



Statement EU EOM Kenya 2017

Nairobi, Wednesday 16 August 2017

EU EOM calls on Kenya's electoral commission to promptly publish all results forms, for rule of law to be followed, and space for civil society

The EU Election Observation Mission (EOM) continues to observe closely the on-going election process, including tallying and the petitions process.

In its preliminary statement, released on 10 August, the EU EOM noted the commitment of the Independent Electoral and Boundaries Commission (IEBC) to “*transparency in the results process, including by putting results forms on line.*” The availability of results forms at all levels enables trust by allowing all stakeholders to have confidence in and insight into the totals announced.

The EU EOM therefore calls on the IEBC to continue to publish all results forms online promptly. The 34B forms from the 290 constituency tallying centres are critical, as these include a full breakdown of results by polling station. Online availability of the 34B forms, as well as the remaining 34A forms (containing individual polling station results), would enable all stakeholders to examine the accuracy of the announced results and point to any possible anomalies. Provision of information and statistics would also help promote confidence through transparency.

The timing of such information being made public is critical given that petitions relating to the presidential race must be filed within seven days of the results announcement (thus by the end of Friday 18 August). While parties at different levels of the process can in principle have access to forms through their agents, civil society and the wider public also need to be able to scrutinise and see the official basis for announced results.

The EU EOM encourages any party or candidate with a grievance to provide clear evidence to substantiate their claims and also to use the prescribed legal mechanisms. The EU EOM will carefully look at concerns raised and at the judicial petitions processes. The EU EOM calls on all political leaders to seek only peaceful public responses.

The EU EOM is deeply disturbed by the violence and deaths that have taken place. It calls on the state authorities to police effectively and to bring order without increasing tensions or using live fire. The EU EOM calls for state security agencies to be transparent in explaining their approach to security, to provide the public with reliable information about fatalities and injuries, and to

undertake investigations for full accountability of state and other actors. The mission encourages political leaders to use their authority to promote peace and to call for calm and restraint.

The EU EOM recalls its emphasis on respect for the rule of law and constitutional rights, including freedom of association (article 36). In that context the letter revoking registration rights of a key non-governmental organization, the Kenya Human Rights Commission (KHRC), is of great concern. As are the orders to close down the offices of the Africa Centre for Open Governance (AFRICOG). We welcome the announcement by the Cabinet Secretary for Interior to reverse the NGO Coordination Board decisions regarding KHRC and AFRICOG. We call on the Kenyan authorities to give civil society the space and security to work towards greater democracy for Kenyans.

The EU EOM has 30 long-term observers working around the country, as well as a core team of experts in the capital who will remain in Kenya until 5 September.

For further information, please contact the press officer of the EU EOM Kenya 2017:

Paul Anderson,

Press and Public Outreach Officer,

EU Election Observation Mission Kenya 2017

paul.anderson@eueomkenya2017.eu + 254 0740 033217