



BREAK THE CORRUPTION CHAIN

Image: United Nations Office on Drugs and Crime UNODC

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Kenya joined the rest of the world in commemorating the International Anti-Corruption Day on the 9th of December, 2014, presenting a good opportunity for Kenyans to take stock of the progress made and challenges faced in the fight against corruption.

In 2014, the International Anti-Corruption Day's theme was 'Break the Corruption Chain'. The 2014 theme was grounded on the fact that corruption hurts poor people disproportionately. It contributes to instability, poverty and is a dominant factor driving fragile countries towards state failure. In order for Kenya to lift its citizens out of poverty, all Kenyans must take concerted

efforts to curb corruption.

Kenya's position among the community of nations

Kenya's score and ranking in the Corruption Perception Index (CPI) 2014 released by the Transparency International movement on 3rd December 2014 declined.

Kenya scored 25 on a scale of zero to 100 (with zero perceived to be highly corrupt, and 100 very clean), down two points from last year's score of 27. Kenya sits at position 145 out of 174 countries and territories ranked in the 20th edition of the CPI.

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Photo: United Nations Office on Drugs and Crime UNODC

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The CPI scores and ranks countries and territories based on how corrupt a country's public sector is perceived to be. It is a composite index, a combination of surveys and assessments of corruption, collected by a variety of reputable institutions. The CPI is the most widely used indicator of corruption worldwide

Kenya's decline in the CPI calls to question the reforms that have been instituted in various sectors since the adoption of the Constitution of Kenya 2010. Inaction or slow action on corruption cases, particularly big cases involving high ranking officials may have contributed to a high perception of corruption in the country. During the year, controversial payments to one of the Anglo Leasing companies may have heightened this perception further. The government should deepen and expedite efforts to resolve cases like Anglo Leasing, Goldenberg and others.

Bribery continues to affect key service delivery areas

The Police, Land Services, the Judiciary, Tax Services and County Administration are the top five most bribery prone institutions according to the East African Bribery Index 2014 released by Transparency International Kenya on 4th December 2014.

This is not surprising considering that in 2014, Kenya was plagued by insecurity, irregular land allocation and grabbing and owner

ship disputes, and reports of new corruption in county governments.

The high likelihood of bribery in sectors and institutions that have been the object of reforms in the past four years as highlighted in the East African Bribery Index further amplifies the need to take stock of the changes thus far, to protect the gains made as further progress is pursued.

Citizens too must play their role in fighting corruption

Fewer Kenyans are reporting corruption; this poses a major challenge in the fight against corruption. According to the East African Bribery Index 2014, 94% of respondents stated that they did not report bribery incidents encountered with only 6% reporting such cases. Kenyan citizens are the ultimate guarantors of integrity; reporting of bribery and corruption incidents is a much needed contribution towards the war against corruption by the public.

Reporting of corruption should be simpler and more accessible

State and non-state actors involved in the reporting of corruption should scale up efforts and collaborate to raise awareness on avenues and procedures for reporting corruption.

It is noteworthy that several institutions have embraced ICT, to broaden the reporting of corruption and make such complaint mechanisms more accessible to members of the public. TI-Kenya has partnered with

independent constitutional commissions to enhance reporting through the Integrated Public Complaints Referral Mechanism (IP-CRM). Corruption reporting channels should be widely publicised, and procedures involved made simple, accessible and responsive with a very effective feedback mechanism.

Jubilee's promise to fight corruption

The Jubilee Administration must keep the anti-corruption promises made in its pre-election manifesto to:

- Give the Ethics and Anti-Corruption Commission (EACC) the power to prosecute corruption cases as happens in other African countries.
- Set up local anti-corruption boards at county level with the power to refer cases to the EACC or Director of Public Prosecutions.
- Ban anyone convicted on corruption charges from working in any public sector job.
- Enact the necessary legislation so that Kenyan companies found guilty on corrupt practices will be liable to have their assets frozen by the courts.
- Ban foreign companies found guilty of corrupt practices from operating in Kenya.
- Introduce an automatic freeze on the assets of anyone indicted on corruption charges (with appropriate judicial approval).
- Introduce the automatic suspension of any official indicted on corruption charges.

