



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

Objective: To examine the effects of election crimes and offences.

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

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

Findings: The major effects of election crimes and offences were:

Injury and loss of human life through physical injury, trauma, sickness and deaths of people (33.2%), destruction and/or loss of property (30.9%), violence, disturbed peace, fear and tension among people including voters (26.3%), ethnic tensions and animosity/hatred/enmity (23.8%), poor leadership and governance when wrong leaders are elected (23.0%), interruption of businesses (21.4%), forced migration, evictions and/or displacement of populations (20.6%).

Conclusions: From these findings, election crimes and offences have serious negative effects on Kenya's society. There is need to improve the investigative capacity of the Directorate of Criminal Investigation (DCI), Ethics and Anti-Corruption Commission (EACC), National Cohesion and Integration Commission (NCIC) and

Independent Electoral and Boundaries Commission (IEBC) in emerging reported and offences related to elections. Hate speech and hate crime jurisprudence requires more development through administrative policies, legislations and court precedents to address poor record of convictions. Further, Parliament and County Assemblies need to take lead in legislating stiffer penalties against election malpractices to bar individuals convicted of election crimes and offences from contesting future elective positions and holding public office for some time. Additionally, the state and non-state actors under the National Council for the Administration of Justice (NCAJ) should put in place national and county level legislation processes by proposing bills and other forms of legislative amendments to examine and review election practices in the country.

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