



CHALLENGES OF FIGHTING CORRUPTION AND BRIBERY IN KENYA

Kenyan Jurisdiction Presentation

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INTRODUCTION



Kenya has a robust legal framework to address the prevalence of bribery and corruption. The Constitution of Kenya (2010) provides for Kenya's national values and principles of governance, which include good governance, integrity, transparency, and accountability.

LEGISLATION



There are specific pieces of legislation that are used to fight bribery and corruption

These include:

- 1. The Penal Code, Cap 63.**
- 2. The Public Officer Ethics Act, 2003.**
- 3. The Anti-Corruption and Economic Crimes Act, 2003 (ACECA).**
- 4. The Proceeds of Crime and Anti-Money Laundering Act, 2009 (POCAMLA).**
- 5. The Ethics and Anti-Corruption Commission Act, 2011 (EACCA).**
- 6. The Public Finance Management Act, 2012.**



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7. **The Leadership and Integrity Act, 2012.**
8. **The Public Procurement and Disposals Act, 2015.**
9. **The Access to Information Act, 2016.**
10. **The Bribery Act, 2016.**
11. **The Public Service Commissions, Act, 2017.**
12. **Mutual Legal Assistance Act**



CORRUPTION IN KENYA



- According to a report by Transparency International in 2021, Kenya scored 30 out of 100 on the Corruption Perception Index . The report also states that corruption is deeply entrenched in Kenya and has been prevalent since independence.
- The Bribery Act, No. 47 of 2016 provides a framework for the prevention, investigation and punishment of giving and receiving bribes. There are no proposed reforms at present.





STOP!
CORRUPTION

CHALLENGES KENYA FACES IN ITS FIGHT AGAINST CORRUPTION AND BRIBERY



- 1) Financial constraints.
- 2) Staffing limitations
- 3) Negative public perception
- 4) Weak legal frameworks
- 5) Lack of policy.
- 6) Slow judicial process.
- 7) Third-party violations.
- 8) Poor anti-bribery and corruption regulations.
- 9) Lack of resources in the fight against corruption
- 10) Poor cyber security and data protection.
- 11) The 'Huyu ni Mtu Wetu' mentality.



CHALLENGES KENYA FACES IN ITS FIGHT AGAINST CORRUPTION AND BRIBERY



12) Constitutional references and judicial review applications that impede on execution of Investigative and Enforcement agencies mandate.

13) Delay in obtaining evidence from other jurisdictions coupled with slow process of preservation of assets held abroad

14) **Negative public perception**

15) Complexities in investigation of corruption and economic crimes coupled with problem of inadequate technical staff

16) **Poor cyber security and data protection.**



HOW
CAN
WE
HELP



CORRUPTION?

HOW BEST CAN KENYA FIGHT CORRUPTION?



- **Increasing funding for anti-corruption agencies such as the EACC.**
- **Strengthening legal frameworks by closing gaps in existing laws.**
- **Developing clear policies on how to address corruption.**
- **Improving cybersecurity measures to protect investigations into corruption.**
- **Encouraging citizens to report instances of corruption.**
- **Creating awareness campaigns that highlight the negative effects of corruption on society.**
- **Ensuring that corrupt officials are held accountable for their actions.**



YOUR LOGO

CONCLUSION



Fighting corruption and bribery in Kenya requires a multifaceted approach that involves all stakeholders working together towards a common goal.



There are opportunities for progress if everyone works together towards this goal.

