



## Kenya National Commission on Human Rights

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**FOR IMMEDIATE RELEASE**

### **VIOLATION OF KENYAN CITIZENS' CONSTITUTIONAL AND POLITICAL RIGHTS**

**Nairobi, May 31<sup>st</sup>, 2012** - Early April 2012, at the height of the political registration exercise, the media reported complaints from various individuals who had found their names registered in political parties they are not affiliated to.

Since then the office of the registrar of political parties has consistently given warnings to various political parties that if found flouting rules and perpetrating conduct contrary to the political parties act, there would be consequences.

While we applaud the office of the registrar for launching a website where Kenyans can check if they have been registered with a particular party, KNCHR is concerned about the glaring integrity issues on the party registration exercise. Article 21 (1) (e) of the political parties act of 2012 clearly stipulates that a political party can be de-registered if it is found to have obtained its registration in a manner that contravenes the act and violates citizens rights as guaranteed in the constitution.

We are seriously concerned with the manner in which political parties have managed to acquire names and other private information in respect of many Kenyans fraudulently, a clear and blatant breach of Article 31 (c) of the constitution protecting private information of individuals from being unnecessarily required or revealed, and article 38 which guarantees citizens the right to form or participate in forming a political party.

Further Article 36 of our constitution guarantees the freedom of association, with the second sub-article clearly stating; 'A person shall not be compelled to join an association of any kind...'

Through the link launched by the registrar's office, KNCHR staff carried out an internal exercise to establish the efficacy of the complaints website. The results were startling! 11 officers have confirmed their names and those of some family members to have been included in the registers of various parties without their knowledge. While this might seem like a drop in the ocean, the commission is concerned about the practice which indicates fraudulent means that political parties used to have their parties registered.

The Kenya National Commission on Human Rights therefore calls for an audit of and sanctions against political parties that have been found to have registered members by use of fraudulent methods. Specifically, the KNCHR calls for their immediate de-registration and subsequent announcement of the same to members of the public to avoid further election gerrymandering.

Our fear and worry is that should the trend be ignored and the registration fraud goes unpunished, Kenyans stand to experience greater anomalies on the altar of impunity during the forthcoming election period, when it will be too late to turn the clock.

In observance of the constitution that we all voted for, KNCHR calls upon Kenyans to take action by checking online the status of their registration on the Independent Electoral and Boundaries Commission website and send their complaints of irregular registrations to the registrar's office or file the same with the Commission for forwarding to the registrar's office.

We urge the office of the registrar of political parties to safeguard the various rights aforementioned and restore integrity to the governance and election process by invoking the principles of the leadership and integrity article 73 (2) (a) that prescribes conduct of our leaders. The conduct complained of here amounts to serious pre-election malpractices, and is totally unacceptable.

KNCHR congratulates the office of the registrar of political parties, the IEBC and all Kenyans for embracing transparency, accountability and participation enshrined in article 10 of our constitution. We re-state the need for the

registrar of political parties to make use of the results so that parties found to be guilty can be punished according to the law. This is the only way we can end impunity!

Ends/.....

Signed

Dr Samuel Tororei

**Ag Chair, KNCHR**

**For queries;**

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