore, need to heighten surveillance and vigilance on organized criminal gangs by amongst others, dismantling their organizational and operational structures and disrupting their funding sources and networks.

5. All electoral management stakeholders to make mitigation of election-related crimes and offences a standing agenda in their operations

The study established that the prevalence of election-related crimes and offences is high in Kenya. Indeed, some crimes and offences such as voter bribery and hate-speech which were most prevalent in 2016 were found to be still prevalent in 2021. For the citizenry to exercise their political rights freely as envisaged under Article 38 of the Constitution of Kenya, 2020, these vices have to be mitigated; and this requires the attention and action of all stakeholders.

6. Regulation of political campaign financing

Voter bribery was identified among the prominent election-related crimes and offences experienced in Kenya. The main perpetrators of these vices were the political aspirants/candidates and their agents. To mitigate this, there is need for IEBC to ensure strict enforcement of the Election Financing Act, 2013.

7. Making zero-tolerance to corruption a standing agenda in electoral planning and management

The findings of this study revealed that most Kenyans do not report election-related crimes and offences because they lack confidence on the duty bearer agencies. The foremost factor accounting for this lack of trust emerged to be corruption. To address this, there is need for making zero-tolerance to corruption a standing agenda in electoral planning and management by all the agencies/actors concerned.

8. Adopt “Elite Pacts and Pledges”

Elite pacts and pledges, will be a “top-down” method to mitigating election-related crimes and offences that focuses on the most common perpetrators of these vices as established in this study: politicians. These agreements should be designed to publicize commitments to noninvolvement or non-propagation of election-related crimes and offences and incentivize adherence to those commitments. The National Government Administration Office (NGAO) and National Cohesion and Integration Commission (NCIC) should take the lead on this.

9. Promote peace messaging

Hate speech was identified as one of the most prevalent election-related crime/ offence in Kenya. The aim of hate speech is to encourage hate or violence against a person or group of people based on their demographic orientation. Peace messaging will go a long way towards mitigating this. Peace messaging is a “bottom-up” approach that targets the incited, rather than the inciters. It should involve the dissemination of anti-hate or anti-violence messages through social media, traditional media, *barazas*, among others. NCIC and NGAO should take a lead on this.

10. Encourage local peace agreements

The study identified high stakes of gaining or losing power among the foremost triggers of election-related crimes and/ or offences. This can be addressed through local peace agreements where communities agree on how to share local power after elections; for instance, by nominating different county positions from different groups. Such arrangements will promote inter-group tolerance, reduce fears of exploitation and make politicians less likely to use divisive rhetoric. The NGAO and Faith-/Community-Based Organizations should be empowered to spearhead these arrangements.

11. Enhance civic and voter education

It was revealed that most people in Kenya do not report election-related crimes and offences. One of the reasons cited was ignorance. From the foregoing, there is need for enhanced civic and voter education for the members of the public on their civic duties as citizens and rights and obligations with regards to election-related crimes and offences including the importance of free, fair, transparent and crime-/offence-free elections.

12. Pursuit of public confidence building by all electoral management agencies/stakeholders

The study showed that most Kenyans did not have confidence on the ability of most electoral management agencies/stakeholders in tackling election-related crimes and offences. Indeed, this was also given as the prime reason for not reporting these offences/crimes. Furthermore, perceived corruption/unethical conduct of some election management officials and perceptions of a compromised electoral system were mooted as some of the key contributing factors to election-related crimes and crimes. As a consequence, these agencies should boost public confidence by fostering transparency, effectiveness, reliability and competence in the execution of their mandates.

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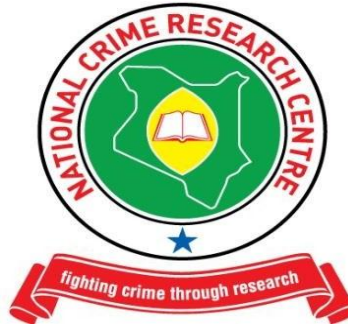
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APPENDICES

Appendix 1: Interview Schedule



A Study on Election-Related Crimes and Offences in Kenya

County: _____

Sub County: _____

Constituency: _____

Ward: _____

Date of Interview: _____

Time of Interview: _____

INTRODUCTION

My name is..... from National Crime Research Centre (NCRC), which is currently conducting “**A Study on Election-related Crimes and Offences in Kenya**” aimed at informing relevant policy and programs. Election-related crimes and offences in past political elections in the country have been a problem of concern that needs to be addressed by all relevant players. These crimes and offences occur in the three phases (**before, during and post-election**) of the election cycle.

This study therefore aims at gathering vital data on the forms, triggers, perpetrators, victims, agencies and impact relating to election-related crimes and offences to inform viable mitigation measures. Your participation in the study is highly valued and your honest and candid information will help in informing policy.

Participation is voluntary and all the information you give will be treated in utmost confidentiality.

Thank you in advance.

Signature of interviewer: _____

☐ Respondent agrees to be interviewed

☐ respondent does not agree to be interviewed —————> end

Type of Respondent	Tick
Political party representative (8 per county=376)	
Member of public in households (=2,653)	
Respondents drawn from Election, Regulatory and/or enabling agencies (10 per county=470)	
Respondents drawn from Governance/electoral-related Civil society organizations (3 per county=141)	

SECTION A: Demographic Information

1. Gender:

1. Male
2. Female

2. Age of Respondent in years:

1. 18-34
2. 35-51
3. 52-68
4. 69+

3. Marital Status:

1. Single/Never Married
2. Married
3. Divorced
4. Separated
5. Widowed

5. Highest Level of Formal Education attained:

1. None
2. Primary
3. Secondary
4. Middle level
5. Graduate
6. Post Graduate
7. Adult Education

7. What is your main occupation?

1. Formal Employment
2. Public Sector -Permanent
3. Public Sector -Temporary (Casual/Contract)
4. Private Sector (including, NGOs, CBOs, FBOs) –Permanent
5. Private Sector - (including, NGOs, CBOs, FBOs)-Temporary (Casual/Contract)
6. Business
7. Subsistence farming
8. Other (including House wife, student/pupil, unemployed, retiree, volunteer, intern) –Specify _____

8. What is your average monthly income?

1. None

2. Low Income- Ksh.23, 670 and below
3. Middle income- Ksh.23, 671-119,999
4. Upper income- Ksh.120, 000 and above

9. Length of stay in the locality (study site)

1. Below 1 year
2. 1-3 years
3. 4-6 years
4. 7-9 years
5. 10-12 years
6. 13 years and above

10. (a) Are you a registered voter? 1. Yes 2. No

(b) If No in Q10 (a) above, why?

