

INTERNATIONAL ANTI-CORRUPTION CONFERENCE 2018 - COPENHAGEN
NATIONAL ANTI-CORRUPTION STATEMENT
KENYA

1. Preamble: The Present State of the Fight Against Corruption in Kenya

Kenya continues to expand its efforts in combating corruption through implementation of a robust anti-corruption legislative and policy reform.

Among the key innovative approaches is the adoption of a Multi-Agency Team method, through which agencies involved in fighting corruption come together in a collaboration, cooperation and coordination operational framework. These agencies include the law enforcement and investigation, prosecution, tax administration, asset tracing and recovery. Many high profile investigations have been concluded through joint operations under the MAT framework. As a result of enhanced cooperation and coordination among agencies in the criminal justice system, Kenya has recorded high achievements in this end. For instance, in the span of one year from June 2017 to July 2018, the country recorded the highest number of completed corruption prosecution cases being **49** which resulted in **39** convictions. In addition, assets worth approximately **USD 7,500,000** have been recovered and returned to the rightful owners to be utilized for the benefit of the public.

Kenya has recently established an Anti-Corruption and Economic Crimes Division of the High Court, leading to faster determination of corruption cases. The State has also strengthened the capacity of the Special Anti-Corruption Courts with a view to operationalize the day-to-day hearing of anti-corruption cases as required under the Anti-Corruption and Economic Crimes Act. Kenya has set up and fully operationalized the Assets Recovery Agency and the Financial Reporting Centre as fully autonomous agencies. Just recently, Kenya established a National Integrity Academy to provide training programmes to enhance competency and professionalism of public officers and the general public. It will enhance skills of officers involved in the fight against corruption by providing training programmes in various fields such as investigations and prevention.

There have been challenges in implementing anti-corruption initiatives across the country. The geographical proximity of Kenya to strife-torn countries in the region makes it susceptible to crimes such as terrorism, human and drug trafficking, piracy and illegal wildlife trade. These crimes are facilitated by corrupt conduct, for instance, through payment of bribes to public officers. Kenya still grapples with the challenge of a lethargic public, which has not fully acknowledged its role in the fight against corruption. However, this is compensated by a vigilant media and civil society.

The Government has adopted useful strategies towards intensifying public education and awareness on corruption, and enlisting public support in the war on corruption. The strategies include media education through appearances on talk shows, advertisements and programmes that air on media, establishment of the proposed Integrity Academy, introduction of integrity clubs in schools in collaboration with the Ministry of Education, engagement with Faith Based Sector to spread the message in places of worship and use in awareness campaigns, and development of a module for Government Training Institutions on matters of Leadership and Integrity. Kenya firmly believes that it is only when awareness creation is enhanced and citizens become knowledgeable on the effects of corruption and what they can do to assist and/or complement government efforts that meaningful gains will be made in tackling the vice.

2. Statement on the Anti-corruption commitments

Kenya reaffirms the commitments made during the London Anti-Corruption Summit, 2016 in regard to exposing corruption, punishing the corrupt and driving out the culture of corruption. The following progress has been made so far:

- i. Kenya has enhanced mechanisms for implementation of Open Governance initiatives through issuance of Executive Order No. 2 of 2018 that came to effect from 1st July, 2018. It directs all Public Procuring Entities to maintain and continuously update and publicise complete information of all tenders awarded, a comprehensive list of all registered suppliers, contractors and consultants.
- ii. In addition, Kenya is working towards securing the seamless integration of all procurement entities to the e-procurement module under the Integrated Financial Management System by the 1st January, 2019. This will increase

functionalities that ensure commitment to price guidelines as published by the Public Procurement Regulatory Authority, analytical tools and procedures to flag out suspicious and repeated payments, payments above contracted pricing transactions and any other breaches. Public Procuring Entities will from 1st January, 2019 undertake their procurement through the e-procurement module.

- iii. Kenya has introduced a requirement that all payments to the Government be made on ICT-based platforms through which citizens can apply and pay for passports, driving licenses, business registration, marriage certificates, land search certificates and other necessary documents so as to reduce human contact.
- iv. Kenya is undertaking periodic vetting of Public Officers including polygraph testing, to determine their integrity and suitability. This preventive measure was introduced on 1st June, 2018 and started with the Heads of Accounting Units and Procurement Units in Government Ministries, Departments, Agencies and Parastatals.
- v. Kenya amended the Companies Act, through the Companies (Amendment) Act 2017 to introduce the concept of Beneficial Ownership Register. This was in accordance with the Financial Action Task Force recommendations on transparency of beneficial owners, the Open Governance Partnership Action Plan II and the Kenya Country Statement at the London Anti-Corruption Summit.
- vi. Kenya has enacted the Bribery Act, 2016 which seeks to strengthen the prevention, investigation and punishment of bribery particularly in the private sector. The Act provides stringent provisions of combating corruption and will bolster efforts to expose and punish corrupt conduct in the private sector.
- vii. Kenya has formulated a National Ethics and Anti-Corruption Policy which will enshrine the strategies that are crucial in spearheading the war on corruption. Some of the strategies outlined in the Policy include prioritization of impactful investigations, recovery and restitution of illicitly acquired assets, intensified public education and awareness, and coordination of law enforcement and prosecution of corruption and economic crimes.

- viii. Kenya acknowledges the support from Britain, Switzerland and Jersey Island through the signing of bilateral agreements aimed at repatriating proceeds of crime hidden in their respective jurisdictions by corrupt individuals. Sequestration of stolen assets from the corrupt acts a big deterrence for engaging in criminal activity.