The East African Bribery Index 2014

Reporting of bribery and public confidence in the fight against corruption remain low

Fewer East Africans are reporting cases of bribery, even as access to basic services in the region continues to be hampered by the vice.

According to the East African Bribery Index 2014 launched by Transparency International Kenya, an average of 10% of East Africans filed complaints on bribery with majority not reporting for varied reasons including lack of information on where to report or because they felt, among other reasons, no action would be taken. Bribery levels in the police, judiciary and lands services across the East African Community remain high; indicating that reforms in these sectors have not borne fruit, in countries where such processes have been initiated such as Kenya.

The index examines indicators such as likelihood of bribery, prevalence of bribery, average size of bribe, share of national bribe and impact of bribery. It also examines the reasons for paying bribes, reporting of bribery incidents and the public's perception of corruption among other views on the fight against corruption.

See page 6 & 7 for more details on the key findings of the East African Bribery Index 2014

Visit www.tikenya.org to download your copy of The East African Bribery Index 2014



Chief guest Ms. Christine Agimba, Deputy Solicitor General, State Law Office & Department of Justice (right) unveils the 2014 East African Bribery Index during the launch ceremony in Nairobi in December 2014.

Photo: Collins Baswony/TI-Kenya



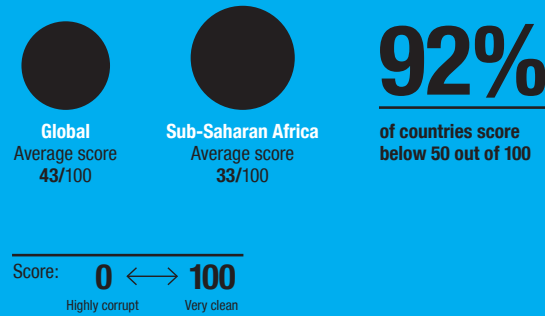
H.E Joost Reintjes (top), Netherlands Ambassador to Kenya, Somalia and the Seychelles, H.E Friedo Sielemann (bottom left), Deputy Ambassador of Germany to Kenya and Mr. Samuel Kimeu, TI-Kenya's Executive Director at the launch of the East African Bribery Index 2014 held in December 2014 in Nairobi. **Photos: Collins Baswony/TI-Kenya**