S/N	Reason	Tick all that apply
1.	Lack of National ID	
2.	Proximity of voter registration venue	
3.	Health related issues	
4.	Ignorance	
5.	Lack of interest in elections	
6.	Others.....	

SECTION B: Election-related Crimes and Offences

11. (a) In your opinion and or experience are there activities that **should not** be happening before elections have been declared? 1. Yes 2. No

(b) If yes in Q11 (a) above, what are the activities?

Activity	Tick all that apply
Gatherings for political campaigns	
Mushrooming of criminal gangs affiliated to political aspirants	
Fraudulent registration of members to political party	
Spreading of hate speech	
Defamation by use of social media	
Ethnic polarization	
Others (specify)	

12. (a) Based on your knowledge and/or experience, are there election-related crimes and offences committed during Pre-election, Campaigns, Voting and Post-voting period in this locality?

1. Yes 2. No.

(b.) If Yes in Q 12 (a) above, which election-related crimes and offences are committed in your locality during Pre-election, Campaigns, Voting and Post-voting period?

S/N.	Offences	Tick all that apply			
		Pre-election	Campaigns	Voting	Post-voting period
1.	Double registration				
2.	Unlawful possession of voter cards				
3.	Selling and buying of voters cards				
4.	Giving false information during registration (Party membership, National ID/voters card)				
5.	Hindering other persons from registering				
6.	Disorderly behavior				
7.	Hate speech				
8.	Incitement to violence				
9.	Threatening persons with violence or injury to influence voting				
10.	Preventing opponents from using free media				
11.	Unlawful possession of weapons				
12.	Campaigning outside the prescribed period				
13.	Fighting and/or affray				
14.	Using state resources by aspirants and candidates				
15.	Voter intimidation (e.g interference with a voter casting vote)				
16.	Rigging				
17.	Impersonation (e.g using someone's voting card, ID)				
18.	Voter bribery (e.g giving and/or receiving money during voting to unduly influence the outcome)				
19.	Defacing of posters				
20.	Provision of food, refreshments, fare reimbursement and rewards to supporters (Treating)				
21.	Not maintaining secrecy of voting				
22.	Voting by unregistered persons				
23.	Snatching or destroying election material				
24.	Unauthorized displaying of symbols of political party and/or candidates at voting Centre				
25.	Ballot and/or vote fraud (e.g falsified vote counting and tallying)				
26.	Discrimination and/or being denied to vote (voter rights violations)				

S/N.	Offences	Tick all that apply			
		Pre-election	Campaigns	Voting	Post-voting period
27.	Announcing false results				
28.	Destruction of property				
29.	Threat to violence				
30.	Intimidation of the opponents				
31.	Killings/murder				
32.	Forceful displacement of populations (evictions)				
33.	Giving of alcohol and drugs to interrupt electoral processes				
34.	Rape				
35.	Character assassination				
36.	Robbery				
37.	Arson				
38.	Kidnappings and/ or abductions				
39.	Assault				
40.	Burglary				
41.	Unjustified use of national security organs (e.g, unjustified police shootings and arrests)				
42.	Unjustified use of weapons				
43.	Use of violence				
44.	Stealing of property				
45.	Looting of property				
46.	Compromised election officials (such as Presiding Officers favouring some candidates)				
47.	Others (specify)				

(c) Please respond with regard to hotspots of election-related crimes and offences in the forthcoming General Elections in this locality and/or your county?

Question	This locality?		This county?	
	Yes	No	Yes	No
Would you consider this locality and/or your county a hotspot of election-related crimes and offences in the forthcoming General Elections?				

(d) (i) In your opinion, will COVID-19 have an effect on forthcoming general election in Kenya contributing to election-related crimes and offences.

1. Yes 2. No

Section C: Factors contributing to and triggers of the election-related crimes and offence

13. What are the underlying factors and triggers of the election-related crimes and offences in your locality?

Underlying factors	Tick all that apply
1. Contested electoral laws	
2. Perceptions of a compromised electoral system	
3. Inadequate electoral administrative rules	
4. Political and social exclusion	
5. Gender based discrimination and violence	
6. Presence of organized gangs	
7. Unemployment	
8. Poverty	
9. The availability of weapons	
10. Corruption of individual officials	
11. Negative ethnicity	
12. Perceived marginalization	
13. Un-harmonized parameters among the regulatory agencies	
14. Others (specify)	
15.	
16.	
Triggers	
1. Fake News	
2. Bias by electoral officials	
3. Unethical media reporting	
4. Misuse of social media	
5. High stakes of gaining or losing power	
6. Perception that the results have been stolen	

Underlying factors	Tick all that apply
7. Premature announcement of results by unauthorized persons	
8. Intentional destruction of voter material	
9. Rejection of election results	
10. Provocative and violent actions by political parties and candidates	
11. Others (specify)	
12.	
13.	

Section D: Perpetrators and victims of election-related crimes and offences

14. (a) Have you been a victim or witnessed a crime being committed during election activities/events in your locality? 1. Yes 2.No

(b) Based on your knowledge and experience who are the perpetrators and victims of election-related crimes and offences in your locality?

