MASS VOTER REGISTRATION II EXERCISE

16TH JANUARY- 19TH FEBRUARY 2017

OBSERVERS REPORT
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Acknowledgements

I acknowledge the support of all HAKI Africa staff who for over one month visited different registration centers in the Coast region, recorded their findings and further helped in developing this report. Further, I acknowledge the support of the IEBC Coast officials who were very cooperative in attending and mobilizing registration of voters at all HAKI Africa public forums as well as providing us with the relevant information whenever we needed it. Most importantly, I appreciate the residents of Coast region who came out to exercise their constitutional right of registering during this process. This report would not have been possible without the inputs of every one of you.

This report compiles findings until 19th February 2017. Any developments after this date related to voter registration has not been included in this report.

Hussein Khalid
Executive Director
1.0 INTRODUCTION TO HAKI AFRICA AND OBSERVANCE OF MASS VOTER REGISTRATION EXERCISE

HAKI Africa is a national human rights organisation based in Mombasa working to improve livelihoods and enhance the progressive realisation of human rights in Kenya. Initiated in 2012, the organisation promotes partnership between state and non state actors in order to constantly improve the well being of individuals and communities and ensure respect for human rights and rule of law by all. Particularly, the organization seeks to agitate for the recognition and empowerment of local communities in Kenya to fully participate in rights and development initiatives with a view to improving the standards of living amongst all including the poor and marginalized. HAKI Africa has been on the frontline of advocating for the rights of all Kenyans. One of these rights is the right to vote as envisioned in Article 38 of the Constitution. All citizens who have attained the age of 18 are required to register with the IEBC using their national identity Card or passports in order to exercise this right. For purposes of observing the MVR exercise, the organization received accreditation from the Independent Electoral Boundaries Commission (IEBC) to observe the final mass voter registration exercise ahead of the upcoming general elections of August 2017. Keeping in line with this mandate tasked by the IEBC and the scope of our work in advocating for human rights, the organization embarked on the exercise of monitoring the voter registration in the six counties of the Coast region.

2.0 MASS VOTER REGISTRATION EXERCISE

The mass voter registration exercise was set for 16th January - 14th February 2017. However, a court ruling was delivered on 16th February 2017 to extend the exercise to 19th February 2017. The organization had 22 observers on the ground across all counties at the Coast region throughout this period. Generally, the registration process has been conducted professionally. We would like to commend the IEBC for ensuring that all their officials on the ground were sufficiently trained and able to provide information to citizens regarding the exercise. HAKI Africa was involved in MVR through activities such as voter registration mobilization, physical verification, media watch and interviews. Throughout the period, our observers were spread across different registration centers, observing the patterns in the registration,
inquiring on the challenges facing the process, looking out for cases of alleged bribery of citizens to register as voters in specific locations as well as the functionality of the BVR kits.

### 3.0 LAUNCH OF HAKI AFRICA’S MASS VOTER REGISTRATION EXERCISE OBSERVANCE

On 19\(^{th}\) January, HAKI Africa, in partnership with the County Commissioner’s office launched the voter registration campaign at the Chief’s camp in Majengo. Those in attendance included the County Commissioner, Regional IEBC Coordinator, local administration leaders and members of the community. IEBC Representatives were able to educate the community on how the voter registration exercise would be undertaken. They also responded to some of the questions and issues of the people concerning registration, transfers and confirmation of status.

### 4.0 MOBILIZATION FOR REGISTRATION

During this period, HAKI Africa noticed a lot of voter apathy amongst the youths especially in areas around Mvita Constituency. Many youths were reluctant to register themselves as voters. This was mostly amongst the new adults (individuals who attained the age of 18 since the last General Elections). It is for this reason that on 11\(^{th}\) February, HAKI Africa in partnership with IEBC hosted a football match at the Seven Aside football pitch in King’orani in a bid to mobilize as many youths as possible towards registration. HAKI Africa’s staff went round the markets and residential areas of King’orani with a local music band ‘Simba Ropa’ to mobilize residents to come out and register as voters. IEBC saw a large turn out of individuals coming out to register, transfer and confirm their voter status. The IEBC vs. HAKI Africa match ended in a tie 1-1.

Through its theatre group, the organization was able to conduct a door to door campaign in most of the villages in Mombasa region. The thespians used acting to sensitize the public on the importance of registering as voters, maintaining integrity and most importantly, keeping peace during the electioneering period.
5.0 REGISTRATION OF PRISONERS
In 2010, the court ruled that all eligible prisoners should be allowed to exercise their right to vote during polling every five years. In the petition filed by Kituo cha Sheria in 2012, the court had indicated that:

1. Prisoners are, subject to Article 83 (1) of the Constitution entitled to be registered as voters and have the right to vote under Article 38 (3) (a) and (b) of the Constitution.
2. The Independent Electoral and Boundaries Commission has the obligation to observe, respect, protect, promote and fulfill the rights and fundamental freedoms of prisoners and more particularly to facilitate their right to register to vote and to vote.
3. The Independent Electoral and Boundaries Commission shall put in place measures to ensure that prisoners who are registered to vote are able to vote in first General Election.
4. The Independent Electoral and Boundaries Commission shall put in place and implement measures to ensure facilitate the right of prisoners to register to vote and vote in future elections and referenda.

