



TRANSPARENCY
INTERNATIONAL
KENYA

ANNUAL INSTITUTIONAL REPORT

2022 - 2023



SCAN ME

Every effort has been made to verify the accuracy of the information contained in this report.

All information was believed to be correct as of September 2023. Nevertheless, Transparency International Kenya cannot accept responsibility for the consequences of its use for other purposes or in other contexts. For further information, comments or suggestions on the TI-Kenya Annual Institutional Report 2022 -2023, please contact:

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ACRONYMS

ACECA	Anti-Corruption and Economic Crimes Act
ALAC	Advocacy and Legal Advice Center
A4T	Action for Integrity
APNAC	African Parliamentarians Network Against Corruption
BO	Beneficial Ownership
BRS	Business Registration Service
CAJ	Commission on Administrative Justice
CBEF	County Budget and Economic Forum
CIDP	County Integrated Development Plan
CSPEN	Civil Society Parliamentary Engagement Network
DCI	Directorate of Criminal Investigations
CAA	Citizen Accountability Audit
CBO	Community Based Organization
CGSR	County Governance Status Report
CSO	Civil Society Organization
IDUAI	International Day for Universal Access to Information
IEBC	Independent Electoral and Boundaries Commission
IFFs	Illicit Financial Flows
IMF	International Monetary Fund
KNEC	Kenya National Examination Council
KNHRC	Kenya National Human Rights Commission
KRA	Kenya Revenue Authority
LSK	Law Society of Kenya
MOU	Memorandum of Understanding
MP	Member of Parliament
NAP	National Action Plan
NCIC	National Cohesion and Integration Commission
NEMA	National Environmental Management Authority
NIA	National Integrity Alliance
NTSA	National Transport and Safety Authority
OAG	Office of the Auditor General
ODPP	Office of the Director of Public Prosecutions
OGP	Open Government Partnership
PIL	Public Interest Litigation
UNESCO	United Nations Educational, Scientific and Cultural Organization

Our Identity and Aspirations

TI-Kenya was founded in 1999 in Kenya as a not-for-profit organisation to develop 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 (TI) movement that is bound by a common vision of a corruption-free world. The global movement provides a platform for sharing knowledge and experience, as well as developing strategies to respond to regionally distinct patterns of corruption. The organization has extensive experience in governance work at the National and County levels. These include direct engagement with the government, the private sector, individuals, and groups. TI-Kenya uses advocacy as its signature approach, complemented by other approaches such as development of partnership, research, capacity building, and civic engagement.

TI-Kenya has its main office in Nairobi and regional presence in the Coast, Rift Valley, the larger Western Kenya, and Eastern Kenya through its four Advocacy and Legal Advice Centres (ALACs) in Nairobi, Mombasa, Eldoret and Kisumu. TI-Kenya also implements programmes in other countries within the East African region in collaboration with other TI chapters and national Civil Society Organizations.

Vision :

A corruption-free Society

Mission :

To champion the fight against corruption by promoting integrity, transparency, and accountability in both public and private spheres.



Strategic Areas of Focus:

TI-Kenya's work over the reporting period was anchored on the following strategic focus areas:



Citizen Demand & Oversight

This strategic area focusses on concerns around inadequate enforcement of constitutional and legal provisions on leadership, integrity, and anti-corruption; normalisation of corruption at individual and societal levels; corrupt, unethical, and unaccountable leadership; and inefficient, ineffective, and non-responsive public service delivery and humanitarian aid systems.



Natural Resources & Climate Governance:

This strategic pillar deals with mis-governance of natural resources and environment; corruption; inadequate knowledge/ information; as well as non-transparent natural resources and climate governance processes. The priority sectors that this pillar focusses on include Land, Extractives, Environment, Energy, and Blue Economy.



Public Finance Management:

This focus area pays attention to transparency of public procurement processes; illicit financial flows; efficiency of public spending; and quality of financial oversight systems. The key sectors are Health, WASH, Education, and Public Finance, while the natural resources sector is integrated.



Institutional Development:

This strategic focus area builds upon TI-Kenya's track record while further developing its internal capacities and sustainability. It strengthens the quality of human resources and governance/ oversight; internal organisational systems and structures; PMERL; ICT, media, and strategic communications; as well as institutional and financial resilience.

Board of Directors

Mrs. Bernadette W. Musundi,

Chair, Board of Directors

Mrs. Bernadette W. Musundi is the Chair of the Board of Directors at TI-Kenya, a position she was elected to in 2017. She is a former Permanent Secretary in the Office of the Vice President and Ministry of Home Affairs, Heritage, and Sports. During her service in the Government of Kenya, she played a key role in spearheading reforms in the prison department and policies that concern gender development and children's welfare. She was instrumental in the coordination of administrative steps which led to the establishment of the Children's Act and initiated the development of the national sports policy framework. She also served as the Vice President of the International Co-operative Alliance's (ICA), Global Women Committee which developed the policy framework for women in the cooperative movement. She sits on several boards of directors, among them as a Trustee of the Kianda Foundation; and is the current Chair of the Strathmore University Council. She was also the founding Chairperson of Regina Pacis College Board - a constituent College of Catholic University of Eastern Africa (CUEA). Mrs Musundi also served as the National Chair of the Trefoil Women's Guild, Girl Guides Association and as Chair of the Board of Governors for Highridge Teachers College. Mrs Musundi twice served as the Executive Director of the Maendeleo Ya Wanawake Organization (MYWO), among the largest women's NGOs in Eastern Africa. In October 2016, Mrs. Musundi was appointed and subsequently elected Chair of the Recruitment Panel for the Chairman and Commissioners of the Independent Electoral and Boundaries Commission (IEBC). She is a holder of a Bachelor of Arts and Master of Arts in Co-operative Management. She has also undertaken many professional courses in policy development, management, and adult education both locally and internationally.

Ms. Eva Wangui

Ms. Eva Wangui is a business leader with over 20 years' experience in telecommunications, mobile financial Services, manufacturing industries and consultancy. She has previously worked with Diageo for over 15 years rising to the level of Head of Finance, Bharti Airtel Ltd as the Finance Director and served as Cluster Finance Head – Kenya and Tanzania in Safal Group. She is well-versed in Financial Reporting and Analytics, Commercial Finance, Project Management, Board Representations, Business Re-engineering, Controls and Governance, Working Capital Optimization, External Stakeholder Engagements and Talent Leadership. Ms. Wangui holds a Master's degree in business administration from East and Southern Africa Management Institute (ESAMI), Bachelor of Commerce – First Class Honors (Marketing Option), from KCA University, Advanced Management Programme (AMP) from IESE Business School (Spain) and Strathmore Business School (Kenya), Certified Public Accountant of Kenya (CPA K). She joined the TI-Kenya Board of Directors in January 2020

Dr. Bedan Lyanda Musima

Dr. Bedan Lyanda Musima is the founder and managing director of The Dental & Maxillofacial Imaging Centre Ltd (DAMIC). He is also the founder and chief clinical lead of a multidisciplinary dental centre, Dr Musima and Associates Ltd. He has a wealth of experience in the medical industry having previously worked at Dental Place Ltd, Upper Hill Medical Centre as an associated dentist and at the University of Pretoria, Department of Orthodontics as a Postgraduate registrar. He holds a Master of Clinical Dentistry (MClinDent), Orthodontics and Dentofacial Orthopedics from the BPP University, United Kingdom, Bachelor of Dental Surgery (BDS) from the University of Nairobi, Kenya, Diploma in Orthodontics (DOOrth) from the University of Pretoria, South Africa, and a Postgraduate Diploma in Dentistry (PDD) Implantology from The University of Western Cape, South Africa. Dr. Musima is a member of the British Orthodontic Society, International Association of Dental Research (IADR), American Dental Association (ADA), Kenya Dental Association (KDA) and the Kenya Hospital Association (KHA). He joined the TI-Kenya Board of Directors in January 2020.

Mr. James Muthui

Mr. James Muthui is an Advocate of the High Court of Kenya having been admitted in 2003. He has vast legal experience in commercial and civil litigation in land disputes, intellectual property, banking law, environmental conservation law, judicial review, employment disputes, debt collection, arbitration, and mediation. He is currently a partner at Kaplan and Stratton Advocates. He holds a Bachelor of Law degree from The University of Nairobi. He is a member of the Law Society of Kenya, Chartered Institute of Arbitrators, and International Bar Association. Mr. Muthui is a Commissioner of Oaths (2007) and a Patent Agent, Kenya Industrial Property Institute (2012). He joined the TI-Kenya Board of Directors in February 2020.

Ms. Samira Mary Leakey

Ms. Samira Mary Leakey is a Writer, Editor, Communications and Public Affairs specialist. She has conducted independent consultancies in communications and project management fields with the Turkana Basin Institute, the African Conservation Fund, World Bank, Institute of Economic Affairs, African Medical and Research Foundation and the UNDP Global Environment Facility, Africa Bureau. She co-authored the autobiographical book of Meave Leakey's Life - in Search of Human Origins. Ms. Samira holds a Master's degree in Public Affairs – International Development Policy Focus from Princeton University, and a Bachelor of Arts in Politics from The University of London, School of Oriental and African Studies. She joined the TI-Kenya Board of Directors in February 2020.

Sheila Masinde

Sheila Masinde has over 20 years' of work experience in media, outreach, governance, and programme management. She joined TI-Kenya in 2014 from BBC Media Action (British Broadcasting Corporation's international development charity) where she was the Communications and Training Manager. She first worked for Transparency International Kenya from 2009 to 2012 as the Advocacy and Communications Programme Officer. She has also worked at the Nation Media Group as a radio news presenter for Easy FM and online sub-editor, and I Choose Life as a Programme Trainer and Assistant Programme Manager. She also sits on the board of the Global Compact Network Kenya and serves in the Programmes Committee, and the National Taxpayers' Association Governing Council. She studied in Kenyatta University and the School of Journalism, University of Nairobi. She serves as the secretary to the Board of Directors since January 2020.