Perpetrator category	Tick all that apply
1. Politicians/ aspirants/ candidates	
2. Political party agents and supporters	
3. Rogue business persons/ financiers	
4. Hired goons	
5. Rogue public officials in elections , regulatory and/or enabling agencies	
6. Ethnic groupings	
7. Criminal gangs	
8. Vulnerable youth (unemployed, unskilled , lowly educated, etc)	
9. Media and /or their agents	
10. Others (specify)	
Victims category	
1. Voters	
2. Aspirants and candidates	
3. Women	
4. Campaign workers	
5. Party agents	
6. Public officials (electoral officials, security personnel)	
7. People Living With Disability	
8. Children	
9. Minority groups (ethnic, numerical, geographical)	
10. Men	
11. Youth	
12. Elderly	
13. Persons with health related issues	
14. Others (specify)	

Section E: Intervention strategies for addressing election-related crimes and offences

15. (a) Have you ever reported election-related crimes and offences?

1. Yes 2. No

(b) If Yes in Q 15 (a) above:

- i. To whom did you report
ii. Who do you trust to report election-related crimes and offences

S/N.	Agency	Tick all that apply in regard to who you trust in reporting
1.	Independent Electoral and Boundaries Commission (IEBC)	
2.	National Cohesion Integration Commission (NCIC)	
3.	Office of Registrar Political Parties (ORPP)	
4.	National Police Service (NPS)	
5.	National Intelligence Service (NIS)	
6.	Civil Society Organization	
7.	Ethics and Anti-Corruption Commission (EACC)	
8.	Office of the Director of Public Prosecutions (ODPP)	
9.	Judiciary	
10.	Educational Examining Bodies (KNEC, Colleges and Universities)	
11.	National Government Administration Office (NGAO)	
12.	Kenya Revenue Authority (KRA)	
13.	Credit Reference Bureau (CRB)	
14.	Religious leaders / Faith Based Organization (FBO)	
15.	Family member and/or relative	
16.	Friend	
17.	Political party and/or agent	
18.	Health institutions	
20.	Election monitors	
21.	Others (specify).....	

(c) If you didn't report in Q 15 (a) above give reasons

S/N	Reasons for Not Reporting	Tick all that apply
1.	Lack of confidence on the responsible agencies	
2.	Would not or could not do anything to help	
3.	A personal issue or too trivial to report	
4.	Fear of reprisals	
5.	Not clear how long it will take to report the crime	
6.	Clearance rate /crime reported to police are solved within one year is too low (the arrest, charging and referral of a suspect for prosecution)	
7.	Time and financial cost on the judicial process	
8.	To protect my person	
9.	Expected promises/benefits/gifts of not reporting	
10.	Never witnessed	
11.	Lack of awareness	
12.	Others (specify)	

(d) Suggest the most ideal mechanism for reporting election-related crimes and offences in your locality?

Mechanism	Tick all that apply
1. Verbal reporting	
2. Occurrence book	
3. Emergency call numbers	
4. Official letter	
5. Anonymous letter	
6. Open mails	
7. Web-based reporting mechanisms	
8. Complaint desk and /or box	
9. Customer satisfaction feedback	
10. Others (specify)	
11.	
12.	
13.	

16. Based on your knowledge and experience, how effective are the following regulatory and enabling agencies in the management of the electoral processes?

S/N.	Agency	(Tick appropriately)			If not effective give reasons
		Effective	Not effective	I don't Know/ Not Sure	
1.	Independent Electoral and Boundaries Commission (IEBC)				
2.	National Cohesion Integration Commission (NCIC)				
3.	Office of Registrar Political Parties (ORPP)				
4.	National Police Service (NPS)				
5.	National Intelligence Service (NIS)				
6.	Civil Societies/Faith Based Organization (FBO)				
7.	Ethics and Anti-Corruption Commission (EACC)				
8.	Office of the Director of Public Prosecutions (ODPP)				
9.	Judiciary				
10.	Educational Examining Bodies (KNEC, Colleges and Universities)				
11.	National Government Administration Office (NGAO)				
12.	Kenya Revenue Authority (KRA)				
13.	Credit Reference Bureau (CRB)				

17. (a) What challenges are faced in the control of election-related crimes and offences in this locality?

S/N	Challenges	Tick all that apply
1.	Inadequate resources to stakeholders	
2.	Lack of integrity in the electoral processes	
3	Illiteracy and ignorance among the electorate	
4.	Impunity and selfishness of political leaders	
5.	Tribalism, nepotism, hatred and hostility	
6.	Inadequate cooperation and partisan interest among concerned agencies/stakeholders	
7.	Inadequate civic education	
8.	Insecurity in some parts of the country	
9.	Poverty	
10.	Lack of political good will to credible elections by some stakeholders	
11.	Deficiencies in investigation, prosecution and sentencing of perpetrators	
12.	Inadequacies of election infrastructure and technology	
13.	Voter apathy in the electoral process	
14.	Drug and alcohol abuse	
15.	Perception of influence from foreign interests (e.g. funding)	
16.	Media bias	
17.	Others (specify)	

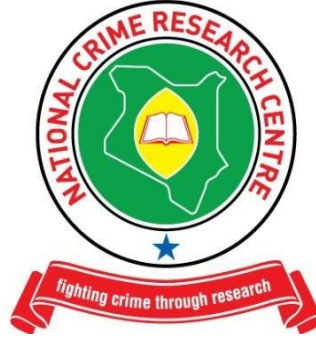
(b.) In your opinion, what are the measures that would be appropriate for addressing election-related crimes and offences in your locality?

Measure	Tick all that apply
1. Conducting timely civic education	
2. Observance of electoral laws	
3. Strict enforcement of electoral law	
4. Enhanced electoral security	
5. Just and fair elections management	
6. Arrest and prosecute perpetrators of election-related crimes and offences	
7. Adequate training of electoral staff	
8. Authoring peace pledges for parties and candidates to sign	
9. Media sensitization on ethical electoral process and reporting	
10. Avoid premature deployment of police in certain scenarios	
11. Joint security planning (multi-agency framework)	
12. Early mapping of hot pots of electoral crimes and offences for intervention	
13. Mobilize sufficient financial and human resources for joint action	

Measure	Tick all that apply
14. Creation of more economic opportunities to youth and vulnerable	
15. Sensitization of politicians to accept defeat in fair free and transparent elections	
16. Strengthening intelligence gathering on security threats to elections	
17. Undertaking thorough vetting of political candidates	
18. Involving independent, high integrity and professional election observers	
19. Address historical injustices	
20. Protection of witnesses in election disputes	
21. Judiciary to expedite election-related cases	
22. Deployment of high integrity and efficient technological infrastructure	
23. Others (specify)	
24.	
25.	

