



WHERE IS OUR VOTE ?

Civil society exists to promote and protect people's rights, in accordance with our Constitution and laws, as well as regional and international law. In the context of elections, we work to ensure that every eligible person's right to vote, and for our vote to count, is honoured. We will continue to do so.

In the run-up to August 8, 2017, we published and disseminated many reports to express the public interest in the electoral process, replete with recommendations on what relevant public bodies, especially the Independent Electoral and Boundaries Commission (IEBC), are required by our Constitution and laws to do to ensure our right to vote—and for our vote to count.

Kenya's 2017 elections were meant to be a step forward in our country's democracy, anchored in our new, progressive Constitution. They were also meant to assert and maintain our country's regional leadership and be a point of reference in a sub-region where recent elections have been so contested.

As we near completion, there is need to take stock of what the elections have achieved against those aims—our right to vote, for our vote to count and our role as a sub-regional anchor state.

The pre-election environment became increasingly tense with a security build-up presented as an attempt to keep the country safe but which, in practice, increased tensions around the country. The brutal murder of Chris Msando increased these tensions and was seen as an attack the IEBC's ability to act independently in serving the public interest and maintaining the integrity of our vote.

As in all recent elections, polling day activities were managed efficiently and provided the basis upon which regional and international Observers praised the election management efforts of the IEBC.

However, as also in all recent elections, the tallying, transmission and announcement of results did not go well—despite the significant financial outlay in a new electronic transmission system. As per the law, results were meant to be sent from the 40,833 polling stations to the 290 constituency tallying centres and, simultaneously, to the National Tallying Centre. This did not happen. Instead, the IEBC embarked on streaming supposed results that were not backed by any evidence—the relevant Forms 34A.

While the IEBC eventually enabled political parties to scrutinise the Forms 34A, this should never have happened in the first place—that it did, undermined the checks and balances on the IEBC that so many have worked for so many years to put in place.

Thus the quality of these elections is not materially different from that of our two previous elections. There is no confidence that the IEBC, charged with stewarding credible elections which produce manifestly accurate results, has delivered on its constitutional and legal obligations. We assure the public that, in the coming days, we will complete our own forensic audit of the entire electoral exercise and share this with the public—which has the right to know what happened to our vote.

Meanwhile, we reassert the rights of citizens, under our Constitution as well as regional and international law, to peaceful assembly and peaceful protest. We urge all citizens that may wish to exercise these rights to do so peacefully. We also urge the police and other security services to adhere to the Constitution, regional and international law in facilitating and managing such peaceful assemblies and protests, and for all relevant public bodies, including the Independent Policing Oversight Authority (IPOA) and the Kenya National Commission on Human Rights (KNCHR), to ensure this is done.

ENDS

Co-Conveners