

**13. What is the punishment for corruption?**

A perpetrator of corruption can be taken to a court of law, and fined or even imprisoned depending on the magnitude of his/her actions.

**14. Why has the level of corruption in the county not decreased despite the various anti-corruption measures undertaken?**

Corruption has not decreased due to various factors. These include sabotage by the corrupt and influential individuals, and non-reporting of corruption incidents by the public. Apathy has also contributed to this situation since the public has developed a negative attitude that corruption is unbeatable.

**15. What can be done to build integrity among future generations?**

Young people in primary and secondary schools, and institutions of higher learning should be taught about corruption, its effects and how they can be part of the fight against graft. Citizens also have a responsibility to instill values that negate corruption among children and the youth such as honesty, patience, compassion for other people and discipline in the management of resources.

**16. How can I report instances of corruption or mismanagement if I have witnessed but lack documentary evidence?**

To report corruption, you can contact the Ethics and Anti-corruption Commission (EACC).

The Commission is mandated to carry out investigations concerning corruption cases. These investigations are aimed at collecting evidence to support corruption cases.

You can also contact TI-Kenya's Advocacy and Legal Advisory Centres (ALACs). ALAC will receive your complaint and refer it to the Ethics and Anti-corruption Commission (EACC) on your behalf electronically.

**17. Are there specific people who should report corruption?**

No. The fight against corruption is a collective effort. Anyone can report acts of corruption. Reporting corrupt officials is not a responsibility of a selected few but belongs to every Kenyan. This is because Kenya is our country and we should all aspire to make it a better place to live in.

**18. What is Transparency International Kenya? How does it take part in the fight against corruption?**

Transparency International Kenya is a Kenyan, not-for-profit organisation that advocates for a transparent and corruption-free country, and works to promote good governance and social justice. It is an autonomous affiliate of Transparency International, a global anti-corruption movement.

Corruption can only be kept in check if representatives from the government, private sector and civil society, and the public, work together to follow and enforce the set standards and procedures.

TI-Kenya's main approach in fighting corruption is advocacy. Advocacy efforts are complemented by research, working with others through partnerships, capacity building and civic engagement.

TI-Kenya provides FREE legal advice on **CORRUPTION** related cases through its **Advocacy and Legal Advisory Centres**. You can contact TI-Kenya's anti-corruption helpline by calling **0800 720 721** OR text **22129**. The calls and SMSs are FREE of cost to Safaricom subscribers. TI-Kenya assures anonymity and confidentiality to anyone who reports corruption.



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To report and receive free and confidential advice on corruption related cases,  
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# Frequently Asked Questions on Corruption



## FREQUENTLY ASKED QUESTIONS ON CORRUPTION?

### 1. What is corruption?

Corruption is the abuse of entrusted power for private or personal gain. Corruption can be of three types; grand corruption, petty corruption and political corruption, depending on the amounts of money lost and the sector where it occurs.

### 2. What are the causes of corruption?

Even though we cannot exactly point to one specific reason as to why societies are plagued by corruption, the following are some of the causes of corruption:

- **Impunity** - This refers to the freedom from being punished for doing something wrong. This causes corruption as the perpetrators of corruption are not afraid to suffer the consequences of their actions.
- **Greed, selfishness and excessive love of material things** - These are inner personal qualities that drive people to be corrupt. This is influenced by the desire to selfishly acquire more resources at the expense of more deserving people. It is caused by lack of values that considers the welfare of other people.
- **Nepotism, favouritism and tribalism** - These are causes of corruption when

individuals unfairly give preference to individuals or groups that they know or are connected to, thereby discriminating others who could be more deserving.

- **Abuse of power** – This is improper use of public authority or position for illegitimate personal gain.
- **Lack of political will, transparency and accountability** - This is as a result of the government not showing support for anti-corruption by putting in place mechanisms and frameworks of punishing public officers involved in the vice, and institutions that are mandated to provide checks and balances on the government fail in their duty to do so.

### 3. What are the different kinds of corruption?

- **Grand corruption**-These are acts committed at high levels of the government that distort policies or the central functioning of the State, enabling leaders to benefit at the expense of the public good.
- **Petty corruption** -This refers to everyday abuse of entrusted power by low and mid-level public officials in their interactions with ordinary citizens in places like

hospitals, schools, police departments and other public service agencies.

- **Political corruption** is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.