Thank you for your time and cooperation.

Appendix 2: Key Informant Guide



County: _____

Sub County: _____

Constituency: _____

Ward: _____

Date of Interview: _____

Time of Interview: _____

INTRODUCTION

My name is..... from National Crime Research Centre (NCRC), which is currently conducting “**A Study on Election-related Crimes and Offences in Kenya**” aimed at informing relevant policy and programs. Election-related crimes and offences in past political elections in the country have been a problem of concern that needs to be addressed by all relevant players. These crimes and offences occur in the three phases (**before, during and post-election**) of the election cycle.

This study therefore aims at gathering vital data on the forms, triggers, perpetrators, victims, agencies and impact relating to election-related crimes and offences to inform viable mitigation measures. Your participation in the study is highly valued and your honest and candid information will help in informing policy.

Participation is voluntary and all the information you give will be treated in utmost confidentiality.

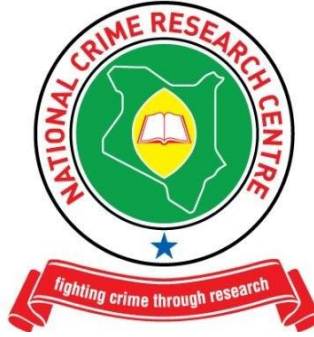
Thank you in advance.

Key Informant Guide

1. Which election-related crimes and offences are committed during the election period in this locality?
2. Who are the perpetrators of election-related crimes and offences committed during the election period in this locality?
3. What do you think are the factors contributing to election-related crimes and offences in this locality?
4. What is the likely effect of COVID-19 in the forthcoming general election in Kenya contributing to election-related crimes and offences?
5. How will election -related crimes and offences arising from land use and/or ownership likely manifest themselves in this locality?
6. What land use and / or ownership conflicts have you witnessed and/or encountered in this area during recent political elections?
7. In your opinion, what would you suggest to address land use and/or ownership issues that contribute to election-related crimes and offences in this locality?
8. What are the effects of election-related crimes and offences in this locality?
9. What are the existing election-related crimes and offences interventions in this locality?
(probe for effectiveness of each intervention)
10. What challenges are faced in the control of election-related crimes and offences?
11. What do you suggest to address election-related crimes and offences?

Thank you and stay well

Appendix 3: Focus Group Discussion Guide



County: _____

Sub County: _____

Constituency: _____

Ward: _____

Date of Interview: _____

Time of Interview: _____

INTRODUCTION

My name is..... from National Crime Research Centre (NCRC), which is currently conducting “**A Study on Election-related Crimes and Offences in Kenya**” aimed at informing relevant policy and programs. Election-related crimes and offences in past political elections in the country have been a problem of concern that needs to be addressed by all relevant players. These crimes and offences occur in the three phases (**before, during and post-election**) of the election cycle.

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Participation is voluntary and all the information you give will be treated in utmost confidentiality.

Thank you in advance.

FGD Guide

1. Which election-related crimes and offences are committed during the election period in this locality?
2. Who are the perpetrators of election-related crimes and offences committed during the election period in this locality?
3. What are the factors contributing to election-related crimes and offences in this locality?
4. What is the likely effect of COVID-19 in the forthcoming general election in Kenya contributing to election-related crimes and offences?
5. How will election -related crimes and offences arising from land use and/or ownership likely manifest themselves in this locality?
6. What land use and / or ownership conflicts have you witnessed and/or encountered in this area during recent political elections?
7. In your opinion, what would you suggest to address land use and/or ownership issues that contribute to election-related crimes and offences in this locality?
8. What are the effects of election-related crimes and offences in this locality?
9. What are the existing interventions on election-related crimes and offences in this locality?
10. What challenges are faced in the control of election-related crimes and offences and how can they be addressed?
11. What would you suggest to address election-related crimes and offences?

Thank you very much for your time and insightful contributions.

#End.