*Mrs. Bernadette W. Musundi,
Chair, Board of Directors*

Foreword

This reporting period marked the first year of implementation of the 2022-2026 strategic plan (Action for Integrity). It is the period within which we laid the foundation for our anti-corruption work for the plan. It is also the period within which we reorganised our internal processes to align with the new strategy. This period was characterised by high-voltage politics and disruptions emanating from the August 2022 general elections. It was also marked by

economic upheavals as the country continued to recover from the Covid-19 pandemic, electioneering period, and severe drought. Nevertheless, our organisation's advocacy work continued amid internal efforts to adapt to the contextual changes.

Under the Citizen Demand and Oversight programme, we embarked on influencing positive behaviour to embed anti-corruption work within society and ensure the sustainability of our interventions. We worked with different citizen interest groups including farmers, health practitioners, creatives, faith-based organisations, self-help groups, local CBOs, and media among others to drive change at the grassroots level. To build momentum on anti-corruption work, we strengthened grassroots anti-corruption actors as well as supported existing local and national anti-corruption movements. These movements have formed the backbone of the anti-corruption fight at the county and national level by providing a critical advocacy mass as well as a safety net against threats to civic space and freedom. We embarked on awareness creation through physical as well as media-aided public awareness campaigns, outreach activities, commemoration activities and legal aid clinics reaching over 10 million citizens with anti-corruption messages. Through our Public Interest Litigation work, we have promoted integrity standards, adherence to the rule of law and ethical values in public service.

Under the Natural Resources and Climate Governance pillar, TI-Kenya supported the review of policy and legislative framework to ensure more effective governance of natural resources. Further, we supported local and national level policy dialogues on extractives in which key policy issues were discussed and recommendations adopted to improve the natural resource policy framework. Equally, the organisation participated in country and continental learning forums, illuminating mining issues at national and regional levels while picking valuable lessons and best practices for adoption within our institutional programme work. To ensure communities around mining areas fully benefit from the extractive resources, we capacity-built communities around mining areas in Turkana, Taita Taveta and Kwale on the existing policy and legislative framework, responsible mining practices, as well as associated corruption risks and mitigation measures.

Under the Public Finance Management pillar, we have strengthened the capacity of citizens to engage in public participation processes, procurement and budget tracking,

and monitoring of public service delivery. Through these capacity-strengthening efforts, citizens have engaged in procurement and budget monitoring, project monitoring as well as public participation processes raising critical service delivery issues for county action. Our organisation has engaged in heightened advocacy on the Finance Act 2023 through public awareness, engagement of parliament as well as public interest litigation to ensure it complies with constitutional provisions. Further, TI-Kenya has been at the forefront in advocating for transparency and accountability in public debt management in Kenya. Through engagements with the National Assembly and the IMF, TI-Kenya has ensured the public debt discourse continues to dominate national discussions.

Internally, we continue to implement our strategic plan dubbed Action for Integrity, with a focus on anti-corruption behaviour change communication, enhancing natural resource and climate governance in Kenya as well as improving public finance management. We have equipped our organisation with the requisite ICT infrastructure, reviewed our internal processes to boost institutional efficiency, established a value-driven institutional culture as well as augmented our communication and partnership approaches to sustain our brand. We have continued to diversify our resource mobilisation to ensure institutional sustainability.

We are grateful to the TI-Kenya membership and Board of Directors, staff, the global TI movement, development partners, civil society and faith-based organisations, academia, private sector and government institutions, and the public for continued support and partnership. We look forward to continuing vibrant collaborations to bolster anti-corruption efforts

Mrs Bernadette W. Musundi
Chair - Board of Directors





Sheila Masinde
Executive Director

Introduction

TI-Kenya continues to champion the fight against corruption by promoting integrity, transparency, and accountability at all levels. In the first year of the strategic plan dubbed Action for Integrity, our efforts were geared towards deliberate engagements with citizens to spur behaviour change, advocating for better management of our natural resources as well as transparency and accountability in public finance management. This report focuses on key interventions and results achieved within the period in our strategic focus areas as follows:

1. Citizen Demand and Oversight

To ensure integrity in governance processes, we strengthened the capacity of 75 CSO members/TOTs on the budget-making process, public procurement, public finance management and citizen engagement in county governance. These CSOs have since been engaged in budget and procurement monitoring in Kakamega, Elgeyo Marakwet, Turkana and Machakos counties, raising and following up on key accountability issues through petitions, memoranda and requests for information. To amplify community-driven behaviour change communication, TI-Kenya strengthened the capacity of 132 creatives from 4 counties (Nairobi, Mombasa, Kisumu, Uasin Gishu) to integrate anti-corruption behaviour change communication in their creative work. Resultantly, the creatives have reached over 10,000 citizens through their creative anti-corruption messaging including graffiti, cartoons, spoken word, music, poems, and media articles among others. Through our outreach and awareness activities, we have reached over 20 million citizens with anti-corruption messaging through radio, TV, social media, public forums, trainings and sensitization workshops, commemoration events as well as legal aid clinics. To create an elaborate understanding of judicial interpretation and handling of leadership and integrity issues, TI-Kenya developed a case digest on 'The Law, Practice and Jurisprudence around Chapter Six and the Qualifications of Candidates in the 2022 General Elections'. We continued to safeguard Kenya's anti-corruption legal framework by advocating against amendments to the Anti-Corruption and Economic Crimes Act 2003 (ACECA) that threatened to weaken anti-corruption laws.

2. Natural Resource and Climate Governance

In Kwale, Taita Taveta and Turkana counties, we have been working to ensure communities from these counties fully benefit from the mining sector's value chain and have the space to meaningfully engage the private sector and government in securing benefits from these resources. To this end, we convened and supported key mining forums, dialogues, learning forums and exhibitions including Haki Madini Coalition Steering Committee meetings, the Annual Gems Africa Conference, Alternative Mining Indaba, Jamvi La Madini and Kenya Mining Week (KMW) among others. To strengthen governance in the extractives sector, we participated in the review of mining-related laws including, the review of the Mining

Act (Amendment) Bill, 2022, draft Mining Regulations 2023, draft Mining (Gemstones Identification and Value Addition) (Fees) Regulation 2023, and draft Mining (Licence and Permit) (Amendment) Regulations 2023. To mitigate corruption risks within the mining sector, we conducted a corruption risk assessment and subsequently trained 156 miners in Kwale, Turkana and Taita Taveta on environmental risk assessment (EIA) process, licence and permit registration and application processes through the mining cadastre portal. These trainings are aimed at improving miners' compliance, hence reducing the risk of corruption in the sector.

3. Public Finance Management

In public finance management, we supported 34 monitors [7 from Kakamega, 9 from Machakos, 12 from Elgeyo Marakwet and 6 from Turkana] to conduct budget and procurement tracking on 25 county-based projects (Machakos 5 health projects, Elgeyo Marakwet 4 health projects, Kakamega 11 health and agriculture projects, and Turkana 5 agriculture projects). The monitoring reports and recommendations were shared with county governments and follow-up is ongoing by the monitors in collaboration with TI-Kenya for county action. On the public debt question, TI-Kenya in collaboration with other CSOs under the OKOA UCHUMI Campaign continued to demand transparency in public debt management in Kenya and across Eastern Africa. In July 2023, we convened a meeting with Africa Parliamentarians Network Against Corruption Kenya (APNAC-Kenya) members and highlighted key issues on public debt. We also engaged the International Monetary Fund (IMF) on the debt question while protesting IMF's reluctance to adopt CSO's recommendations on the debt issues. We spearheaded public scrutiny and input on the Finance Bill 2023, highlighted contentious issues in the Finance Bill 2023 to parliamentarians and continue to monitor its implementation even as we litigate against some elements in the Act.

To ensure improved business integrity and ethics, we supported the review of relevant regulations to curb tax evasion including, the Companies Act, the Limited Liabilities Partnership Act, and the Beneficial Ownership Information Regulations 2022. We also supported the development of draft commitments in the Open Government Partnership (OGP) National Action Plan (NAP V). To build evidence for advocacy on ethical business practices, we researched on tax incentives and income inequalities, poverty eradication measures, government allocations and Illicit Financial Flows (IFFs) in the mining sector. We published articles on IFFs and strengthened the capacity of investigative journalists on IFFs to sustain a national discourse on IFFs in Kenya.

4. Institutional Development

To ensure our organisation continually improves service delivery and meets internal as well as external requirements, we focused our efforts on boosting organisational efficiency, enhancing our organisational identity and culture, generating data for decision-making and evidence for advocacy as well as deepening our resource mobilisation and partnership engagements. We continue to implement our strategic plan by scaling up lessons learned and replicating best practices documented from the previous strategy while also testing new anti-corruption approaches.

We thank all our development partners who significantly supported our interventions and stakeholders in the public and private sectors, CSOs, faith-based institutions, academia and the public who supported TI-Kenya's initiatives.