Corruption Perception Index 2014

Kenya's ranking in Corruption Perception Index casts doubt on reforms

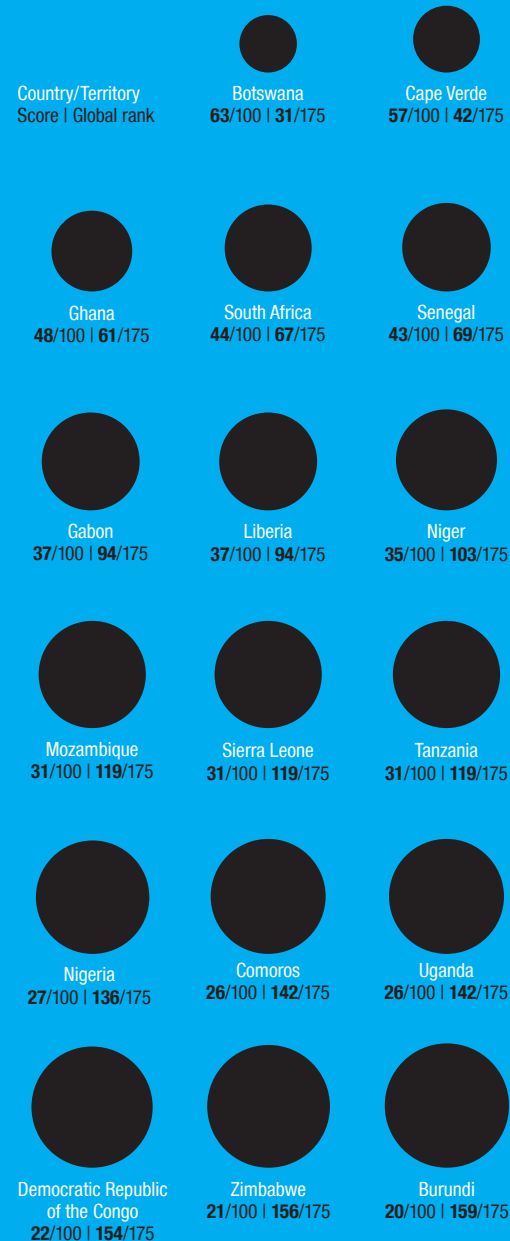
CORRUPTION PERCEPTIONS INDEX 2014

Sub-Saharan Africa



#cpi2014

The 2014 Corruption Perceptions Index measures the perceived levels of public sector corruption in 175 countries/territories around the world. To see the full results go to: www.transparency.org/cpi



Kenya performed dismally in the global Corruption Perception Index (CPI) 2014 released on the 3rd of December, 2014 by the Transparency International movement.

Kenya scored 25 on a scale of zero to 100 (with zero perceived to be highly corrupt, and 100 very clean),

down two points from last year's score of 27. Kenya sits at position 145 out of 174 countries and territories ranked in the 20th edition of the CPI.

The CPI measures the perceived levels of public sector corruption in countries and territories worldwide

and is based on expert opinion.

More than two thirds of the 175 countries in the 2014 CPI score below 50. Denmark tops the list in 2014 with a score of 92 while North Korea and Somalia share last place, scoring just eight. Also at the tail-end are Iraq (16), South Sudan

(16), Afghanistan (12), and Sudan (11). The biggest declines were registered in in Turkey (-5), Angola, China, Malawi and Rwanda (all -4). The biggest improvers were Côte d'Ivoire, Egypt, Saint Vincent and the Grenadines (+5), Afghanistan, Jordan, Mali and Swaziland (+4).

was second with a score of 31 at position 119, Uganda followed at 142 with a score of 26 then Kenya. Burundi was at the bottom of the pack with a score of 20 at number 159. All the EAC countries dropped in score except Uganda whose score remained unchanged.

Perceptions' Index calls to question the reforms that have been instituted in various sectors since the adoption of the Constitution of Kenya 2010. An audit of the reform process is needed to isolate areas of weakness that continue to provide fertile ground for corruption," said Samuel Kimeu, the Executive Director Transparency International Kenya.

"Inaction or slow action on corruption cases, particularly big cases involving high ranking officials may have contributed to a high perception of corruption in the country. Little success has been recorded in the investigation and prosecution of grand corruption cases to date.

In 2014, controversial payments to one of the Anglo Leasing companies may have heightened this perception further. The government should deepen and expedite efforts to put cases like Anglo Leasing, Goldenberg and others to rest."

Corruption in emerging economies

China's score fell to 36 in 2014 from 40 in 2013 despite the fact the Chinese government launched an anti-corruption campaign targeting corrupt public officials.

The government has recognised the need to follow officials who hide ill-gotten gains overseas. The score matches a poor performance by Chinese companies in Transparency International's recent report on corporate disclosure practices where all eight Chinese companies scored less than three out of ten.

"Countries at the bottom need to adopt radical anti-corruption measures in favour of their people. Countries at the top of the index should make sure they don't export corrupt practices to underdeveloped countries." said José Ugaz, the Chair of Transparency International.