Appendix 4: Hotspot Areas for Election-Related Crimes and Offences per County

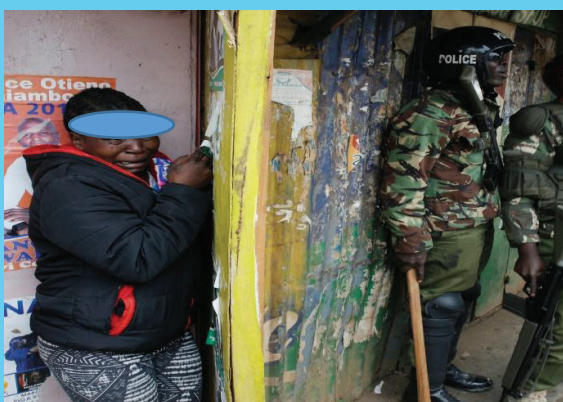
County	Hotspot areas for election-related crimes and offences
Baringo	Eldama Ravine town, Maji Mazuri, Timboroa, Marigat, Makutano, Mochongoi, Ngelecha, Karbanet, Kipsaraman, Kabartonjo, Tiaty, Loruk, Barwesa, Elchamus, Kiserian, Border of Baringo East and Sout, Muserechi, Poror/Arama, Saos, Makutani Ward Boarder of Tiaty and Baringo South , Boarder of Baringo South and North -Lake Baringo, Arabal, Kabiye, Kabimoi
Bomet	Chepilat/Sotik Border, Sotik Town/Chemagel, Ndanai- Abosi Border, Bomet Town, Litein, Mulot, Konoin, Chepalungu, Bomet Township, Emurua, Mogogosiek, Kimulot, Multi National Tea Estate, Silibwet, Kaplong, Tinet, Koiwa Estate, Kipsigis, Kisii, All Centres Along the Border
Bungoma	Cheptais, Kimaiti Stage, Kabero, Kamarang', Kaptoboi, Bukembe Market, Mt. Elgon, Chepyuk, Kanduyi, Bungoma Town, Bumula, Namwela Ward, Malakisi Area, Parts of Sirisia, Kamana, Mbirikani, Langas, Kipkomen, Mwithiriria, Bitobo, Tulukii, Mijanga, Ndegelwa Market, Kopsiro, Nakhwana, Tulukui, Mianga, Kabuchai, Chwele, Kimilili
Busia	Malaba Area, Kasarani, Matayos Centre, Marachi, Butula Area, Busia Town Bunyala, Burumba, Bulanda (Busia Town), Mauko, Amoni Location, Busende, Mabale
Elgeyo Marakwet	Iten Town, Sengwer Shopping Centre, Kerio Valley, Yatoi, Kapyegon, Kambi Nyasi, Laini Moja, Ghorofa, Kiptoi, Tirao, Chesubit, Kamoi, Kapsowar, Chesoi, Tot, Aror, Kimnai, Chesogoch, Elgeiyo, Baringo Boundary, Mororia, Chebelio Forest, Kariobangi in Iten, Chepkorio, Lilies, Katalel
Embu	Muthandara, Karaba, Mbeere- Mwea Boundary, Tharaka-Mbeere Boundary, Runyenjes Town, Embu Town, Kianjokoma Market, Ishiara Town, Majimbo A.I.P.C.A, Kamiu Primary School Polling Station, Mbeere South (Makima/Mwea), Ishiara-Kamwembe Route At Shiengela, Kiambere, Siakago, Embu South- Mbere Border, South Ngariama Settlement Area, Kanjeru
Garissa	Abakaile Ward, Dertu Ward, Fafi constituency Borders, Daadab Constituency Boarder to Dutis Constituency, Ifo, Dagde, Garrissa Primary Polling Station, Madogo, Iftin, Windsor, Garissa Town, Mbalambala, Between Modogashe and Isiolo ,Lagdera ,Modogashe
Homabay	Sindo, Lak Nyiero, Gembe, Makongeni, Junction Kodoyo, Shauri Yako, Sofia, Mbita, Nyandwa, Homabay Town, Kendu Bay, Rodi Kopony, Magunga, Oyugis, Ndiwa, Olare, Kochia, Suba, Majengo
Isiolo	Ngare Mara, Kina, Bulapesa, Wabera Ward, Epiding, Isiolo Town, Isiolo Central, Burat, Kula Mawe, Mwangaza, Lmd, Checheles, Garrisa Border, Wajir Border, Kambi Ya Juu, Kambi Ya Garba, Mabatini
Kajiado	Sineti, Rombo, Kambi Kuku, Loriko, Kajiado South, Lang'ata, Kitengela, Ngong, Isinya, Bisil, Porini Area, Kimana Town, Noonkopir Area , Ildamat, Majengo, Matapato, Kekonyokia, Rongai, Saikeri, Kiang'ombe, Kajiado Central, Kimana Market, Kaputei North, Ole Tepes, Rung'ong'u, Kimana, Kiserian, Kibiko, Namanga Town, Kajiado Town

County	Hotspot areas for election-related crimes and offences
Kakamega	Butere, Makhokho shopping centre and Bodaboda stage, Mutete, Kuyonzo Town, Shibuye Market, Shinyalu Market, Munami, Khalaba, Indangalasia, Ngairo Area, Shibale, Lukoye, Shikulu Centre, Kayonzo Market, Mwamba, Mumias Town, Matungu, Shinyalu, Ikolomani, Lurambi, Matungu, Muliro Garden, Maraba, Mayoni, Majengo(Corner), Khayega, Ishukha B, Lugari Scheme Area, Soi, Lukuyani, Moi's Bridge, Kakamega Town, Mumias Central, Ekeru, Shianda
Kericho	Soin Ward Kipkok Primary School, County Borders, Londiani, Kipsitet, Kamasian, Border Of Awasi(Kisumu, Nandi And Kericho, Kericho/Nakuru Highway, Githuma, Nyagacho Market, Sondu, Sigowet, Kericho Town, Soin, Kapsoit, Sondu Borderline, Maemba, Chemogoch, Ng'oina Road, Litein-Kericho Road, Chemosot, Simoton, Kapkatet, Ainamoi, Koguta, Kipkelion, Belgut, Bureti, Konoin
Kiambu	Kunamatiko/Nyaga, Karia, Githogoro, Banana, Kibichoi, Githurai, Lioki Sub Location, Kimende, Kagwe, Kinale, Witeithie, Kiandutu, Chania, Gituamba Town, Gatukuya, Kamwangi, Gakoe, Matara, Nachi Along Nachu- Kajiado Boundary, Nachu Shopping Center, Thika Town, Kiambu, Gatune, Githunguri, Wangige, Gachie, Ikinu, Juja, Kikuyu, Kiganjo, Kabete, Lwaka, Githogoiyoini, Gatunguru Area, Thika Township, Kijabe Mission, Mugiko, Maingi, Makongeni, Thika Stadium, Gichiengo, Kwa Michael Market, Dagoreti, Gatundu North and South
Kilifi	Jibana, Magarini, Mtwapa, Kipingo, Kilifi South, Mazeras, Mamburui, Chumani, Makombani, Kaloleni Centre, Chonyi, Ganze, Muyeya, Chela, Maweni, Madukani – Vipingo, Kaya Ribe, Kaya Funge, Kaya Kauma, Charo Wa Maya, Marereni, Adu, Gongoni Ward, Kisumu Ndogo, Kanagoni, Msabaha, Kilifi Town, Malindi, Dsitsoni
Kirinyaga	Kanyoni, Gereshon, Mwea-Ngurubani, Kagio, Kutus, Kagongo, Gichugu, Kandongu, Kimunye, Kiandegwa, Kerugoya Town, Kagumo, Kimande, Thiba
Kisii	Mogonga, Sensi, Stage Miwa, Miruka, Nyangoso Market, Suneka, Bobasi, Kiunganya, Marani, Kisii -Homabay Border, Gesusu, Kisii Town, Nyaboge, Daraja Mbili, Keera, Ruga, Kiamokama
Kisumu	Manyatta, Car Wash, Bandani, Nyalenda, Mamboleo, Mosque Area, Kubere, Kondele, Muhoroni, Chemelil, Kopere, Otinglo, Obunga, Pap-Onditi, Royal, Migosi, Kona Mbuta, Kaloleni, Nyamasaria, Pala Boundary, Kibuye, Katito, Kisumu Town, Nyamarimba, Ayucha, Nyamasima, Tabaitha (Kericho), Ahero, Maseno, Awasi, Kingwechi, Bukurimu, Kibos, Kona Mbaya, Kona Legio
Kitui	Kaundu, Mavoko, Kyanika, Syomikuku, Boarder of Tana River and Kitui County, Mukuyuni, Kunda-Kindu, Kalundu, Tseikuru Town, Kaningo, Mtitu, Muutha, Police check- in Mavoko, Kitui Town, Kanyonyo, Kitukune, Kwa Vonza Location, Mwakini
Kwale	Sega Polling Station, Diani, Umoja, Kosovo, Nyumba Tobongwe, Ngombeni, Mwakiwena, Jogoo, Masaai Stage, Kena Ya Beach, Kena Ya Musa, Ukunda Town, Base Titanium, Lungalunga, Gambalo, Msambweni, Mwereni, Tiwi, Pongwe, Kinayo, Mwangulu, Matuga, Kinango
Lakipia	Ngare Ng'iro, Jua Kali, Olmorani, Sipili, Huruma, Rumuruti, Doldol, Thigithu Estate, Igwamiti, Oldonyiro, Sossian-in Laikipia North, Laikipia East, Kinamba, Salama, Segera, Shamanek, Marani, Thome, Baringo and Samburu County border, Mwenje, Laikipia West, Marmanet, Laikipia North, Kimanjo, Nyahururu, Nanyuki Town
Lamu	Mkomani, Faza, Mkowe, Maisha Masha, Hindi, Jericho Lamshi, Jipendeni Area, Viziwani, Boni Forest, Lake Amu, Baharini, Mkunubi, Pangawe, Mpeketoni, Lamu, Majembeni, Maruno, Kakathe, Tau, Waridi, Boramoyo, Witu Town, Kangemi, Nyongoru Ranch, Panda Ngao