Sheila Masinde
Executive Director



Photo/TI-Kenya: National Integrity Alliance submitting a petition to the Public Service Commission of Kenya to seek the removal of Mr Noordin Haji as the Director of Public Prosecutions

Analysis of the Operating Environment

In the period under review, Kenya continued to experience heightened political activities marked by demonstrations on economic, social and political issues including the high cost of living, electoral accountability including the restructuring of the Independent Electoral and Boundaries Commission (IEBC) and audit of the 2022 presidential elections, delimitation of boundaries and effective checks and balances. In some instances, the demonstrations were characterized by violence and excessive use of force by the police. Several incidents of human rights violations were reported with human rights organizations condemning police brutality. A truce between the government and the Azimio Coalition established a bipartisan committee, The National Dialogue Committee (NADCO), to look into the issues raised by the Azimio Coalition in addition to issues from the ruling coalition which include entrenchment of National Government Constituency Development Fund (NG-CDF) within the constitution, creation of the Office of Official Leader of Opposition, implementation of the two-thirds gender rule among others. The bipartisan talks would culminate into a report with recommendations to cure recurring electoral issues.

The demonstrations temporarily disrupted advocacy work for TI-Kenya and other Civil Society Organisations especially in Nairobi as advocacy initiatives had to be postponed or undertaken virtually to mitigate the risks associated with the demonstrations. Uncertainty emanating from the political tensions affected short-term institutional plans.

Over the review period, Kenya's economic performance was reported to have recorded a marginal increase in 2023 despite continued challenges, with real GDP growth moving from 4.8% in 2022 to an estimated 5% in 2023 according to the [28th edition of Kenya Economic Update](#) (KEU). The reported marginal increase in economic performance was attributed to a strong rebound in the agriculture sector in 2023 which led to improvements in food supply, coupled with monetary policy tightening which helped reduce inflationary pressures. The services sector continued to recover from the effects of Covid-19 further

boosting the economy. However, the cost of living was significantly high, and the Kenyan shilling continued to depreciate. The high level of public debt continued to burden Kenyans through increased taxes even as calls for debt transparency echoed from the civic space. The high cost of living affected advocacy work as cost of associated advocacy materials and services increased.

The legal space was marked by the dropping of high-profile corruption cases by the Office of the Director of Public Prosecution watering down the war on corruption. Further, the appointment of individuals not fully cleared of corruption charges and persons with active criminal cases into public offices by the executive lowered public confidence on ethics and integrity standards and set a bad precedence. The period also witnessed the initiation of two amendments to the Anti-Corruption and Economic Crimes Act 2003 (ACECA) whose objective was to weaken the legislation by deleting two offences specified in Section 45(2) b and c of the ACECA as well as repealing section 64 of the same Act that bars people convicted of economic crimes from contesting for political seats for at least 10 years. The two offences specified in parts 2(b) and (c) of the Act proposed for deletion under these amendments are:

The failure to adhere to procurement guidelines. The engagement of public funds in unplanned projects. According to the Bill, these offences should be considered administrative matters and be addressed through administrative actions rather than criminal prosecution.

To counter these developments, TI-Kenya commissioned research on the Law, Practice and Jurisprudence around Chapter Six of the Constitution on leadership and integrity, and the qualifications of candidates in the 2022 general elections periods in Kenya to provide advocacy evidence on the effective application of Chapter 6 of the Constitution of Kenya 2010. Further, TI-Kenya led advocacy campaigns against the proposed amendments to ACECA and the appointment of persons with questionable integrity and those with ongoing criminal cases to public offices.

Insecurity continued to threaten domestic peace and stability in Kenya with sporadic terrorist-related attacks in the northeastern parts of Kenya and incessant banditry in Elgeyo Marakwet, Pokot, Turkana and Baringo counties. This continued despite active military and police operations in areas to flush out terrorists and bandits as well as ongoing peace-building efforts at the community level by state and non-state actors. This however did not affect TI-Kenya interventions as much of TI-Kenya's direct advocacy work was concentrated in Uasin Gishu and Turkana counties.

Climate change remained a key area of concern with the country recovering from one of the worst droughts in 40 years. As the country enhanced food security, the climate change adaptation and mitigation efforts continued with more resource inflows from development partners and increased allocation from the government. Climate change programmes were scaled up as climate governance remained a key focus area for TI-Kenya to ensure adaptation and mitigation measures are more effective as well as transparency and accountability in the management of climate governance funds.



(Photo/ TI-Kenya): Sharing some knowledge materials produced by TI-Kenya during a public forum in Nairobi

Detailed Achievements Under Strategic Focus Areas

Citizen Demand and Oversight

This area focuses on concerns around inadequate enforcement of constitutional and legal provisions on leadership, integrity, and anticorruption; normalisation of corruption at individual and societal levels; corrupt, unethical, and unaccountable leadership; and inefficient, ineffective, and non-responsive public service delivery and humanitarian aid systems

Civilian Oversight of County Government Processes.

To ensure integrity in county governance processes, TI-Kenya strengthened the capacity of 75 CSO members/TOTs (Turkana-20, Elgeyo Marakwet-20, Machakos-15, Kakamega-20) through training on budget-making process, public procurement, public finance management and citizen engagement in county governance. The CSOs were also mentored on civilian oversight through collaboration with TI-Kenya to monitor the implementation of 25 county government projects in the Health and Agriculture sector. From the monitoring process, key project implementation issues were raised to duty bearers including, inadequate access to information on projects, low public participation and awareness levels, uncoordinated project implementation, poor quality of ongoing projects and stalled projects among others. Through the collaborative monitoring process, the capacities of CSOs to undertake civilian oversight and hold county governments accountable were enhanced. Consequently, the CSOs in the four counties scaled up monitoring of county government processes at the grassroots level.

As a result of the continued capacity strengthening of these CSOs, their participation in governance processes and collaboration with the four county governments has significantly increased. The county governments are progressively appreciating the role of CSOs in county planning and budgeting processes. In Machakos, CSO members were actively engaged by the county governments in September 2023 to support public participation discussions on program-based budgets for 2023/2024. In Elgeyo Marakwet, CSOs participated in the budget-making process through the ward development committees. Further, the CSOs were actively engaged in the development and review of the County Integrated Development Plans (CIDPs) and follow-up on the priority areas they had submitted during public participation processes. In Kakamega, CSOs participated in the CIDP review process across the 60 wards. In Elgeyo Marakwet, CSOs engaged in the CIDP development process through roundtable discussions with respective county government departments and presented their views for consideration.

As a result of the CSO engagement in governance processes and subsequent advocacy, county governments have reviewed their processes to address the concerns raised by CSOs. There has been improved access to information in the agriculture sector in Kakamega County through the provision of requisite information in the county website and institutionalisation of the Governor's Day with farmers. This platform gives farmers and stakeholders in the agriculture sector an opportunity to directly engage with duty bearers and advocate for better service delivery and prioritisation of farmers' needs during county planning processes. Through the community administrators' units established by the County Government of Kakamega, information on various county programmes and projects can now easily reach members of the public at the village level. The community administration units are in charge of among others, disseminating information on county government initiatives that enhance service delivery to the people.

In Machakos County, the County government has enhanced its access to information platforms through regular updates of approved county budget documents, county progress reports and public participation schedules on its website.

Demonstrated positive social behaviour change (perceptions, attitudes) against corruption & theft.

Capacity Strengthening of Creatives.



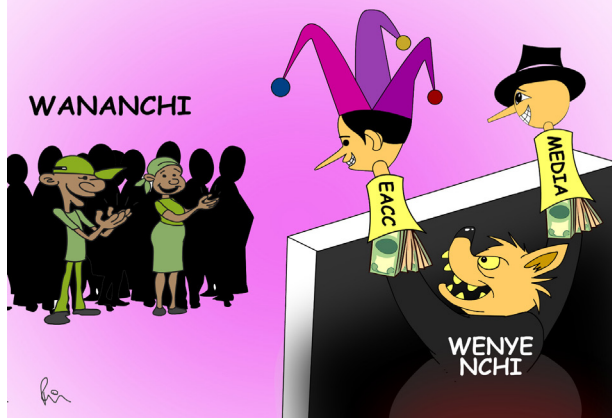
(Photo/ TI-Kenya): Creatives for integrity forum by TI-Kenya in Nairobi

To effectively combat corruption, individual and collective efforts are required to disrupt the demand patterns and supply chains of corruption. This requires elaborate awareness and reflections to invoke individual ownership and responsibility towards the fight against corruption while also supporting requisite anti-corruption agencies. It requires mainstreaming anti-corruption work as part of formal and informal endeavours of our society. To this end, TI-Kenya engaged 4 groups of creative youths from four counties (Nairobi, Mombasa, Kisumu, and Uasin Gishu) on leadership and integrity issues to take up activism as a form of advocacy against corruption and bad governance in Kenya. A total of 132 creatives were engaged across the 4 counties (Nairobi-48, Mombasa-20, Kisumu-33, Uasin Gishu-31). Through the engagement, the creatives who include, graphic designers, animators, cartoonists, musicians, satirists, spoken word artists, poets, graffiti, digital infographics artists and doodlers were empowered on contemporary leadership and integrity issues in Kenya. Consequently, the creatives have integrated anti-corruption work in their artistic work, to spur behaviour change hence drawing the attention of citizens and duty-bearers.