### 4. How does corruption manifest?

Corruption commonly manifests as:

- **Bribery** - Bribery involves giving a benefit in order to influence an action or a decision. A bribe is meant to be an inducement, and it can be in many forms e.g. money, shares in a company, some useful inside information, sexual favours, employment among others. Bribery occurs when a person dishonestly gives or receives a benefit as an inducement or reward for omission or commission.
- **Fraud** - Fraud refers to a situation where a person intentionally makes a false statement or manipulates information in order to benefit oneself or other person(s) through dishonesty, deceit or trickery. Fraud is a crime that involves cheating in order to get money or goods in an illegal

manner. Examples of fraud:

- Creating artificial or false expenses
- Falsifying accounts records
- False claims for goods, services or travel expenses
- **Embezzlement** : Embezzlement includes:
  - Withdrawing and using, for private purposes, public money that one is responsible for
  - Using public funds to buy or improve private property.
  - Stealing or selling part of a relief donation that one is entrusted with
  - Using employment related property for private purposes.
- **Abuse of office** - Abuse of office is when one uses public office to improperly award a benefit to him/herself or another person.
- **Conflict of interest and bid rigging in public procurement** - A public official commits the offense of conflict of interest if he/she has a direct or indirect private interest in a decision that he/she is involved in making. The public official fails to disclose it and votes and still participates in decision making. This is more pronounced in the procurement of goods and services.
- 5. **Have we devolved corruption?**

There are fears that the corruption that was experienced at the national government is being replicated at the county governments. Preliminary reports indicate lack of proper mechanisms to prevent corruption at the

county government level. Corruption may manifest itself through misuse of public funds, flawed tendering processes, abuse of power, blackmail and extortion by public officers.

### 6. How does corruption affect devolution?

Corruption slows down and impedes service delivery, and makes it more expensive to get basic services. Corruption also leads to wastage of resources meant for development projects and service delivery in the counties. Reports of corruption at the county level may also lead to a loss of public confidence in devolution.

### 7. Whose responsibility is it to eliminate corruption?

The responsibility to eliminate corruption is a collective effort that includes you, the Kenyan citizen.

Among the institutions involved in anti-corruption efforts include: The Ethics and Anti-Corruption Commission, National Police Service, Office of the Director of Public Prosecution, Judiciary, Commission on Administrative Justice (Office of The Ombudsman), Office of the Auditor General, the Executive, the Legislature, the media, civil society and private sector.

However, these institutions cannot be fully effective unless Kenyan citizens at all levels

play their role by conducting themselves with integrity, report corruption wherever they witness it and demand accountability from those holding public office.

### 8. What are the effects of corruption?

**On the political front**, corruption is an obstacle to democracy and the rule of law. In a democratic system, offices and institutions lose their legitimacy when they are misused for private advantage. This is harmful in established democracies, more so in newly emerging ones. It is extremely challenging to develop accountable, political leadership in a corrupt climate.

**Economically**, corruption depletes national wealth. Corrupt politicians influence the investment of scarce public resources in projects that can line their pockets rather than benefit communities, and prioritise high-profile projects such as dams, power plants, pipelines and refineries over less spectacular but more urgent infrastructure projects such as schools, hospitals and roads. Corruption also hinders the development of fair market structures and distorts competition, which in turn deters investment

**Corruption corrodes the social fabric of society.** It undermines people's trust in the political system, in its institutions and its leadership. A distrustful or apathetic public

can then become yet another hurdle to fighting corruption.

**Environmental degradation** is another consequence of corrupt systems. The lack or non-enforcement of, environmental regulations and legislation means that precious natural resources are carelessly exploited, and entire ecological systems are ravaged. From mining, to logging, to carbon offsets, companies across the globe continue to pay bribes in return for unrestricted destruction.

Corruption affects everyone. Corruption causes:

- Low quality of infrastructure and public services
- Low investment and retards economic growth.
- Distortion of the composition of government expenditure. Corruption may tempt government officials to choose government expenditure less on the basis of public welfare than on the opportunity they provide for extorting bribes. Large projects whose exact value is difficult to monitor may present lucrative opportunities for corruption.
- Low investments from both foreigners and locals, with citizens being forced to pay for debts the country incurs as a result of economic crimes among others.

### 9. Where does corruption thrive?

Corruption is most rampant in places where there is reluctance in the leadership to tackle it, and where institutional checks and balance of power are missing.

Corruption = monopoly + discretion - accountability  
This formula suggests that corruption tends to be high where public officials have monopoly on the exercise of power, with a high degree of discretion and limited accountability.

### 10. Am I corrupt if I offer a bribe when it has been demanded by a public officer?

Receiving or offering a bribe constitutes an act of corruption. Both parties have contributed to corruption and hence they have committed a criminal offence in which they are all individually liable. An individual is deemed to be corrupt when he/she engages in corrupt conduct by colluding with a public official in undertaking corrupt conduct.

### 11. What do anti-corruption bodies do to fight corruption?

There are various methods used by anti-corruption bodies to fight corruption. These include:

• Oversight - This is the process of independently monitoring and investigating, internally or externally, the operations and activities of an institution to ensure accountability and efficient use of resources.

• Civic education - This involves public awareness creation and training on how to act against corruption.

• Prevention – This includes programmes and activities aimed at inhibiting corruption and could include research, policy formulation and reforms.

• Enforcement - This involves investigation of corruption and corruption related matters, prosecution and punishment of those found guilty of corruption offences.

• Asset recovery - This involves recovering property that was acquired corruptly.

### 12. Should we as citizens blame the government for all the corruption practices taking place in the country?

Some of the acts of corruption, for example giving and receiving bribes, are committed by members of the public. We as citizens should be ready to take responsibility for our actions. Also, the government conducts business with the private sector players, who may have a role to play in corruption incidents.