

Kenya: Civil Society Report by Transparency International Kenya

An input to the UNCAC Implementation Review Mechanism:
First year of review of UNCAC Chapters II and V

7 November 2025

This is the executive summary of a civil society parallel report from November/December 2025 reviewing Kenya's implementation and enforcement of selected articles in UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the Global Civil Society Coalition for the UNCAC¹ and is intended as a contribution to the UNCAC peer review process of Kenya covering those two chapters. The full report is available on the Coalition's website.²

Kenya has made significant progress in developing a legal and institutional anti-corruption framework as mandated by UNCAC Chapter II.³ However, resource constraints, overlapping mandates and political interference continue to undermine the practical enforcement of key provisions under UNCAC Chapters II and V. While there are some avenues for public participation in legislative processes, civil society is facing concerning civic space restrictions.

Assessment of the Review Process

Did the government disclose information about the country focal point?	Yes	The country's focal point for the second review was under the Office of the Attorney General and the Department of Justice. ⁴
Was the review schedule published somewhere/publicly known?	No	From the Country Review Report, there is no indication that the review schedule was published or publicly known.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	The Country Review Report notes that civil society actors were consulted via the National Steering Committee on UNCAC Review, appointed by the Attorney General (Gazette

¹ Has been known as the UNCAC Coalition.

² UNCAC Coalition, Civil Society Parallel Report on Kenya, <https://uncaccoalition.org/uncacparallelreportkenya/>.

³ Including by:

- Enacting laws such as the Anti-Corruption and Economic Crimes Act;
- Establishing the Ethics and Anti-Corruption Commission (EACC);
- Establishing complementary bodies such as the Office of the Director of Public Prosecutions (ODPP), the Assets Recovery Agency (ARA), the Anti-Corruption and Economic Crimes Court Division within the judiciary, and the Financial Reporting Centre (FRC).

⁴ UNCAC Coalition, UNCAC Review Status Tracker, <https://uncaccoalition.org/uncacreviewstatustracker/>. Accessed 22 August 2025.

		Notice No. 7771, 18 August 2017.) ⁵ However, the society actors consulted were not listed.
Was the self-assessment checklist published online or provided to civil society?	Yes	The self-assessment checklist was not published online. However, it was made available to civil society before the country visit in June 2018. ⁶
Did the government agree to a country visit?	Yes	–
Was a country visit undertaken?	Yes	On 26-28 June 2018.
Was civil society invited to provide input to the official reviewers?	Yes	CSOs, academia, and the private sector.
Was the private sector invited to provide input to the official reviewers?	Yes	The private sector was invited to provide input to the official reviewers. ⁷
Has the government committed to publishing the full country report?	Yes	The full country report was published in 2019 at the UNODC website. ⁸

Main Findings and Recommendations (R)

Preventive Anti-Corruption Policies, Practices, and Bodies

Kenya has a strong legal foundation for corruption prevention through the Anti-Corruption and Economic Crimes Act and the establishment of the Ethics and Anti-Corruption Commission (EACC). Implementation is limited by insufficient financial and human resources, political interference, and inadequate cooperation from other agencies, including the Office of the Director of Public Prosecution. The EACC's limited power to enforce compliance with system review recommendations weakens its preventive role. A positive development is the EACC's May 2025 launch of the Practical Guide for Corruption Risk Assessment and Management⁹ for public and private entities, which provides a structured framework for identifying and managing corruption risks.

⁵ UNODC, *Kenya Country Review Report (2019)*, https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 22 August 2025.

⁶ UNCAC Coalition, *UNCAC Review Status Tracker*, <https://uncaccoalition.org/uncacreviewstatustracker/>. Accessed 22 August 2025.

⁷ UNCAC Coalition, *Africa Regional Overview: Taking Stock of Good Practices – the UNCAC and Beyond* (Aug. 2021), <https://uncaccoalition.org/africa-regional-overview-taking-stock-of-good-practices-the-uncac-and-beyond/#:~:text=In%20the%20second%20review%20cycle,in%20the%20second%20review%20cycle>. Accessed 22 August 2025.

⁸ UNODC, *Kenya Country Review Report (2019)*, https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 22 August 2025.

⁹ Ethics and Anti-Corruption Commission (EACC), *Practical Guide for Corruption Risk Assessment and Management by Public and Private Entities* (May 2025), <https://eacc.go.ke/en/default/wp-content/uploads/2025/05/EACC-CRA-GUIDELINE-.pdf>.