County	Hotspot areas for election-related crimes and offences
Machakos	Athi River, Mlolongo, Mavoko, Kangundo, Mitamboni, Kithima, Keaa, Tala Township, Kathembone, Mjini, Mtitoni, Koma, Malaa, Kamulu, Machakos Town , Psv Stage, Market Places (During Political Rallies, No Specific Point), Katoloni, Miwani, Migoko Stage, New Naivas Stage, Kathemboni, Kathiani, Mwanga, Kennol Market, Katine, Sokoni, Kariobangi, Muru Mutesa, Kasinga, Kalimoni , Makutano, Mwala, Masinga, Around KCB Area, Tala Market, Mutituni, Matungulu Market, Joska
Makueni	Emali, Kasikeu, Kilome, Kiboko A, Kiboko C, Makindu Town, Mikululo, Mukaa, Kibwezi East & West, Wote Town, Kiambani, Chuli Hills (Mikululo), Changala, Kitaingo, Malili Village, Mayaani Village, Homesteads Near Town, Kibwezi East & West, Kiboko Settlement Scheme, Kitise
Mandera	Lafey, Warangara, Olla, Mandera Township, Towns Along Borders, Rhamu Ward, Banisa, Elwak, Wargadud, Karo Area, Takaba
Marsabit	Marsabit Town, Moyale Township, Heilu, Butiye, Somare, Saku, Karare, Sagante, Jirime, Songa, Badassa, Gabras Chome, Scheme Gabra, Manyatta Jilo, Kuiikalo, Manyatta(Lami), Kituruni, Sololo, North Horr, Bibisa, Saku Gadamoji, Logologo, Turbi, Laisamis
Meru	Laare, Mitunguu, Nkubu, Maua, Municipality, Naathu, Tigania, Meru Town, Kitheo, Makutano, Igembe North, Majengo, Kwanthambi, Mjini, Mikinduri, Tharaka, Akithii ,Mukuuni, Mutuati, Gakoromone, Nyambene, North Imenti, Municipality Buuri, Ntharakanithi, Isiolo-Meru Boundaries, Kiamuri, Inono Market, Kinoru, Lodu, Bwageni, Mbayo, Kithatu, Kadana, Igembe South, Kianjuri, Kigochwa, Muthara Muriri, Kamarima, Miccuni, Kianjahi, Mitoone
Meru	Laare, Mitunguu, Nkubu, Maua, Municipality, Naathu, Tigania, Meru Town, Kitheo, Makutano, Igembe North, Majengo, Kwanthambi, Mjini, Mikinduri, Tharaka, Akithii, Mukuuni, Mutuati, Gakoromone, Nyambene, North Imenti, Municipality Buuri, Ntharakanithi, Isiolo, Meru Boundaries, Kiamuri, Inono Market, Kinoru, Lodu, Bwageni, Mbayo, Kithatu, Kadana, Igembe South, Kianjuri, Kigochwa, Muthara Muriri, Kamarima, Miccuni, Kianjahi, Mitoone
Migori	Wihange, Nyabukarange, North Kanyamkago, Chonge Area, Migori Town, Sibuoche, Chunge ,Awendo, Sori, North Kadem, Luanda, Kehancha, Kuja, Ikerenge Town, Thimlich, Magungu, Nyakweri, Nyandika, Tuk, Jowi, Karungu, Rapogi, Oyani Masai, Modi
Migori	Wihange, Nyabukarange, North Kanyamkago, Chonge Area, Migori Town, Sibuoche, Chunge, Awendo, Sori, North Kadem, Luanda, Kehancha, Kuja, Ikerenge Town, Thimlich, Magungu, Nyakweri, Nyandika, Tuk Jowi, Karungu, Rapogi, Oyani Masai, Modi
Mombasa	Bombolulu, Shanzu, Mvita, Kipevu, Nyali, Brothers Mweza C, Majengo Mapya, Mwijabu Area, Chaani Hall, Msikiti Nuru, Mnazini, Likoni, Mishomoroni, Mikidani, Changamwe, Mwakilunge, Kongowea, Bamburi, Saba, Majengo, Jomvu, Bangladesh, Darul Ulum-Likoni, Puma-Likoni, Kindunguni Area, Bamburi, Kipovu Town, Mwagosi, Dunga Unuse, Barsheba, Mtopanga, Utange, Kibarani, Kalahari, Mtimbwani, Bokole, Kiambeni, Taveta, Mwatare
Mombasa	Bombolulu, Shanzu, Mvita, Kipevu, Nyali, Brothers Mweza C, Majengo Mapya, Mwijabu Area, Chaani Hall, Msikiti Nuru, Mnazini, Likoni, Mishomoroni, Mikidani, Changamwe, Mwakilunge, Kongowea, Bamburi, Saba, Majengo, Jomvu, Bangladesh, Darul Ulum-Likoni, Puma-Likoni, Kindunguni Area, Bamburi, Kipovu Town, Mwagosi, Dunga Unuse, Barsheba, Mtopanga, Utange, Kibarani, Kalahari, Mtimbwani, Bokole, Kiambeni, Taveta, Mwatare
Muranga	Kigumo, Kandara, Muranga Town, Kangema, Kenol, Kiharu, Sabasaba, Maragwa, Majengo, Njiiri, Marigiti, Kayole Slum, Makuyu, Gateigoro, Gathima, Gathuri, Magomano

