



A Corruption-free Society

PRESS RELEASE

2023 CORRUPTION PERCEPTIONS INDEX REVEALS HOW THE WEAKENING OF JUSTICE SYSTEMS IS LEAVING CORRUPTION UNABATED

Nairobi – Kenya: Tuesday, 30 January 2024: The [2023 Corruption Perceptions Index \(CPI\)](#) released worldwide today by [Transparency International \(TI\)](#), the global civil society organisation leading the fight against corruption, reveals that most countries have made little to no progress in tackling corruption in more than a decade, amidst weakening justice systems across the world that continue to leave corruption unchecked.

The report highlights a clear connection between access to justice and corruption, as most countries experiencing dysfunctional justice systems score lowest in the [Rule of Law Index](#), and are also scoring very low on the CPI 2023. Both authoritarian regimes and democratic leaders undermining justice contribute to increasing impunity for corruption and in some cases, even encourage it by removing consequences for wrongdoers. “Corruption will continue to thrive until justice systems can punish wrongdoing and keep governments in check,” François Valérian, Chair of the TI International Board said. “When justice is bought or politically interfered with, it is the people who suffer. Leaders should fully invest in and guarantee the independence of institutions that uphold the law and tackle corruption. It is time to end impunity for corruption.”

Global Highlights

The CPI uses a scale of 0-100 (where 100 is the cleanest and 0 is the most corrupt). Countries and territories are ranked based on their perceived levels of public sector corruption. The report is a composite index, a combination of surveys and assessments of corruption which is collected by a variety of reputable institutions. The 2023 edition of the CPI ranked 180 countries and territories by their perceived levels of public sector corruption, drawing on 13 expert assessments and surveys of business executives. Denmark, Finland, and New Zealand topped the index, with 90, 87, and 85 points respectively while Somalia, Venezuela, Syria and South Sudan fell at the bottom with scores of 11, 13 and 13, respectively. More than two-thirds of countries scored below 50 out of 100.

Regional Outlook

Kenya obtained a score of 31 out of 100, a decline from a score of 32 points in 2022 and is ranked position 126 out of the 180 countries and territories assessed. Kenya's score (31 points) fell below the Sub-Saharan average score of 33 and the global average score of 43 (a score below 50 indicates serious levels of public sector corruption). Rwanda tops the East African region with 53 points compared to 51 points in 2022, Tanzania scores 40 from 38, Uganda maintains a score of 26, and Burundi has 20 from 17 points in CPI 2022. Countries that scored above the global average from the Sub-Saharan Africa region included Seychelles (71 points), Cabo Verde (64 points), Botswana (59 points), Rwanda (53 points), Mauritius (51 points), Namibia (49 points), and São Tomé and Príncipe (45 points).

Kenya's Performance Across the Years.

In comparison to CPI 2022, Kenya dropped by one score from 32 to 31 points. The 5-year trend analysis shows that Kenya had a change of three scores between 2019 (28 points) and 2023 (31 points). On the 10-year trend analysis, Kenya has had a change of four scores between 2013 (27 points) and 2023 (31 points). However, there have been fluctuations in between the years with 2014 and 2015 recording the lowest scores at 25 points, and the highest score being recorded in 2022 at 32 points.

Kenya's slight decline in the CPI 2023 compared to the CPI 2022 can be attributed to a dearth of successful prosecutions in graft cases witnessed in the recent past, with a number of cases either dragged inordinately, withdrawn by the prosecution or resulted in acquittals with no publically known efforts to review the withdrawn cases or appeal the cases lost. One glaring example is the bungled Ksh 63 billion Aror-Kimwaror dam graft case, which is one among the several mismanaged cases that are seemingly part of a broader pattern of controversies that have plagued the Office of the Director of Public Prosecutions (ODPP) in the recent past. Such controversial collapse of cases has eroded public confidence in ODPP's ability to uphold the rule of law and tame corruption. Such aberrant actions by ODPP prompted the [National Integrity Alliance](#) to [petition for the removal of the former DPP](#). In addition, TI-Kenya and its partners [sued prosecutors](#), Geoffery Obiri and Oliver Mureithi, for mishandling the KSh 63 billion Aror and Kimwarer dams' case.

Additionally, attempts to water down some of the anti-corruption laws such as the proposals

fronted last year by some legislators to repeal certain provisions of the anti-corruption legislation including the Anti-Corruption and Economic Crimes Act (ACECA), 2003 – legislation that governs the investigation, prosecution and punishment of corruption and economic crimes. Amendments which, if implemented, could have undermined transparency, accountability, and the rule of law, and eroded public trust, ultimately encouraging corruption and reinforcing networks of impunity.

Besides, the continued [appointment of individuals with tainted integrity](#) and persons accused of corruption to the helm of public service administration at both national and county levels continue to undermine the fight against corruption.