R: *Strengthen the EACC by increasing funding, providing modern investigative tools and training, enforcing compliance with audit and risk management recommendations, clarifying institutional mandates to avoid overlap, and improving inter-agency coordination.*

Public Sector Employment, Codes of Conduct, Conflicts of Interest, and Asset Declarations

Merit-based recruitment, asset declarations, and integrity vetting are legally mandated under the Leadership and Integrity Act and the Public Officer Ethics Act,¹⁰ which emphasize transparency and integrity in public office. The law defines a Code of Conduct for public officials and requires financial declarations from certain government representatives.

However, many high-ranking or politically influential officials evade scrutiny, such as the former Vice President, acquitted of corruption and embezzlement involving tens of millions of dollars.¹¹ This selective application creates legal loopholes and undermines public confidence. Asset declarations are not publicly accessible, and lifestyle audits remain rare.

R: *Pay particular attention to all politically exposed persons when enforcing the Leadership and Integrity Act and the Public Officer Ethics Act and make asset declarations publicly accessible.*

Political Financing

Kenya's Political Parties Act and Election Campaign Financing Act establish frameworks for disclosure and campaign finance regulation. However, the latter has never been fully implemented due to limited political will, weak enforcement by the Office of the Registrar of Political Parties, and poor public access to financial data.¹² Although political parties must submit annual accounts to the Registrar and Auditor-General, compliance remains minimal.

R: *Implement the Election Campaign Financing Act to regulate, manage, and ensure accountability of campaign funds during elections and referenda.*

Reporting Mechanisms and Whistleblower Protection

The Anti-Corruption and Economic Crimes Act¹³ offers limited protection for individuals reporting corruption to the EACC and provides an anonymous online platform. However, Kenya still lacks a comprehensive whistleblower protection law, as efforts such as the Whistleblower Protection Bill 2024 have repeatedly stalled in Parliament. Whistleblowers remain exposed to retaliation, including job loss, harassment, and threats. The 2023 National Ethics and Corruption Survey¹⁴ found that most Kenyans hesitate to report corruption due to fear of reprisals and low confidence in existing protections.

¹⁰ Kenya, *Public Officer Ethics Act 2003* (Cap. 185B) (Revised Ed. 2022), <https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PublicOfficerEthicsAct.pdf>.

¹¹ Mohammed Yusuf, "Kenyan deputy president ousted, but accountability for corruption remains elusive," *Reuters*, 18 Oct 2024, <https://www.reuters.com/world/africa/kenyan-deputy-president-ousted-accountability-corruption-remains-elusive-2024-10-18/>.

¹² TI-Kenya, *Joint Civil Society Statement on the Election Campaign Financing Standoff*, May 2023, <https://tikenya.org/wp-content/uploads/2023/05/JOINT-CIVIL-SOCIETY-STATEMENT-ON-THE-ELECTION-CAMPAIGN-FINANCING-STANDOFF.pdf>.

¹³ Ethics and Anti-Corruption Commission (EACC), *Anti-Corruption and Economic Crimes Act (ACECA) Guide* (June 2018), <https://eacc.go.ke/default/wp-content/uploads/2018/06/aceca.pdf>.

¹⁴ Ethics and Anti-Corruption Commission (EACC), *The National Ethics and Corruption Survey Report 2023* (Dec 2023), <https://eacc.go.ke/en/default/wp-content/uploads/2024/03/EACC-NATIONAL-SURVEY-REPORT-2023.pdf>.

R: *Adopt a comprehensive Whistleblower Protection Law and adequately resource the Witness Protection Agency to ensure independent, effective protection.*

Public Procurement

Kenya's Public Procurement and Asset Disposal Act align with international standards, emphasizing open and competitive bidding. The electronic procurement system and the Integrated Financial Management Information System (IFMIS) have improved transparency. However, collusion between officials and suppliers, opaque contract awards, delayed payments, and limited capacity within procuring entities continue to undermine integrity.

R: *Expand county-level oversight funding, train procurement officers, and strengthen the Public Procurement Administrative Review Board to handle disputes effectively.*

Management of Public Finances

Kenya's Public Finance Management Act supports transparency and accountability through IFMIS and prudent resource management. Nevertheless, weak fiscal discipline and oversight at the national and county levels contribute to inefficiencies and corruption risks.

R: *Enhance fiscal discipline by strengthening audit capacity, enforcing accountability, and improving budget execution transparency.*

Access to Information and Participation of Society

The Access to Information Act (2016)¹⁵ guarantees citizens' right to information from public and certain private entities and provides a framework for proactive disclosure and information requests. The EACC offers a toll-free line for reporting corruption and engages CSOs via the Kenya Leadership Integrity Forum.