County	Hotspot areas for election-related crimes and offences
Muranga	Kigumo, Kandara, Muranga Town, Kangema, Kenol, Kiharu, Sabasaba, Maragwa, Majengo, Njiiri, Marigiti, Kayole Slum, Makuyu, Gateigoro, Gathima, Gathuri, Magomano
Nairobi City	Gatina Stage, Stage 56, Stage 46, Githurai 45, Githurai 44, Kahawa West, Kibra, Huruma, Kiangichiri Slums, Street, Darfur, Riverside, Njiru, Kamukunji, Bahati, Immaculate, Lucky Summer, Baba Dogo, Kariobangi, Mwalimu Plaza, Motherland Villages, Kasabuni, Mathare, Korogocho Slums, Utalii, Kiambio, Embakasi, Shauri Moyo, Majengo, Kanyango, Bottom Line, Pipeline, Tassia, Soweto, Sodome, Kitoka, Keroka, Warucu, Kangemi, Dandora, Kawangware, Mau, Mombasa Road, Kahawa Wendani, Kayole, Savvanah, Gitwamba, Kabiria, Satellite, Waithaka, Ndunyu, Riruta, Mukuru Kwa Njenga, Aviation Area, Kanyama, Jamhuri, Adam, Lang'ata, Gikomba, Muthurwa, Nairobi CBD, Othaya, Mukuru Kwa Reuben, Zimmerman, Kimbo, Progressive, Flyover, Darajani, Uthiru, Kianda, Nairobi Market, Dagoreti, Thiongo Road, Mich, Eastleigh
Nakuru	Kihoto, Kamere, Kabati, Kanjo, Kadenye, Mosop, Chemtit, Kamosop, Chemarmar, Lower Solai, Mwitetheria, Mogotio, Olenguroen, Total, Mau Summit, Sirkwa, Mariashoni Forest, Kuresoi North and South, Viwandani, Kalole, Molo, Subukia, Londiani, Sorai, Koringot, Kiambogo, Nyamamithi, Pandanguo, Maleli, Sagaitim, Mauche, Mwisho Wa Lamu, Kamara, Sachangwan, Muchorwe, Burnt Forest, Weseges, Tabot, Kambi Moto, Kampara Farm, Visoi, Rongai Town, Lenginet, Kandutura, Gacharage, Kamwaura, Mlindiko, Subukia, Kibunja, Elburgon, Bahati, Njoro, Ndefu, Maimahiu, Mau Summit, Goldfish, Casino In Town, Ndoinet, Keringet, Naivasha, Gilgil, Molo-Kenyatta Area, Rongai, Naivasha Township, Kuresoi, Salgaa, Nakuru Town, Mau Forest, Daadab Township
Nandi	Dotcom, Kipngoror, Korja, Sokomoko, Kamasai, Soy Mining, Kapkoros, Chapterwai shopping Center, Kamweka (Nandi- Kakamega boundary), Chemese in Nandi South, Tinderet, Kabimiet, Kapsabet, Laborate Center, Salient, Kipkaren, Nandi Hills, Kibiyet, Kapcheboswo, Suswa, Cheptilil, Kamobo, Sorongai, Emgwen, Mosop, Chemilil, Kubere, Songhor
Nandi	Dotcom, Kipngoror, Korja, Sokomoko, Kamasai, Soy Mining, Kapkoros, Chapterwai shopping Center, Kamweka (Nandi- Kakamega boundary), Chemese in Nandi South, Tinderet, Kabimiet, Kapsabet, Laborate Center, Salient, Kipkaren, Nandi Hills, Kibiyet, Kapcheboswo, Suswa, Cheptilil, Kamobo, Sorongai, Emgwen, Mosop, Chemilil, Kubere, Songhor
Narok	Njipiship, Lakwenyi, Narok Town, Bimbini, Olmeli, Emurua Dikirr, Lolgorian, Mashangwa, Chelget, Shartuka Group Ranch, Elkerit, Kiribwet, Mogul, Essoit, Timaru, Kwitembe, Kegonga, Dilango, Lakwenyi Border, Ngarare Enosaen, Kilgoris Township, Border Between Maasai and Kipsigis, Boundary of Migori and Narok, Border with Tanzania, Angata Barakoi Border, Along Migori and Tanzania Border, Kimindet, Sogon, Ololung'a, Border of Trans Mara and Migori, Ngong Area, Lelakweny Area, Border of Kipsigis and Narok (Olol masani)
Narok	Njipiship, Lakwenyi, Narok Town, Bimbini, Olmeli, Emurua Dikirr, Lolgorian, Mashangwa, Chelget, Shartuka Group Ranch, Elkerit, Kiribwet, Mogul, Essoit, Timaru, Kwitembe, Kegonga, Dilango, Lakwenyi Border, Ngarare Enosaen, Kilgoris Township, Border Between Maasai and Kipsigis, Boundary of Migori and Narok, Border with Tanzania, Angata Barakoi Border Along Migori And Tanzania Border, Kimindet, Sogon, Ololung'a, Border of Trans Mara and Migori, Ngong Area, Lelakweny Area, Border of Kipsigis and Narok (Olol masani)
Nyamira	Mekenene, Nyakacho, Nyaronde Town, Chepilat, Nyandoche Ibere, Manga, Kijauri, Gachuba, Miriri, Keroka, Nyangoro
Nyamira	Mekenene, Nyakacho, Nyaronde Town, Chepilat, Nyandoche Ibere, Manga, Kijauri, Gachuba, Miriri, Keroka, Nyangoro
Nyandarua	Kipipiri (Mshariti) Miharati, Engineer Town, Ndogino, Salama, Pesi, Mitara Gatuna, Moru, Kahutha, Jua Kali, Rurii, Kariamu, Gichungu, Wanjohi Centre, Kinangop, Ol Kalou, Tumaini, Njabini