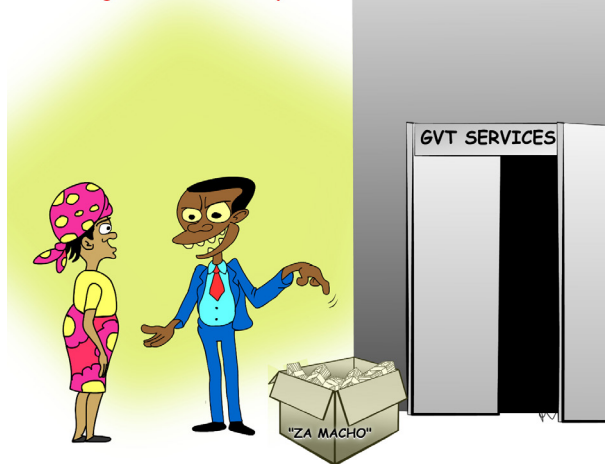
To spearhead behaviour change communication as an effective anti-corruption approach, TI-Kenya held an ideation workshop on the publication of 100 Ways The Corrupt Defeat Justice. The ideation workshop engaged 23 participants from legal practitioners, creatives, activists, and journalists who conceptualised the use of creative arts in publishing anti-corruption content and promoting integrity. The workshop identified key anti-corruption themes emanating from ongoing and emerging corruption issues and trends including, How the Corrupt Evade Taxes; How the Corrupt use Politics to Evade Justice; How the Corrupt use the Courts to Evade Justice; How the Corrupt use Religion to Evade Justice; and How the Corrupt use Media to Evade Justice. Some of the creatives engaged in sensitisation workshops as well as the ideation workshops, have developed creative messaging on leadership and integrity which they use for behaviour change communication. As a result of this engagement, four creatives came up with a total of 9 cartoons/caricatures.

The results from the engagements demonstrate positive social behaviour change against corruption and a transition where anti-corruption work is being mainstreamed as more citizens adopt and integrate the fight into their actions.

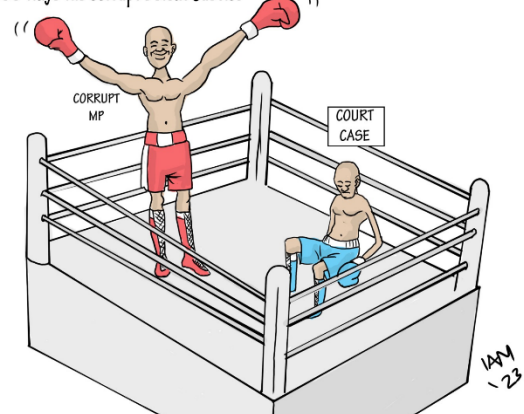
#WaystheCorruptDefeatJustice



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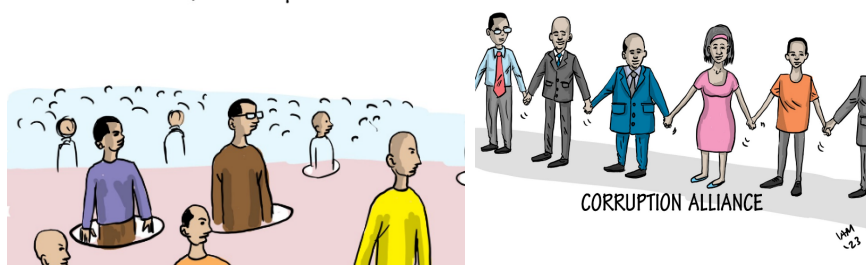


100 Ways The Corrupt Defeat Justice



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2023 National Integrity Awards



(Photo/TI-Kenya): 2023 National Integrity Awards winners during the award ceremony in Nairobi

TI-Kenya through the implementation of its 6-year strategic plan (2022-2028) dubbed “Action for Integrity” seeks to promote ethical values, norms, and behaviour among citizens and support citizens to demand integrity and hold leaders accountable. TI-Kenya’s Action for Integrity strategic plan draws inspiration from the Constitution of Kenya (2010) provisions on the National Values and Principles of Governance (Article 10) and Chapter Six on Leadership and Integrity. To promote the continued application and implementation of Integrity as envisaged under the strategy and the Constitution of Kenya 2010, TI-Kenya recognised acts of integrity and individuals and groups who have made a significant contribution towards promoting integrity, transparency, and accountability through the 2023 National Integrity Awards. The National Integrity Awards ceremony was held on 7th December 2023 in Nairobi.

People's Anti-Corruption Summit



On 11th July 2023, TI-Kenya organised the People's Anti-Corruption Summit in partnership with other anti-corruption actors under the National Integrity Alliance (Inuka Kenya Ni Sisi! Mzalendo Trust, The Institute for Social Accountability, and Kenya Human Rights Commission) to commemorate the African Anti-Corruption Day marked on 11th July every year. This multi-stakeholder engagement brought together 250 participants with representation from the Civil Society, Government, Private Sector, Religious Sector, Political Class, Development partners, and citizens including women, men, youth, and persons with disability. Convened under the theme "AUCPCC, 20 Years After: Achievements and Prospects", the event convened anti-corruption crusaders in Kenya to reflect on anti-corruption progress in the country; what is working, what is not, and what needs to be done.

The event, graced by the European Union Ambassador to Kenya, H.E. Henriette Geiger, Ambassador of Finland to Kenya, H.E. Pirkka Tapiola, and Busia County Senator Okiya Omtatah created awareness on the progress made in the fight against corruption in line with the AUCPCC, highlighted accountability concerns with regards to poor prosecution of corruption cases and retrogressive proposals to amend anti-corruption laws. The summit rallied citizens and Kenyan leadership to support efforts towards strengthening public accountability.

Huduma Awards Event in partnership with the Commission on Administrative Justice

Transparency International Kenya was invited by the Commission on Administrative Justice to be part of the Committee to lead in the Huduma Awards. The Commission on Administrative Justice is one of the independent constitutional commissions established under Article 59(4), Chapter 15 of the Constitution and the Commission on Administrative

Justice Act, 2011 and mandated with inter-alia, to investigate any conduct in State affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Further, the Commission is the oversight agency of the right to access to information as provided for by the Access to Information Act, 2016. The Commission cognisant of the critical role that Government Ministries, Departments, Agencies and County Governments (MCDACs) play in the provision of quality services to the public has been undertaking Huduma Awards with the objective of rewarding Public Officers and institutions for exemplary performance, as one way of improving public service delivery. The Awardees are nominated by members of the public and identified through a rigorous and participatory process, conducted by a multi-sectoral Steering Committee whose membership is drawn from State and non-state actors.

By participating in the committee on Huduma Awards, TI-Kenya promotes a culture where institutions and individuals make extra effort to deliver services, promote access to information and protect human rights by justice institutions through fair administrative action and protection from injustice. Further, the Huduma Awards increase awareness on access to information and avenues to get resolve some of the issues around the same and maladministration.



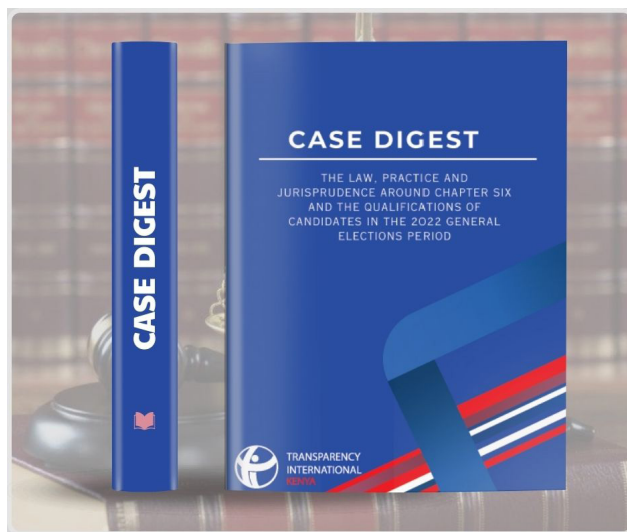
In September 2023, TI-Kenya partnered with the Commission on Administrative Justice, Mzalendo Trust, and Katiba Institute to hold a Multi-Stakeholder Forum for the commemoration of the International Day for Universal Access to Information (IDUAL). The IDUAL marked annually on 28th September was proclaimed at the UNESCO General Conference in 2015 to champion the idea that everyone around the globe has the fundamental right to seek, receive and disseminate information. The theme for the year's

commemoration was “Access to Information: The Impact of Digitalisation of Government Services and the Importance of the Online Space”. The event reiterated the right to access information as a right under the Constitution of Kenya and a cornerstone of democracy, accountability, transparency, and a key enabler of public participation in governance processes. It also emphasised on the impact of digitisation of government services to catalyse access to information. The event brought together participants from The Institute of Social Accountability (TISA), KICTANet, Directorate of Criminal Investigations (DCI), APNAC-Kenya, National Assembly of Kenya, Katiba Institute, Institute of Economic Affairs, Kenya National Human Rights Commission (KNHRC), Media Council of Kenya (MCK), Ethics and Anti-Corruption Commission (EACC), National Transport Authority (NTSA), Law Society of Kenya (LSK), Article19, National Democratic Institute (NDI), Inuka-Kenya Ni Sisi, Mzalendo Trust, National Cohesion and Integration Commission (NCIC), Commission on Administrative Justice (CAJ), Office of the Auditor General (OAG), Kawangware Youth Paralegal Trust (Kaypat), and Kenya National Alliance of Street Vendors and Informal Traders (Kenasvit). The event persuaded government agencies to do more to ensure access to information by the citizens thereby contributing to transparency and accountability in public service delivery.

Greater enforcement/ adherence to chapter 6 of CoK 2010 and laws on leadership integrity.