On 27th January 2017, IEBC made a statement stating that all Prisons in Kenya will be gazetted as polling stations. In line with this, prisoners were supposed to be facilitated through replacement of lost IDs and issuance of IDs to those who turned 18 in prison. However, based on information from Shimo la Tewa prison, this facilitation has not taken place. IEBC began the registration of inmates on 22nd February 2017. IEBC registers inmates just to vote at the presidential level despite the ruling that prisoners should vote in all elective posts.
6.0 RESULTS OF MASS VOTER REGISTRATION EXERCISE

In most regions of the Coast, the mass voter registration exercise was conducted in a professional manner. However, there were a few issues that arose and the organization has documented the issues in this report.

The following is a table summarizing the voters registered during the MVR exercise (14th January – 19th February 2017).

<table>
<thead>
<tr>
<th>County</th>
<th>Target</th>
<th>New registrations</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mombasa</td>
<td>230,175</td>
<td>141,686</td>
<td>61.56</td>
</tr>
<tr>
<td>Kwale</td>
<td>125,733</td>
<td>74,098</td>
<td>58.93</td>
</tr>
<tr>
<td>Kilifi</td>
<td>229,759</td>
<td>123,866</td>
<td>53.91</td>
</tr>
<tr>
<td>Tana River</td>
<td>28,027</td>
<td>21,514</td>
<td>76.76</td>
</tr>
<tr>
<td>Lamu</td>
<td>19,989</td>
<td>13,480</td>
<td>67.44</td>
</tr>
<tr>
<td>Taita Taveta</td>
<td>68,364</td>
<td>30,184</td>
<td>44.15</td>
</tr>
<tr>
<td>Total</td>
<td>702,047</td>
<td>404,286</td>
<td>57.66</td>
</tr>
</tbody>
</table>

Fig 2.0 Tabular representation of the number of new registrations in the Coast Region

Source: https://www.iebc.or.ke/admin/uploads/resources/HaG0lkuoAS.pdf

Fig 2.1 Graphical representation of the number of new registrations in the Coast region
7.0 FINDINGS
These are some of the observations made during the voter registration exercise by HAKI Africa

7.1 Ethnicization of Registration Process
Mobilization of voter registration by some politicians was biased and done along ethnic lines. Politicians have used public forums and gatherings to mobilize Kenyans to register but based on ethnic overtones. This is unacceptable as it enhances the already existing issue of tribalism.

7.2 Voter Transfer
There were several cases of voter transfers. Many people came out to transfer their polling centers to different centers either within the same ward, constituency or county. These transfers are mostly politically influenced and involved bribery of citizens.

7.3 Double Registration
There were several cases of double registration of the same persons. Most worrying were the cases that involved new adults (people who have attained the age of 18 recently) finding their information on the IEBC database as registered voters yet they had never registered before. These cases were referred to the IEBC regional office. There were cases of already registered voters trying to register more than once. For example in Likoni at Mrima Primary School, there was a case of a man trying to register again and when he was advised that he cannot register twice, he became irritated and wanted to cause chaos. However, the community talked him out of doing that and advised him to visit the IEBC Regional Office who would address his concerns.

7.4 Shared IDs
There were a few cases in the Coast Region of Kenyans sharing the same identification number. Identification numbers are unique to every individual. Some of these people have used these ID cards for over two decades and they only found out about it when they went to register.

7.5 Issuance of IDs
Members of communities from the border counties continue to face discrimination when it comes to acquiring national IDs. They have to undergo a tedious process of vetting that
includes countless back and forth sessions. Most of these people have not been able to register as voters during this period because their IDs were not issued in due time.

The Presidential directive of issuing identity cards within 3 days was not fully implemented especially in prisons. Therefore many Kenyans of age were left out.

7.6 Security Concerns
Most of the registration centers visited had no security official. The presence of security officials would have prevented situations such as missing BVR kits, attempts to disrupt registration and prevent politically influenced crowds from coercing other people.
8.0 RECOMMENDATIONS
Based on the findings of our observers, the organization would wish to make some recommendations concerning this exercise and the upcoming General Elections as a whole;

8.1 Continuous Registration of Voters
The registration of voters should be continuous to give all who have not replaced lost IDs or who turn 18 after the completion of this mass voter registration exercise an opportunity to vote.

8.2 Observation of the Electoral Code of Conduct
IEBC should take action against anyone who violates the Electoral Code of Conduct. Politicians using ethnicity to divide voters during this electioneering period should be held accountable for their actions to prevent negative influence on the day of election.

8.3 Registers Verification
The cleaning of the registers and verification should be conducted with utmost professionalism. These registers should then be availed to other public institutions for validation.

8.4 Issuance of IDs
The Presidential directive of issuing IDs should be effected everywhere and to all Kenyans especially those from border counties and prisons.

8.5 Facilitation for Prisoners
All inmates be issued with IDs and be registered to vote.

8.6 Gazzettement of Prisons
The gazzettement of prisons as polling centers should be done immediately.

8.7 Electronic System for Elections
IEBC should avail all resources to ensure that the elections are conducted electronically. This will be possible if their kits are working properly and that their electronic records match the ones in the green book.
9.0 CONCLUSION

It is important that IEBC, in its mandate to conduct free and fair elections, ensures that they address the issues in this report. As an organization that advocates for human rights, we would like to see IEBC throughout this election year ensuring that all citizens enjoy their rights as provided for in Article 38(3) (a) & (b) *inter alia*:

*Every adult citizen has the right, without unreasonable restrictions-*

(a) *To be registered as a voter*

(b) *To vote by secret in any election or referendum.*

HAKI Africa will continue working with the public and the IEBC through every step of the way especially during this election year to ensure that the August 8th General elections are free, fair, credible and peaceful.

HAKI Africa

March 2017