For more information, visit www.tkenya.org

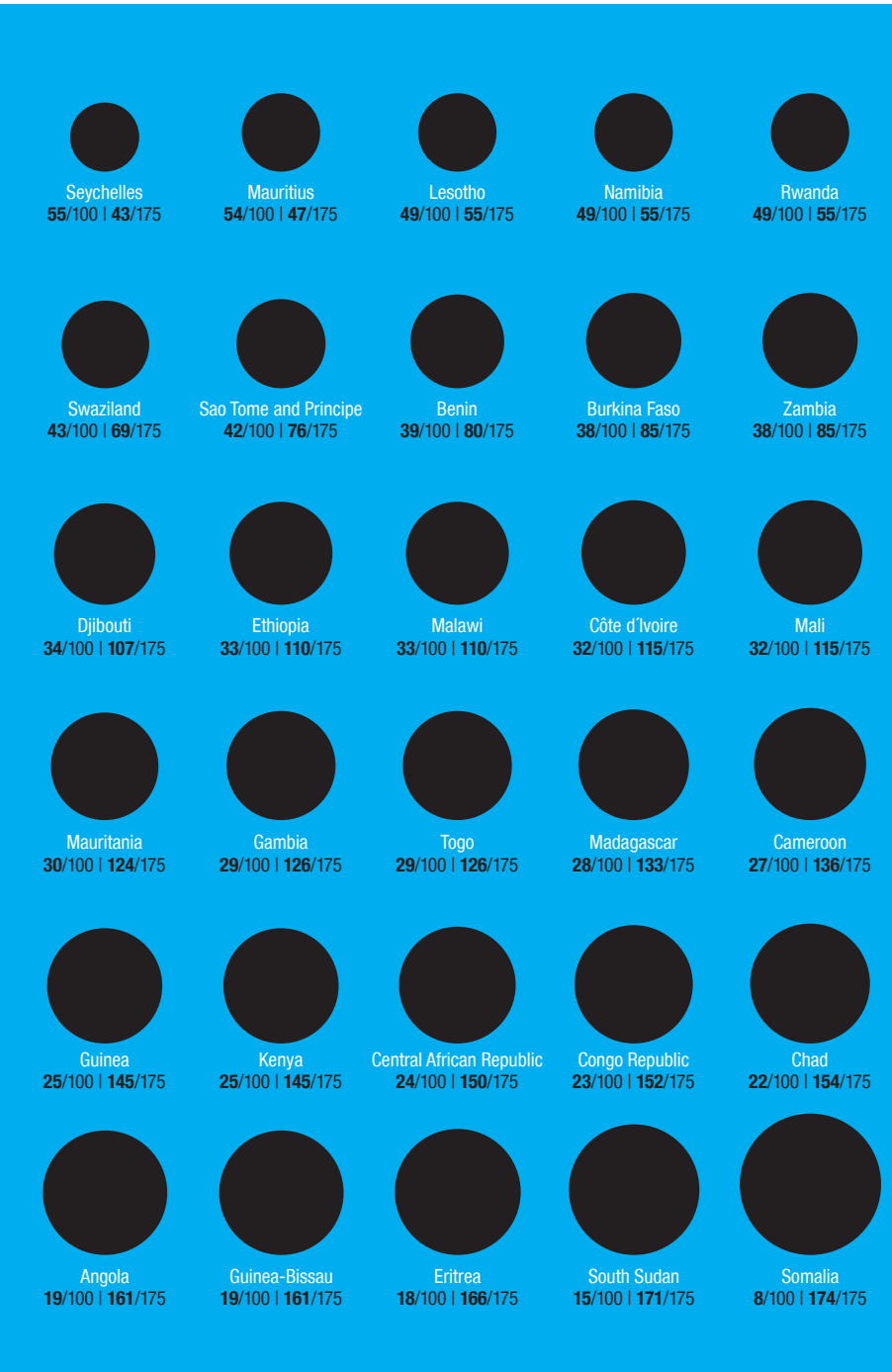


Photo: Transparency International

CPI rankings in East Africa and Africa

Among the East Africa Community (EAC) countries, Rwanda was once again the top performer with a score of 49 at position 55 globally; its score has however dropped from 53 in 2013. Tanzania

The highest scoring country in Sub Saharan Africa was Botswana with a score of 63 followed by Cape Verde (57) and Seychelles (55). Kenya is ranked 35th in Sub Saharan Africa.