TI-Kenya proposes the following actions to tackle corruption in Kenya

1. Independence of the judiciary: Upholding the independence of the judiciary is critical in every functioning democracy and effort in the fight against graft. The judiciary not only needs financial autonomy, it also needs functional independence free from attacks and interference from the other arms of government. In Kenya, the recent accusations by the President and some political leaders, of corruption within the Judiciary, have ignited a deep sense of concern regarding the integrity of Kenya's legal system. While it is crucial to address any malfeasance within the judiciary, it is equally imperative to ensure that the process of demanding and entrenching accountability adheres strictly to established constitutional and legal frameworks. “Preserving the independence of the judiciary is paramount, and any investigation into allegations of corruption should be conducted transparently, impartially, and with utmost respect for due process,” Sheila Masinde, Executive Director, Transparency International Kenya said. “The goal should not only be to address concerns within the Judiciary but also to establish a comprehensive system of accountability that transcends all arms of the government. Specifically, within the criminal justice system, measures must be taken to enhance transparency, strengthen oversight, and foster a culture of integrity to rebuild public trust in the criminal justice process.”

2. Application of leadership and integrity standards: The courts must be resolute to help ensure that justice is served, and individuals whose conduct offends the Constitution and other laws are barred from holding public office. The courts must now ensure strict enforcement of the provisions of Chapter Six of the Constitution by developing clear standards for determining breaches of integrity and applying these standards consistently in their decisions. Further, the courts should ensure that cases involving allegations of lack of integrity and corruption are

resolved quickly and impartially. This will deter individuals with questionable integrity and those convicted of corruption from ascending to public office.

- 3. Professional prosecution of corruption cases:** The ODPP must ensure that it upholds the highest professional standards in its handling of cases. In doing so, it must ensure that cases brought before the court are properly investigated and analysed to ascertain that they meet the evidentiary threshold for a conviction beyond reasonable doubt. This will avoid instances of cases being withdrawn midway after another analytical expedition by the DPP reaches a different conclusion on the same evidence. It will also avoid instances where the prosecution seemingly loses interest in cases and fails to vigorously and diligently prosecute them. The institution must also take responsibility to ensure due regard for public interest, the interest of the administration of justice, and the prevention and avoidance of abuse of the legal process.
- 4. Punishing corruption:** Ensuring that Kenya's legal system makes corruption expensive and unattractive for perpetrators by facilitating quicker adjudication of corruption cases, the imposition of stiff fines, and mandatory jail sentences. Such punishment, as a deterrent to corruption and for breach of the leadership and integrity tenets in Kenya needs to be made a high-risk activity – so high risk that the perpetrators will be caught and severely punished, irrespective of their status or standing in society.
- 5. Entrenching a culture of ethics in the public service:** Investing in continuous ethics conscientisation for public officials is crucial and mandatory, to inculcate and emphasise the importance of upholding integrity, honesty, and responsibility in the execution of public duties, principles of governance and national values which bind all state organs, state and public officers as set out in the Constitution of Kenya 2010, specifically Articles 10 on the national values and principles of governance, 73 on responsibilities of leadership, 74 on oath of office of State officers, 75 on conduct of State officers, and 232 on values and principles of public service. The conscientisation efforts should not only focus on legal obligations but also cultivate a strong ethical mindset, ensuring that public officials understand the profound impact their actions have on public trust, public resource management and national development.
- 6. Public awareness on the effects of corruption and social behaviour change:** The public needs

to be made aware of the effects of corruption to make more objective and thoughtful choices, especially during elections. Corruption, impunity and abuse of office are largely manifested and enabled by a country's leadership. The last general elections saw several individuals who were facing criminal cases in court, and others who have been adversely mentioned by credible investigative reports and are publicly known to have breached constitutional ethics being elected into office or appointed to public service. This requires massive public awareness and engagement to ensure that the public provides the first and most important safeguard to leadership.

Note to the Editors

- [Transparency International Kenya](#) is a not-for-profit organisation founded in 1999 in Kenya with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International movement that are all bound by a common vision of a corruption-free world.
- The CPI is the flagship research product of Transparency International, the global civil society organisation leading the fight against corruption for more than 25 years.
- Since its inception in 1995, the Corruption Perceptions Index has become the leading global indicator of public sector corruption. The index offers an annual snapshot of the relative degree of corruption by ranking countries and territories from all over the globe. In 2012, Transparency International revised the methodology used to construct the index to allow for the comparison of scores from one year to the next. For more information, visit www.transparency.org/research/cpi.
- Data Sources: The CPI 2023 is calculated using 13 different data sources from 12 different institutions that capture perceptions of corruption within the past two years. Nine data sources were used for Kenya in 2023 including the African Development Bank CPIA, Bertelsmann Foundation Sustainable Governance Index, Economist Intelligence Unit Country Ratings, Global Insight Country Risk Ratings, World Bank CPIA, World Economic Forum EOS and World Justice Project Rule of Law Index.

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