Chapter Six Case Digest

To create an elaborate understanding of judicial interpretation and handling of leadership and integrity issues, TI-Kenya developed a case digest on The Law, Practice and Jurisprudence around Chapter Six and the Qualifications of Candidates in the 2022 General Elections. The case digest looked into judicial and quasi-judicial pronouncements on Chapter Six within the election's context. The case digest illuminated some of the legal issues in relation to effective enforcement of Chapter Six including standards for impeachment, academic qualifications, exhaustion of internal dispute resolution mechanisms and compliance to Chapter Six. Through the case digest:



- It is evident that there is lack of clear jurisprudence in seeking to advance Chapter 6 of the Constitution hence, Kenyan courts should be more purposive and proactive in interpreting Chapter 6 of the Constitution of Kenya.
- Courts should ensure speedy resolution of cases involving the implementation of Chapter 6, especially for electoral candidates due to the doctrine of presumption of innocence until proven guilty.
- There is a need to develop a Chapter 6 Vetting Group composed of the Attorney General, EACC, ODPP, IEBC, KNEC, DCI, KRA among other state agencies during the electioneering period to support the verification and vetting of candidates.

- The Office of the Registrar of Political Parties should act to restore order in the affairs of political parties and ensure every political party has rules entrenched with the leadership and integrity requirements even at the nomination level for aspirants/candidates.
- There are various gaps exploited to evade compliance to Chapter 6 and Parliament should develop stronger enforcement mechanisms for Chapter 6, develop clear criteria for vetting those seeking elective positions before the next general elections and include strict enforcement mechanisms for these beginning at the Party Primaries level as well as ensure stricter and objective inquiry into the credentials, professional training and personal integrity while vetting candidates for office in line with the Public Appointments (Parliamentary Approval) Act of 2011.
- The threshold for cases on Chapter 6 which often involve crimes such as murder, forgery etc. is beyond all reasonable doubt, which is often too high. There is a need to lower the standard of proof of cases involving the implementation of Chapter 6 to match that of civil cases, which is on a balance of probabilities.
- CSOs have made commendable initiatives to safeguard Chapter Six and there is a need to continue the efforts relentlessly, especially in Public Interest Litigation (PIL), civic education, and supporting legislative review.

The case digest findings will guide ongoing advocacy efforts and litigation on chapter six and provide reference resources for practitioners and advocates on this subject.

Safeguarding anti-corruption legal framework from retrogressive reviews

Corruption can easily be propelled through legal reviews that weaken the effectiveness of anti-corruption laws and provide gaps that incentivise the vice. In June 2023, Homa Bay MP tabled the Anti-Corruption and Economic Crimes Amendment Bill in the National Assembly, proposing to repeal section 64 of ACECA to the effect that persons convicted of corruption or economic crimes can occupy any public office immediately after the conviction and EACC will no longer publish names of persons convicted under ACECA. The amendment not only violated several provisions and principles of the Constitution but also eroded the very substratum of the Act. It weakened the integrity of public office and the principles of Chapter Six of the Constitution.

To counter this sinister legislative review, TI-Kenya in collaboration with APNAC-Kenya engaged in an anti-amendment advocacy campaign including strategy meetings with relevant stakeholders (the Office of Attorney General, the Ethics and Anti-Corruption Commission, Mzalendo Trust, and the Westminster Foundation of Democracy, submission of a memorandum to the Justice and Legal Affairs Committee opposing the Bill during public participation phase, media briefs and a courtesy call to the Prime Cabinet Secretary (CS) by APNAC-Kenya seeking Executive intervention on the Bills. As a result, the Prime CS offered to support efforts against the Bills and made a public call for their recall. The Departmental Committee on Justice and Legal Affairs (JLAC) of the National Assembly also rejected the proposed amendment to repeal section 64 of ACECA 2003 noting that it would loosen laws governing corruption and economic crimes and should instead be reviewed to align with the provisions of Chapter 6 on Leadership and Integrity.

Leaders are more ethical, credible, and accountable.

Induction of APNAC - Kenya

In November 2022, TI-Kenya supported an induction meeting for the Africa Parliamentarians Network Against Corruption-Kenya (APNAC - Kenya) under the 13th National Assembly and 4th Senate. The induction meeting brought past and new APNAC-Kenya members who were inducted on the APNAC concept, its mandate, and ongoing initiatives. The induction provided an opportunity for TI-Kenya to echo the anti-corruption agenda, network with new APNAC-Kenya members and identify areas of synergy and collaboration with APNAC-Kenya including legislative review, advocacy, and parliamentary oversight.



Kakamega MCAs CARNAC Induction training

In November 2023, TI-Kenya held an induction meeting for the newly formed Kakamega County Assembly chapter (CARNAC) as a follow-up to an earlier engagement between TI-Kenya and representatives from 4 counties (Siaya, Kakamega, Isiolo and Makueni). From the initial engagement, county assembly representatives from Kakamega established a CARNAC and requested TI-Kenya for support to conduct their induction session. The induction was also supported by APNAC, EACC, NGEC and the Attorney General's office. The induction session also saw the attendance of representatives from Siaya County who have also shown interest in the establishment of a CARNAC. The induction was held in Kisumu and was attended by 31 participants representing Kakamega and Siaya County, APNAC-Kenya, government agencies and CSOs.

The induction meeting allowed stakeholders to get acquainted with the CARNAC concept, network with the different stakeholders for strategic engagements and partnerships and get critical information that would allow their oversight to be effective. MCAs equipped with knowledge and skills to play more effective oversight, identified areas of collaboration and way forward

Access to Public Services

Citizens demand their rights and hold duty bearers accountable to quality public service delivery.

Engaging duty bearers at the county level

A critical pillar in the fight against corruption is the ability of citizens to know their rights, watch against infringement of those rights as well as hold their leaders accountable. TI-Kenya increasingly strengthens the capacity of citizens to hold their leaders accountable through training on civilian oversight, public participation, budget, procurement, and project monitoring as well as the use of citizen petitions to engage duty bearers. As a result of capacity-strengthening efforts by TI-Kenya, CSOs within 5 counties (Nairobi, Kakamega, Elgeyo Marakwet, Uasin Gishu and Kakamega) developed and submitted 4 petitions, 1 Access to Information Requests and 4 memoranda on governance issues.

Public Petitions:

- Through a petition filed on 30th January 2023, the CSOs in Elgeyo Marakwet compelled the county government to establish the County Budget and Economic Forum (CBEF) in accordance with the Law, necessitating the county to advertise CBEF positions and ensure transparency in the formation of CBEF. The CSOs are following up to ensure that CBEF is established in the county to promote public participation, inclusion, and transparency in County Public Finance processes.
- In Kakamega County, CSOs petitioned the County Assembly on 14th June 2023 on the stalled Shinyalu Tea Factory. The Petition sought to address accountability gaps in the utilisation of public resources in the construction of a tea factory in Shinyalu County. The petition was tabled in the Assembly and further submitted to the Senate. As a follow-up measure to the petition, CSO members continue to lobby the Public Accounts Committee of Kakamega County Assembly for the completion of the Shinyalu Tea Farmers Factory
- In Machakos, CSOs petitioned the County Assembly regarding the inadequacy of youth-friendly health services in the County on 15th January 2023. The petition sought to compel the county government to prioritise issues affecting youths including contraception, and menstrual hygiene among others. Further, the CSOs petitioned the Department of Water, Irrigation and Climate Change in Machakos on 7th August 2023, seeking urgent water supply restoration to Ikalaasa and Kibauni locations as water supply interruption was negatively affecting their livelihood.
- In Nairobi County, capacity strengthening of residents and the Kenya National Association of Street Vendors and Informal Settlement (KENASVIT) led to a petition to the County Government of Nairobi to construct a section of Muthurwa market that was incomplete. The county government has since initiated the process of completing the section of the market.
- TI-Kenya's support to Kawangware Youth Paralegal Trust (KAYPAT) resulted in a petition to the governor of Nairobi and the County Executive Committee

- member for Health for the supply of drugs and construction of Riruta Health Center maternity wing. The County Government has since supplied drugs to Riruta health center following the petition.

Access to Information Requests

Access to public information has a catalytic effect on effective civilian oversight, particularly planning and budgeting information, as well as information on publicly financed projects. To ensure effective monitoring of county government processes and projects, the CSOs in Machakos filed a request for Programme Based Budget and Expenditure for FY 2022/23 for Athi River Level 4 in Machakos County in March 2023. Following this request, the county government enhanced its access to information platforms through regular updates of approved county planning and budget documents on their website including the 2023/2024 program-based budgets, CIDP 2022-2027, county progress reports and schedules for public participation forums including dates, venues and time.

Memoranda

To improve public participation processes, CSOs within 4 counties submitted Memoranda on priority development issues for consideration by the respective county governments. To this end,

- CSOs from Kakamega County submitted memoranda on 1st December 2022 on priority areas to be considered by the county government during the development of the County Integrated Development Plan 2022-2027. The issues raised were captured in the final approved County Integrated Development Plan (CIDP) for the county.
- Shinyalu community members from Kakamega County submitted memoranda to the county government on 22nd November 2022 on priority areas to be considered by the county government during the development of the County Integrated Development Plan. One of the issues raised in the memorandum was; completion and operationalization of Shinyalu tea factory was incorporated in the 2023-27 CIDP.
- Persons with Disabilities (under the Umbrella of the Kakamega Disability Caucus) submitted memoranda to the Department of Finance on 23rd November 2022 highlighting priority issues for consideration by the county government including fast-tracking the operationalization of the PWD Act, and the establishment of a revolving Fund targeting PWDs for economic empowerment among others.

Supporting implementation of the Audit Accountability Framework

TI-Kenya's technical support to the Office of the Auditor General also resulted in the development of the first-ever Citizen Accountability Audit (CAA). This audit focused on assessing the effectiveness of public participation in the budget-making process across 18 counties. The resultant report, submitted to parliament, has been instrumental in driving legislative reforms including the embedding of CAA in the proposed amendment to the Public Audit Act. Once amended, the CAA provisions in the Public Audit Act will provide the legal framework for citizens to scrutinize public service delivery and hold duty-bearers accountable.