Challenges include weak enforcement, limited public awareness, reluctance by agencies to disclose information proactively, and largely symbolic participation processes. Civil society faces political interference, limiting its role in transparency and accountability, as illustrated by the June 2024 civic protests against the Finance Bill 2024,¹⁶ which was subsequently withdrawn.

R: *Enforce the Act with penalties for non-compliance, support civil society and media independence, and institutionalize genuine public participation in policymaking.*

Judiciary and Prosecution Services

Kenya's judiciary has established specialized courts for economic crime and corruption, delivering several landmark rulings¹⁷ concerning corruption and abuse of office. However, inconsistent prosecutions, withdrawal of high-profile cases by the Office of the Director of Public Prosecutions (ODPP), political interference, insufficient funding, and limited capacity undermine accountability.

R: *Safeguard the resources and independence of the judiciary and ODPP.*

¹⁵ Access to Information Act No. 31 of 2016. Assented 31 Aug. 2016; commenced 21 Sep. 2016. Government of Kenya, <https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No. 31 of 2016.pdf>.

¹⁶ VOA News, *Kenya grapples with protests despite political unity efforts*, 30 December 2024, <https://www.voanews.com/a/kenya-grapples-with-protests-despite-political-unity-efforts-/7918553.html>.

¹⁷ Such as *Waititu v The Republic* [2025] KEHC 5678 (KLR) (Anti-Corruption and Economic Crimes Appeal E006 of 2025) (High Court at Nairobi, 8 May 2025), <https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/5678/eng@2025-05-08>.

Private Sector Transparency

The Bribery Act¹⁸ covers all bribery by Kenyan citizens in public or private entities and requires private entities to prevent and report it. However, anti-corruption awareness and enforcement in the private sector remain low, whistleblower mechanisms are weak, and data on private sector corruption prosecutions is limited.

R: *Ensure consistent enforcement of the Bribery Act across all private entities and establish robust whistleblower protection mechanisms.*

Anti-Money Laundering

The Proceeds of Crime and Anti-Money Laundering Act (POCAMLA)¹⁹ established the Asset Recovery Agency (ARA), responsible for asset tracing and recovery, and the Financial Reporting Centre (FRC), which detects illicit financial flows and combats money laundering and terrorism financing. ARA has effectively applied civil forfeiture provisions to recover illicit assets through court proceedings and limit suspects' access. Challenges include limited resources, few investigators nationwide, political interference, and threats from suspects.

R: *Adequately fund the ARA and FRC to ensure full enforcement of POCAMLA, and update legislation to address emerging digital trends such as virtual assets.*

Measures for Direct Recovery of Property

POCAMLA allows mutual legal assistance in asset recovery, including freezing, confiscation, and recognition of foreign confiscation orders. For example, in one case from 2020,²⁰ the High Court preserved over KES 62 million (USD 476,566)²¹ linked to fraudulent transactions.

R: *Strengthen direct recovery mechanisms to ensure efficient tracing, freezing, and restitution of assets, preventing diversion or misuse.*

International Cooperation for the Purpose of Confiscation

Kenya allows victims of corruption, including foreign jurisdictions, to claim restitution. Civil forfeiture and collaboration with countries such as the UK, Switzerland, and Jersey have established a framework for the accountable return and use of assets.²² Challenges remain due to limited investigative capacity and poor public reporting.

R: *Adopt a national policy on recovered asset use with strong public oversight to ensure funds benefit citizens and are not diverted back into corruption networks.*

¹⁸ Bribery Act No. 47 of 2016 (23 Dec. 2016),

<https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No.47%20of%202016.pdf>.

¹⁹ Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009 (Revised 2022), <https://www.frc.go.ke/wp-content/uploads/2024/02/Proceeds-of-Crime-and-Anti-Money-Laundering-Act-No-9-of-2009-Revised-2022.pdf>.

²⁰ Asset Recovery Agency v. Abdi Ali Mohamed & Another [2020] KEHC 5678 (KLR), <https://assetsrecovery.go.ke/cases/assets-recovery-agency-v-abdi-mohamed-ali-another-2020-eklr/>.

²¹ Exchange rate as of 5 November 2025: 1 Kenyan Shilling (KES) = 0.00773 US Dollar (USD), converted using OANDA Currency Converter, <https://www.oanda.com/currency-converter/en/>.

²² Basel Institute on Governance, FRACCK agreement with Kenya illustrates that partnership is essential when the disposal of confiscated assets should benefit development, 16 May 2019, <https://baselgovernance.org/news/frackk-agreement-kenya-illustrates-partnership-essential-when-disposal-confiscated-assets>.