"Kenya's decline in the Corruption

The East African Bribery Index

The sample

2,164
Respondents sampled from 16 counties in Kenya

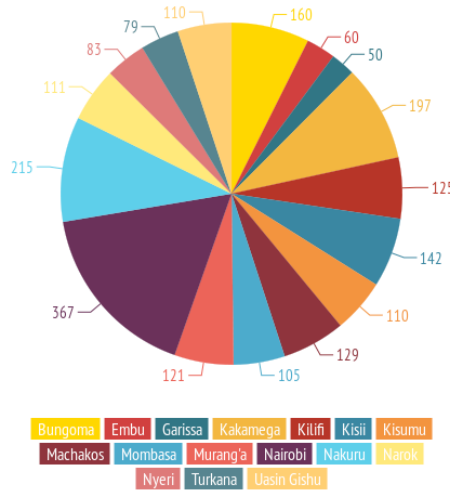
60%
Rural

40%
Urban

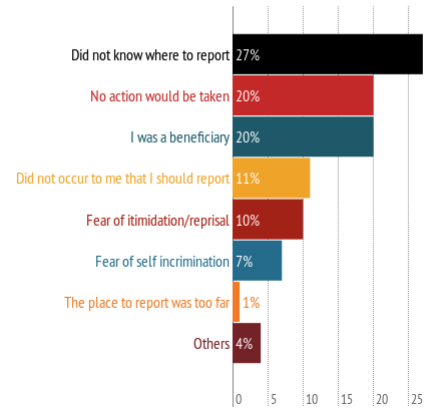
53%

47%

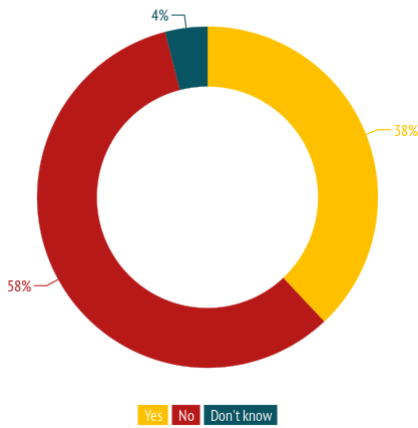
The sample by county



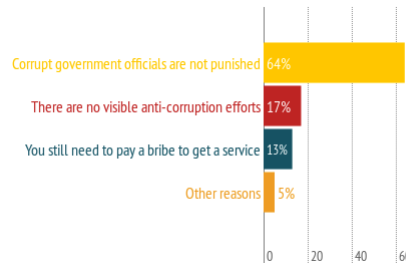
Reasons for not reporting bribery incidents



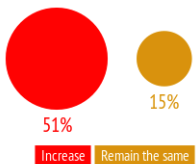
Do you think that the Government of Kenya is doing enough to fight corruption?