Access to Justice.

Expeditious and suitable resolution of corruption-related cases/ injustices.

Kenya Magistrates and Judges Association (KMJA) Annual General Conference

In December 2023, TI-Kenya participated in the Kenya Magistrates and Judges Association (KMJA) Annual General Conference in Naivasha, under the theme “Strengthening Judicial Integrity and Ethics for Enhanced Access to Justice”. The conference created a platform for judges, judicial officers, and stakeholders to discuss and develop strategies to promote ethics, integrity, and accountability in the judicial system. It also provided a platform for stakeholders to enhance conversations around access to justice and human rights and promote collaboration on Access to Justice issues. 320 participants attended the conference in which TI-Kenya made a presentation on “Reflections on Handling of Integrity and Ethical Issues and its Impact on Human Rights”.

To harvest results of continued capacity strengthening of citizens on corruption, TI-Kenya provides corruption reporting tools for citizens to report incidents of corruption, raise complaints on service delivery as well as digital platforms where citizens can access public information regarding public resources accountability. These tools include.

- [Uwajibikaji Pamoja](#)
- [Action for Transparency \(A4T\)](#) - (app available on app store)
- [County Governance Status Report \(CGSR\)](#)
- [Public Audit.](#)
- [Campaign Watch](#)
- [Rada database](#)

Within the period under review, TI-Kenya strengthened the capacity of 112 participants representing CSOs within 2 counties (Kakamega, and Turkana) to utilise the tools. In Kakamega, a total of 82 participants representing CSOs from youth, women and PWD-led organizations were trained in December 2022, March, and April 2023 on the use of digital platforms/ tools. The trainings were conducted in partnership with oversight institutions like the Ethics and Anti-Corruption Commission and the Commission on Administrative Justice. In Turkana County, a total of 30 participants were trained on the use of the Uwajibikaji Pamoja platform on 5th October 2022. CSOs across four counties have used the platforms to report corruption, raise complaints on service delivery, source advocacy information and give feedback for strengthening the tools. As a result of CSO feedback on the utility of the tools, TI-Kenya has revamped the tools to improve utilisation by CSOs and citizens.

Strengthening investigative reporting of corruption cases

To complement citizen monitoring and reporting on corruption, TI-Kenya builds the capacity of investigative journalists to improve their understanding, investigation and reporting of corruption issues in Kenya. Such capacity building has seen the journalists' interest in investigative work grow exponentially and the quality of investigative pieces improve significantly. Within the period under review, TI-Kenya collaborated with [Mzalendo Trust](#) and the Kenya Parliamentary Journalists Association (KPJA) to build the capacity of investigative journalists on the use of parliamentary reports to enhance their investigative reporting. This collaboration resulted in the development of a [Journalists' Toolkit For Reporting On Parliamentary Oversight](#). The toolkit equips journalists with the necessary tools and knowledge to report on parliamentary oversight in Kenya. It provides guidance on the role of parliament, its committees, and the oversight process and outlines the key sources of information accessible to journalists reporting on parliamentary oversight activities.

TI-Kenya through collaboration with Mzalendo Trust also facilitated a roundtable meeting and press briefing between the Africa Parliamentary Network Against Corruption-Kenya (APNAC-Kenya) and the media to strengthen collaboration between parliamentarians and the media in the fight against corruption.

To enhance journalists understanding on investigative reporting on procurement-related corruption, TI-Kenya strengthened the capacity of 33 journalists from Makueni, Mombasa and Elgeyo Marakwet who were working on investigative stories to expose procurement-related corruption within the counties. The capacity strengthening entailed training and mentorship workshops on procurement methods and investigative reporting through a gender lens.

Through the [Media-Tech Hub platform](#), TI-Kenya has provided an innovative space for positive social change by integrating different forms of media. The Media-Tech Hub brings together social change creatives, software developers/innovators and journalists to develop and harness the use of innovative solutions leveraging on use of technology and data to bring about transparency and accountability. Innovative solutions and tools from the Media-Tech Hub have been utilized for knowledge management, analysis, and dissemination of content for use by Journalists, activists, and social change actors. The solutions are geared towards promoting good governance, transparency, and accountability in different sectors and at different levels of governance.

The Media Tech Hub project strengthened capacity of 18 investigative journalists through co-creation workshops on the use of live illustrations to support their stories. The workshops enhanced the capacity of journalists to use visual language to help people understand legal and social justice issues by stripping away the technical and complex language and covert important knowledge into engaging visual content that is easy to understand. The Media Tech Hub platform partnered with Magamba Network to create and curate ideas using satire and content creation to expand freedom of expression online, advocate for social justice, and increase young people's access to alternative information. Through the partnership, some of the investigative stories on public finance management that had been published were translated into creative writing that resulted to a 3-episode web series and published [LINK 1](#), [LINK 2](#), [LINK 3](#) attracting 15000 viewers on YouTube.

Provision of free legal aid and assistance to citizens.



The Advocacy and Legal Advice Centre (ALAC) is an avenue created by the TI global movement for citizens to report suspected cases of corruption. The TI movement has used the ALAC tool since 2008 to empower victims and witnesses of corruption to stand up against the vice in over 50 countries across the globe. The ALAC is a walk-in or call-in centre where citizens physically, through phone or through email obtain free, quality, and confidential legal advice on corruption cases. TI-Kenya has established four ALACs with one located in its headquarters in Nairobi, and other three spread across the three regional offices in Mombasa, Eldoret, and Kisumu, which serve the entire regions they are situated. Through the ALACs, over 54,945 people in Kenya have been given legal services since 2009. In 2022-2023, ALACs offered legal aid services to 644 citizens mostly through calls.



TI-Kenya's Legal Advice Center helps Halt Unlawful School Fees at a Primary School in Kisumu

In Kenya, the government has long recognised the importance of education as a fundamental right for all children. To ensure equal access to education, the government has heavily subsidised public primary school fees, striving to alleviate financial burdens on parents and guardians. However, despite these efforts, instances of corruption often threaten to undermine this noble initiative. Such was the case in January 2023 at a Primary School in Kisumu County, with more than 1,300 students. The school head's imposition of unauthorised extra charges stirred controversy and concern among parents. With fees already subsidised by the government, the demand for an additional Ksh. 15,000 under the guise of admission fees (Ksh 5,000), desk fees (Ksh 5,000), and Parent-Teachers Association fees (Ksh 5000) amounted to blatant exploitation.

The incident at the school sparked concern among parents and advocacy groups alike, prompting swift action from Transparency International Kenya's Advocacy Legal Advice Center (ALAC) – Western Region Office in Kisumu. TI-Kenya responded to a complaint filed by a parent from the Primary School who sought legal advice on the matter. Recognising the gravity of the situation, the first step involved gathering concrete evidence to substantiate the claims made by the concerned parent. Simultaneously, communication channels were swiftly opened with the Ministry of Education, underscoring the urgency of addressing the matter to safeguard the educational rights of the affected students and parents, and to uphold the principles of transparency and accountability in education governance as enshrined in the provisions of the Constitution of Kenya 2010. Specifically, Article 53, on the right to free and compulsory basic education for every child in Kenya. Furthermore, the Basic Education Act of 2013 that reinforces this fundamental principle by stipulating that public schools shall not charge any fees or levies that have not been prescribed by the government. Additionally, the Public Finance Management Act of 2012 emphasises the prudent and transparent use of public funds, prohibiting unauthorised expenditures or charges by public institutions. It is within this legal framework that TI-Kenya initiated its pursuit of justice on behalf of the aggrieved parent from the Primary School.

Through the collaborative efforts between the Ministry of Education and TI-Kenya's ALAC Western Region Office, a decisive response was planned to rectify the situation at hand, the school administration was compelled by the Ministry of Education to cease its unlawful practice of imposing additional charges on parents. The concerned parent, who reported the case at TI-Kenya has since affirmed the school's compliance with the directive by the Ministry of Education to halt the unjust demands for an additional Ksh. 15,000 by the Primary School's head.

This victory underscores the power of legal advocacy in safeguarding the educational rights of children. Through TI-Kenya's effort to champion for transparency, accountability, and adherence to the law, justice was restored at the Primary School, ensuring that no child's access to education is compromised by unjust financial burdens, bringing relief to the parents, and setting a precedent for accountability within the education sector.

Public Interest Litigation

As a complementary advocacy mechanism, TI-Kenya uses public interest litigation (PIL) and administrative petitions to push for policy and legislative changes at national as well as county levels. In this respect, the organization was involved in the following PIL cases.

1. Election Campaigns Financing case: E546 of 2022

Katiba Institute, Africa Centre for Open Governance (AFRICOG), Transparency International Kenya, Philip Gichana vs. Independent Electoral Boundaries Commission as the petitioners challenged the constitutionality of section 29(1) of the Elections Campaign Financing Act in which The High Court in Nairobi declared that section unconstitutional as it contravenes Articles 10(2)(c) and 88(4) of the Constitution in requiring parliamentary approval of regulations before gazettment. The Court further declared that the spending limits in Sections 12, 18 and 19 of the Election Campaign Financing Act do not call for parliamentary approval but must be subjected to appropriate public engagement. The court's declaration aids TI-Kenya's advocacy for the establishment of campaign financing regulations to control election campaign financing, promote constitutionalism, and adherence to the national values and principles of governance.

2. Whistleblower protection case (E097 OF 2021):

To strengthen accountability through whistleblowing, TI-Kenya was enjoined in a case filed by a whistleblower in the Court of Appeal, after he was dismissed from his position at Maasai Mara University after whistleblowing on abuse of office and financial misappropriation by the university leadership. In the case, TI-Kenya raised public interest issues on the victimisation of whistleblowing and anticipates that the court's decision will be instrumental in providing jurisprudence to enhance the protection of whistleblowers in Kenya. A hearing date had not been given at the time of this report's publication.