County	Hotspot areas for election-related crimes and offences
Nyeri	Nyeri Town, Mathira, Narumoru Town, Mweiga Town, Mwireri, Narumoru, Karatina, Majengo, Ihururu, Mweiga Farm
Samburu	Baragoi, Wamba, Kisima, Maralal Town, Poro, Suguta Mar, Archers Post, Serolipi, Lesirikan, Pekera, Nachola, Ol Dokojek, Malaso, Ol Moran, Shabaa, Lorokeye
Siaya	Siaya Town, Yala, Sidindi, Gem, Alego-Usonga, Bondo, Ugenya-Rarieda, Majiwa-Wangai, Kiongango, Sensi, Obet, North Gem, Ukwala (Kamukunji), Mutumbu, Kodiaga, Yala Bridge, Ndori, Ugunja, Alego, Luhano Center, Nyar Sakwa, Usenge Town, Majiwa, Ajigo, Barchando
Taita Taveta	Voi, Wundanyi, Bosnia Area Near Challa, Sagalla, Challa- Njukini, Ziwayi Sisal Estate, Salaita, Jipe
Tana River	Hola, Ngao, Chara, Shirikisho, Mlango Wa Simba, Garsen Center, Tana Delta, Wayu, Bura Scheme, Kilelengwani, Tana River Town, Galole, Kipawa, Garsen Township, Boga, Baugali, Gafu, Milalulo, Galgalcha
Tharaka Nithi	Nkodi Market Center, Mkothima, Kathwana, Tigania-Gatunga Boundary, Chuka-Tharaka Boundary, Kibugua, Thuita, Kigumo, Chuka Town, Itugururu, Chogoria Town, Kamwimbi, Marima Stage, Sarang'ombe Area, Kamanyege, Kamarandi, Entuani, Kwanza, Namanjalala, Kaptamai, Kapkoi, Simatwet, Kaptieng', Toro, Endebes, Chepchoina, Kiboroa Area, Saboti, Matisi (Rural And Centre), Forkland, Moi's Bridge, Matunda, Kamakoro, Makhele, Ziwa, Tuwan, Milimani Area, Senger, Kachibora, Suwerwo, Kinyoro, Mitume, Sebei Area, Kitalale, Salama, Gituamba, Sokomoko, Tigwani, Machinjoni, Kapcherop, Kipkege, Cherang'any, Geta, Cheptoboa, Bondeni, Kaplemur, Chepsiro, Kapsikiai
Turkana	Lodwar Township, Lokichar, Kakuma, Kanamkemer, Nawoitong, Kabokorit, Murongulo, Turkana Central, Loima, Turkana West, West Pokot and Turkana Border, Loreng, Lokitopoto, Lokichogio, Kalokol, Turkana East, Lokori/Kocholelin, Napelton, Kainuk, Kapedo, Along Lake Region, Kalobeyey, Lokori, Nasiger, Lokangai, Lokitang, Letia, Towokayeni Area, Downie, Nakwamekwi, Soweto, Carlifonia, Loima, Kerio, Turkana South
Uasin Gishu	Taili Mbili, Langas, Kimumu, Outspan, Kapsoya, Yamumbi, Burnt Forest, Leseru, Maili Tisa, Mwamba, Ilula, Kamukunji, Ainabkoi, Eldoret Town, Munyaka, Jua Kali, Kisumu Ndogo, Iten Road, Kasarani, Matembo, Cheparus, Landhies, Komongo, Mwitiririra, Action, Kona Mbaya, Kosachei, Kambi Kuku, Naiberi, Huruma Langas, Chemgoror, Flax, Roki, Cyrus, Cheptiret, Baharini, Kapsaret, Soi, Matunda, West Indies, Kiplombe, Jerusalem, Road Block, Turbo
Vihiga	Kapsengere, Kiboswa, Luanda, Sabatia Town, Majengo Junction, Insianza, Masana, Shangeda, Kigima, Idorori
Wajir	Buna, Batulu, Wajir East, Wajir CBD, Wajir Township, Eldas, Tarbaj, Khorofrar, Haran, Kotulo, Baraza Park, Wajir West, Arbaqairanso, Burawayo, Boji Garas, Balatul Amin, Osmodele
West Pokot	Makutano, Chepareria Ortum, Kabichbich, Kadugunya, Border of Marakwet and Pokot, Chepchoina, Mwisho Farm, Katikomor, Kanyerus, Tarkwel, Chesegeon, Kapenguria, Lomut, Mnagei, Murkujit, Kiririgit, Kaibes Talai, Chewoyet, Tapach, Kamologen, Sigor, Lelan, Kacheliba



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