Reasons for dissatisfaction with government's anti-corruption efforts

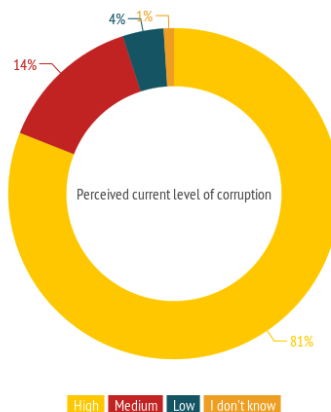


Perceived level of corruption year



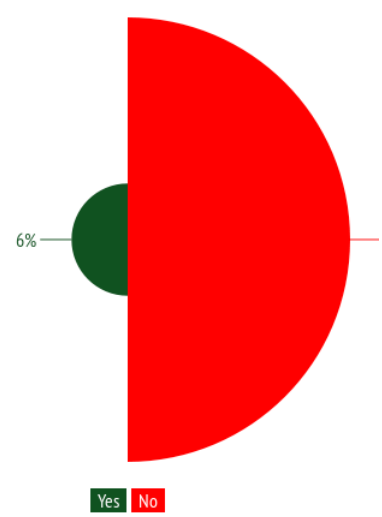
CORRUPTION PERCEPTION

Perceived current level of corruption

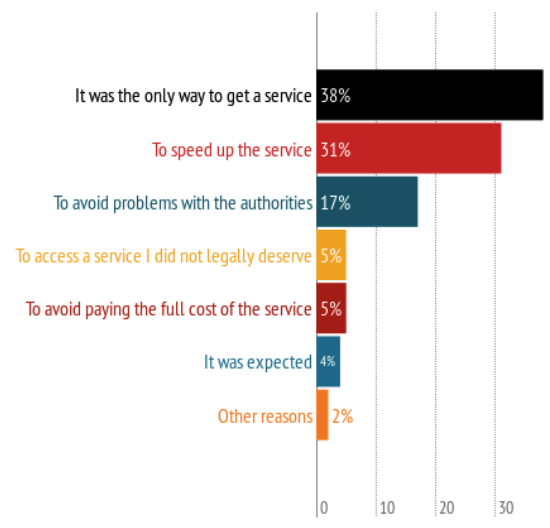


2014: Highlights of the findings in Kenya

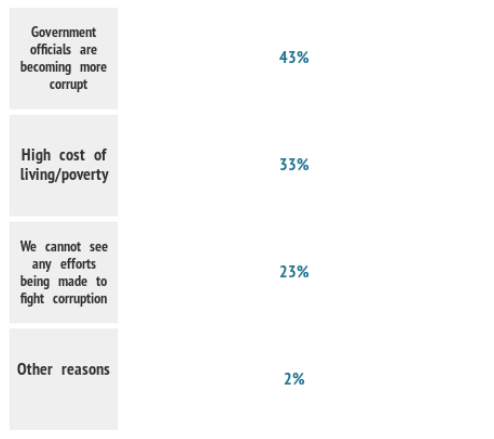
Reporting of bribery cases



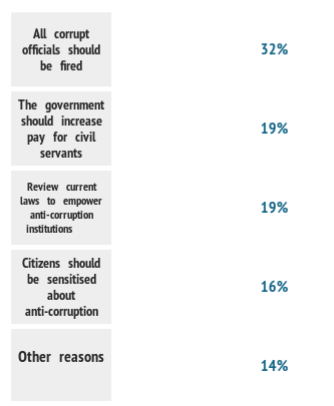
Reasons for paying bribes



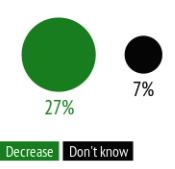
Reasons for projected increase in the level of corruption



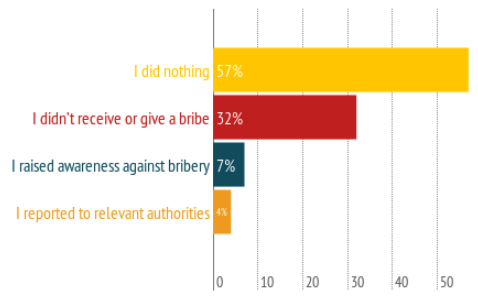
What is the most important action that should be taken in the fight against corruption?



Change in the next



Citizens' efforts in fighting corruption



THE DECLARATION AGAINST CORRUPTION

Corruption – the abuse of entrusted power for private gain – is wrong. It destroys the basic rights of hundreds of millions of people across the world, it has devastating consequences on the services provided by public institutions and it undermines the prospect of a better life for future generations.

I believe together we can work towards ending corruption, overcoming widespread injustice and impunity. Therefore I commit, wherever possible, to the following:

▶ I will not pay bribes

▶ I will not seek bribes

▶ I will work with others to campaign against corruption

▶ I will speak out against corruption and report on abuse

▶ I will only support candidates for public office who say no to corruption and demonstrate transparency, integrity and accountability

All forms of corruption must be ended to secure the basic rights of all people and ensure a world where everyone can live in dignity.

This Declaration against Corruption is consistent with and supportive of the Universal Declaration of Human Rights and the UN Convention against Corruption. It is also consistent with Transparency International's core values: Transparency, Accountability, Integrity, Solidarity, Courage, Justice, Democracy.

Advocacy and Legal Advisory Centre averts corruption at a school in Eldoret



An ALAC officer gives advice to a member of the public.

PHOTO: TI-Kenya

The Advocacy and Legal Advisory Centre (ALAC) Eldoret office, received a complaint from a member of the North Rift Coalition for Good Governance about a school that was about to pay for books not supplied.

The complainant, who is also a School Management Committee chair, provided documentary evidence of the subject transaction showing that the school was about to pay Ksh. 292,400 to a local supplier for stationery yet to be delivered.