3. Case challenging appointment of Mr Ferdinand Waititu as Chair of Nairobi Rivers Commission

In February 2023, the president appointed the former impeached governor of Kiambu County, Mr. Ferdinand Waititu as chair of the newly created Nairobi Rivers Commission. The appointment violated provisions of Chapter Six of the Constitution on leadership and integrity, prompting TI-Kenya in partnership with the Law Society of Kenya and Katiba Institute to challenge the appointment in the High Court, Nairobi. The matter is still ongoing in court. The court, however, gave temporary orders barring Waititu from occupying public office. A hearing date had not been given at the time of this report's publication.

4. Finance Act 2023 Case (HCCHRPET/E228/2023).

Following the enactment of the Finance Act 2023, TI-Kenya together with other organisations filed a petition challenging the constitutionality of the Act. The Act introduced a raft of proposals to raise taxes without following requisite constitutional dictates and principles. The petitioners sought orders declaring the Act unconstitutional. One of the key issues was the introduction of the Housing Levy at 1.5% on all salaried workers. The matter was concluded in the High Court with the court finding the Act unconstitutional. However, the court allowed for its implementation pending an appellate hearing in the Court of Appeal.



Natural Resources and Climate Governance

Responsible and sustainable governance
of natural resources and climate finance

Extractives, Land and Energy

Natural resource governance has emerged as a highly vulnerability area as Kenya is yet to put in place an effective policy and legislative framework to govern its natural resources. Further, more resources are being channelled to the sector to enhance its governance, ensure local communities fully benefit from natural resources as well as curb Illicit Financial Flows emanating from the sector. Through the Power of Voices “Fair for All” project, TI-Kenya has been supporting the achievement of a paradigm shift in the state and the market roles through strengthened civic space capable of creating space and mobilizing citizens, to demand and contribute to more inclusive and sustainable trade and value chains that respect human rights, protect the environment, and promote women's economic empowerment.

In Kwale, Taita Taveta and Turkana counties, TI-Kenya has been working to ensure communities (with a key focus on grassroots women) from these counties where gemstones, gold, and mineral sands respectively are mined, fully benefit from the sector's value chain, and have the space to meaningfully engage the private sector and government in securing benefits from these resources. To this end, TI-Kenya undertook the following interventions.

Haki Madini Coalition steering committee meeting.

TI-Kenya convened the Haki Madini Coalition Steering Committee on 1st November 2022 to re-activate the coalition's partnership which had been inactive since the outbreak of COVID-19. 8 organisations in attendance (Econews Africa, Association of Women in Energy and Extractives Kenya (AWEIK), National Council of Churches of Kenya (NCCK), TI-Kenya, Inter-Religious Council of Kenya (IRCK), Impact Facility, Kenya Conference of Catholic Bishops (KCCB) and Natural Resources Alliance of Kenya (KENRA) committed to undertake joint interventions in furtherance of the coalition's strategic actions.

Annual Gems Africa conference

TI-Kenya financially supported and actively participated in the annual Gems Africa conference, exhibition and mine tour led by Association of Women in Extractives and Energy Sector in December 2022. The Gems Africa 2022 Conference was themed “From our Lens: The African Mines to Market Experience (Gemstones and Gold)” and drew hundreds of people ranging from aficionados buying high-end gems and jewelry to miners, CSOs and citizens actively working in the sector. The conference aimed to change the narrative on traceability and legal origin of gold and gemstones in Africa, by creating direct linkages between the Artisanal and Small-scale Mining (ASM) gemstone sellers in African countries and the buyers from the regional and international realms as consumers and jewellers struggle with lack of information on the true origin of stones in Africa, their sourcing, and those involved in the supply chain. TI-Kenya’s participation was critical as it continues to support strengthening of the civil society to improve (inter)national norms along the mining value chains.

Alternative Mining Indaba

To progressively ensure CSOs can mobilize the public to influence governments, TI-Kenya participated in the 2023 Alternative Mining Indaba (AMI) in Cape Town, South Africa on February 2023. The conference provided an avenue for continental learning and knowledge exchange. The 2023 Alternative Mining Indaba was convened under the theme, “A just energy transition: Unlocking community potential and participation as a continuation of 2022’s theme and discussions which acknowledged that while Africa cannot escape the calls for an energy transition, she needs to determine at which pace, to whose benefit and at what expense the transition will take place and how the impact of the transition will manifest for mining-affected and other directly or indirectly affected stakeholders. TI-Kenya’s participation was critical in promoting learning and contributing to the continental conversation about issues that affect communities in mining areas in the current era of Energy Transition and domesticating those discussions and resolutions.

Peer Learning and Exchange: Africa Gems and Jewellery Conference (AGJEC)

TI-Kenya participated in the Africa Gemstones, Jewellery Exhibition and Conference (AGJEC) in Ndola, Zambia in July 2023. AGJEC highlighted the abundance of gemstones found in Africa and the need to create platforms for value creation and maximization of intra-African trade opportunities in the jewelry and fashion industries. The exhibition and conference focused on fostering partnership and knowledge sharing by addressing critical topics such as sustainable gemstone extraction, cutting-edge processing techniques, responsible sourcing, and market trends. The conference presented an opportunity for TI-Kenya and local artisanal miners to highlight mining issues at the continental platform as well as learn alternative methods of value addition to reduce waste of trading raw stones, thus increasing their economic value. It also promoted transparency and accountability, as stakeholders were able to learn strategies to link directly with jewellers and the significance of avoiding middlemen who are exploitative and create power imbalances within the mining community. Through this event, TI-Kenya recorded one case of support to communities for business model development.

Jamvi La Madini

In June 2023, TI-Kenya convened Jamvi la Madini (mining conference) in Kwale that drew the attendance of 257 participants from the State Department of Mining, County assembly, the artisanal miners from Kwale County, Large-Scale Mining companies (Base Titanium and Bamburi Cement), Community-Based Organisations, Civil Society Organizations, media, and the communities living around mining areas. The conference

sought to promote dialogue and action towards accountable and sustainable mining that respects human rights for better livelihoods and economic empowerment of the Kwale communities. Panel, experts or affected communities led topical discussions under revenue sharing, local content, community development agreements, land acquisition and artisanal and small-scale mining sub-themes were held. The conference provided valuable insights and opportunities for all participants engaged in the mining sector in Kwale and served as a platform for industry experts, policymakers, mining professionals, civil society, and the community to share their knowledge, discuss emerging trends, and address current challenges facing the mining sector. The need for sustainable mining practices, conflict-sensitive business practices and the importance of balancing economic growth with environmental and social responsibility were canvassed and recommendations were adopted for tabling at the national mining conference.



Kenya Mining Week (KMW): Expo and Conference 2023

In July 2023, TI-Kenya supported and participated in the 2023 Kenya Mining Week: Expo and Conference 2023, a week-long expo and conference organised by the Association of Women in Energy and Extractives in Kenya (AWEIK) in partnership with Kenya Chamber of Mines (KCM). The conference provided an opportunity to position Kenya as a strategic mining investment capital through

ongoing regulatory reforms, technological, and social innovations that could transform the industry. TI-Kenya's participation and support of the conference were imperative as it contributes to the country's mass of civic actors with the capacity to improve (inter) national norms along the mining value chains.



Corruption Risk Assessment in the Artisanal and Small-Scale Mining (ASM) sector

In the previous year, TI-Kenya initiated a corruption risk assessment in the Artisanal and Small-Scale Mining (ASM) sector to identify vulnerabilities to corruption in the value chain of the ASM sector. The study assessed the specific risks created by these vulnerabilities, with a focus on three Kenyan counties: Turkana, Kwale, and Taita Taveta, and key national-level institutions affecting the sector. It identified any remaining gaps that pose corruption risks within the ASM value chain despite improvements in the legal framework governing the mining sector. The assessment identified key corruption risk areas in the mining value chain as below:

- ***Licensing and permitting:***

Corruption can occur when officials responsible for issuing licenses and permits demand bribes or other favours in exchange for favourable treatment. This can create a situation where the most lucrative mining sites are controlled by those with the greatest access to corrupt officials, rather than those with the most expertise or resources. Corruption in the issuance of licenses and permits can lead to illegal mining, environmental degradation, and unfair competition. Officials may demand bribes or kickbacks in exchange for granting permits or turning a blind eye to illegal mining activities.

- ***Processing:***

Artisanal mining often uses hazardous chemicals, such as mercury, to extract minerals from ore. Corruption can occur when officials responsible for regulating the use of these chemicals demand bribes or fail to enforce regulations, resulting in environmental pollution and health risks for workers and communities.

- ***Supply chain management:***

Artisanal miners often sell their products to middlemen, who then sell to traders and exporters. Corruption can occur at any stage of the supply chain, including the underreporting of production volumes, mislabeling of minerals, and the use of fake documentation to evade taxes or export restrictions.

- ***Marketing:***

The sale of minerals from artisanal mining can be opaque and difficult to trace. Corruption can occur when middlemen or traders demand bribes or engage in other corrupt practices, such as under-reporting the value of minerals to avoid taxes or other fees.

- ***Taxation:***

Artisanal miners may evade taxes, or officials may demand bribes in exchange for reducing tax liabilities. This can lead to revenue losses for the government and undermine efforts to promote sustainable mining practices.

From the findings, TI-Kenya in collaboration with other stakeholders in the mining sector have developed corruption risk mitigation plans which will go a long way in ensuring that there are adequate safeguards against identified risks.