Additionally, the head teacher colluded with Ministry of Education officials to inflate the number of students enrolled to 454 from the actual 250, to receive a higher allocation of free education funds from the government.

After ALAC's intervention, it was resolved that no payment should be made to the vendor unless he delivered the stationery and issued the school with an invoice.

Transparency International Kenya operates four Advocacy and Legal Advisory Centre (ALAC) to empower them to overcome these reasons for not reporting corruption. ALAC also offers a unique opportunity for the fight against corruption in Kenya as it gives opportunity to gather data on graft incidents in various public and private institutions.

To receive FREE advice on CORRUPTION related cases, you need to:

- Visit the ALAC office in your region
- Call/SMS the ALAC office in your region
- Email the ALAC office in your region
- Attend mobile legal clinics organized by ALAC
- Write a letter to the ALAC
- Contact TI-Kenya head office directly

By the Advocacy and Legal Advisory Centre (ALAC) Eldoret team

When you visit an Advocacy and Legal Advisory Center (ALAC) the ALAC officer will:

- Receive your complaint(s)/case(s) on CORRUPTION;
- Provide legal advice on the case(s);
- Refer the case to relevant institutions of Government and track the progress of the complaint(s) through an online complaints referral system.

FRAUD NEPOTISM PATRONAGE SYSTEMS BRIBERY
EXTORTION

BID ROTATION COLLUSION **BID SUPPRESSION**

COMPLEMENTARY BIDDING MARKET DIVISION UNBALANCED BIDDING

BID-RIGGING MANIPULATION OF BIDS
RIGGED SPECIFICATIONS

How corruption occurs in procurement

Bribery



Understood as an offer of money, goods or services in order to gain an advantage



Bid-rigging

Companies conspire to fix prices on goods and services to an increasingly high level



Fraud

Deceit, manipulation or distortion of information by a public officer with the intention to seek personal gain

Collusion



Contractors' cooperate with each other in order to coordinate markets, prices and production with the goal to increase their own profits by reducing competition



Nepotism

To favour friends or family when granting jobs or benefits



Extortion

Causing harm or threatening a person in order to gain something



Patronage system

Local public office holders grant favours, jobs and contracts in return for political support

ALAC Mombasa helps deliver parcel of land to Lunga Lunga residents



Residents of Lunga Lunga in Lunga Lunga Sub County, Kwale County are in line to become land owners after a 30 year wait.

These residents were turned into squatters in the early 1900s because the government leased the parcel of land they lived on to one Mr. Virji Parbart despite the fact that the land was occupied by local communities. Mr. Virji Parbart's leasehold on the land was for a 99 year period.

When the lease expired in 2014, Mr. Patel's associates wanted to renew it for a new leasehold period. They threatened to forcefully evict the inhabitants from the land. Among those affected was John Mutua*.

While advocating for the rights of the local people, Mutua's house was burned, he was beaten up leaving him with a fractured leg.

Mutua was later arrested and arraigned in court for trespass, the complainant being Mr. Virji

Parbart's associates. The case was however dismissed due to lack of evidence. He then reported the matter to the Advocacy and Legal Advisory Centre (ALAC) Mombasa to help secure the land.

ALAC assisted him to file a complaint to the National Land Commission and Kenya National Commission on Human Rights. Later, the National Land Commission published a notice indicating the lease would not be renewed and the land would be subdivided among the local community and residents who had living on the land.

These residents can now breathe a sigh of relief; justice was finally served after waiting for more than 30 years.

*Not his real name

By the Advocacy and Legal Advisory Centre (ALAC) Mombasa team

Advocacy and Legal Advisory Center (ALAC)

Advocacy and Legal Advisory Center (ALAC) is a walk-in, call-in center or mail in center where a citizen can obtain free and confidential advice on corruption cases.

TI-Kenya in collaboration with government commissions and coalition partners against corruption in Coast (Mombasa), North Rift (Eldoret), Western (Kisumu) and Nairobi regions are working to empower citizens to actively participate in the fight against corruption in Kenya.



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