Training on Environmental Impact Assessment

TI-Kenya conducted an Environmental Impacts Assessment (EIA) process training to 80 miners from Kwale in October 2022 and 34 miners from Turkana County in March 2023 as a follow-up to the capacity needs assessment conducted in Kwale County in March 2022 and the findings of the Political Economy Analysis (PEA) conducted in Kwale, Turkana, and Taita Taveta. The assessments exposed the gaps in compliance to environmental regulations leaving the miners in vulnerable situations of being manipulated by the Environmental Experts as well as the risk of indulging in legal malpractice with the government agencies. To mitigate compliance risks, TI-Kenya conducted a comprehensive training which will ensure that any environmental, health and social issues related to artisanal mining are addressed and strengthen the relationship between the miners and relevant agencies like NEMA.

Training on licence and permit registration and application processes

To prepare miners for the lifting of the ban on new licence and permit application, TI-Kenya in collaboration with the Ministry of Mining, Blue Economy and Maritime Affairs trained 76 miners (31 females, 45 male) from Kwale in October 2022 and 34 (18 females and 16 males) from Turkana county in March 2023 and 44 miners (20 females, 24 male) from Taita Taveta in August 2023 on licence and permit registration and application processes through the mining cadastre portal. The training instilled community champions (miner and miner's group leaders) to support miners in the application process, hence de-risking the ASM sector in the county through enhanced compliance. This would go a long way in upholding responsible mining within the sector.

Greater transparency and equity in natural resources' benefit-sharing

Review of Natural Resource (Benefit Sharing) Bill, 2022,

To improve transparency and equity in natural resource benefit sharing, TI-Kenya in collaboration with the Kenya Oil and Gas Working Group (KOGWG) reviewed the Natural Resources (Benefit Sharing) Bill, 2022. The bill, initially published in 2014, was aimed at establishing and enforcing a system of natural resource utilisation by national government, county governments and communities. It had undergone the first reading in the Senate in May 2021. Following the review, TI-Kenya and partners developed a joint memorandum that was submitted before the Senate Committee on Land, Environment and Natural Resources on 4th February 2023. The Bill underwent a second reading at the senate on 1st March 2023 incorporating recommendations from the Joint memorandum submitted by TI-Kenya and partners.

Review of Mining Act (Amendment) Bill, 2022, Draft Mining Regulations 2023, Draft Mining (Gemstones Identification and Value Addition) (Fees) Regulation 2023, Draft Mining (Licence and Permit) (Amendment) Regulations 2023 and Haki Madini Strategic Plan.

Further, TI-Kenya participated in three review forums in August and September 2023 centred on the Mining Act, draft Mining (Royalty Collection and Management) Regulations 2023, draft mining regulations and amendments, draft Mining (Gemstones Identification and Value Addition) (Fees) Regulation 2023, draft Mining (Licence and Permit) (Amendment) Regulations 2023 and Haki Madini strategic plan. The review forums came after a call for public participation and submission from the Ministry of Mining, Blue Economy, and Maritime Affairs to the public and stakeholders. Through the review workshops, TI-Kenya and partners collated input (proposed amendments) to the legislative documents for submission which will strengthen transparency in natural resource governance and equity in natural resource benefit sharing.

Citizens increasingly demand rights and hold duty bearers accountable for effective natural resources, climate, and humanitarian aid governance.

Training of journalists



TI-Kenya endeavours to ensure that citizens can identify and report governance issues in natural resources, climate, and humanitarian aid sectors. This entails capacity strengthening of CSOs, citizens and journalists and providing monitoring and reporting mechanisms. To this end, TI-Kenya trained 12 journalists from Kwale and Taita Taveta counties in March 2023 to expose them to a plethora of issues in the mining sector that require coverage. Some of the topics the journalists were exposed to during the training include occupational safety and health, gender pay gap, inclusion of indigenous communities, environmental impact of mining, maternity protection of mine workers,

social security for mine workers, fundamental principles, and rights at work in line with and international labour standards, freedom of association and collective bargaining for mine workers, forced labour, child labour and women's collectives.

Given the commercial nature and ownership of the media houses in Kenya, many journalists lack the resources required to adequately report on mining issues therefore, the training and continuous engagement will enhance their journalism and increase the coverage of mining sector issues.

Community-led Grievance Mechanism

TI-Kenya has been working on the development of a community-led grievance mechanism to provide alternative complaints reporting mechanism to the communities in the mining areas and other stakeholders to report their grievances as well as get feedback. To this end, we revamped Uwajibikaji Pamoja to meet the standards and expectations of the users within mining communities. The platform was upgraded, to expand its coverage to Kwale, Taita Taveta and other counties and to be able to handle non-humanitarian complaints and provide feedback. The system gives the mining communities and stakeholders an option to raise their complaints via a digital platform to partners who can refer the issues to relevant persons/organizations/ institutions and get resolutions on them. The system is hosted by TI-Kenya and is managed in conjunction with other partners including county governments through MoUs and CSOs to handle complaints.



Public Finance Management

This focus area pays attention to transparency of public procurement processes; illicit financial flows; efficiency of public spending; and quality of financial oversight systems.

Budget and procurement tracking

TI-Kenya is committed to the promotion of a culture and practice of ethics, integrity, and accountability in public finance administration by strengthening the capacity of duty bearers and citizens on procurement, financial management, social accountability, and public participation. The organisation believes that duty bearers whose capacity has been strengthened will review processes and procedures to make them more transparent and accountable while citizens will act to demand openness in service delivery. Within the period under review, 34 monitors [7 from Kakamega, 9 from Machakos, 12 from Elgeyo Marakwet and 6 from Turkana] conducted budget and procurement tracking on identified 25 county-based projects on health and agriculture. From the budget and procurement tracking, the following issues were raised.

Kakamega County

a) Access to Information – The monitors experienced a challenge when it came to accessing information from the county departments regarding crucial project documents. Key project persons in charge of the projects within the county lacked relevant information on projects. Further, most citizens interviewed during the process did not have information on the projects and therefore cannot hold the government to account.

b) Inadequate public participation - From the findings of the monitoring exercise, the citizens are not meaningfully involved in key decision-making processes, including public participation, due to a lack of adequate information regarding the projects as well as a lack of access to information. Therefore, they have limited awareness of the projects being implemented and cannot exercise their civilian oversight.

c) Poor/ uncoordinated project implementation – This manifested in the form of poor workmanship of some projects, unclear timelines and objectives and delays in disbursement of funds.

d) Ineffective involvement of project management committees – From the findings of the exercise, some project management committees were bypassed during the implementation of the county projects. Further, the committee members of some projects had limited information on the projects implemented. Therefore, they could not offer much detail regarding project implementation.

Machakos County

In Machakos County, the health service delivery issues raised include but are not limited to;

- a. Insufficient medication,
- b. Inadequate healthcare facilities - Notably, some facilities, like Kitambasye Health Facility, lack a maternity ward, creating challenges for pregnant women seeking maternity care.
- c. Shortage of healthcare workers.
- d. Stalled construction projects despite budget allocations for health initiatives, highlighting the need for increased accountability in project implementation.
- e. Gaps in communication within the health sector
- f. Lack of involvement of critical stakeholders in projects implementation- e.g. health facility in charges not being effectively involved when projects are being implemented in their facilities.

Elgeyo Marakwet County

a. Lack of information at project sites/ health facilities

The monitors noted that at project sites, there is low levels of information sharing among those engaged in project implementation. For instance, the Project Management Committees (PMCs) were monitoring projects without even a copy of the Bill of Quantities (BQs). The health facility in charge also lacked some crucial information including the BQs.

b. Inadequate capacity among Project Management Committees

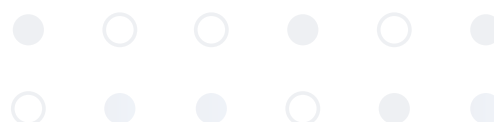
The PMCs were reported to lack basic knowledge on project management and monitoring. Some members have never seen crucial documents like the BQ, with some not understanding the process through which a project goes through from inception to end.

c. Existence of white elephant projects

The monitors noted that there are projects that constantly receive budgetary allocations annually by the county government yet are never completed. This was raised as a red flag and the CSOs through the network vowed to constantly follow up with the projects at the health facilities to ensure that projects that are started are completed.

Turkana County

In Turkana County, the monitors observed that there were few projects on agriculture, yet the county is classified as an ASAL region and food insecure. This means that the county government is not putting enough effort to ensure the county is food secure. TI-Kenya reviewed the findings with the monitors and representatives from the four County Governments and shared the detailed findings and recommendations for further advocacy.



Submission of proposals to the National Assembly in Kenya on Finance Bill 2023 and public debt management

In collaboration with other CSOs under the OKOA UCHUMI Campaign, TI-Kenya has been at the forefront of demanding transparency in public debt management in Kenya and across Eastern Africa. In July 2023, TI-Kenya in collaboration with AFRODAD, OKOA UCHUMI, and CSPEN convened a meeting with APNAC-Kenya members to highlight key issues on public debt in Kenya amid public scrutiny and input on the Finance Bill 2023. The meeting deliberated on the contentious issues in the Finance Bill 2023 as well as the key issues to ponder about the debt situation in Kenya.

Key recommendations were submitted by CSOs regarding public debt including the need to strengthen the national legal frameworks to ensure transparency and accountability for sovereign debts negotiations, borrowing and management as espoused in the African Borrowing Charter, regular publication of the debt register and legal provisions regarding debt ceiling being a certain ratio to the GDP.

In the run-up to the passing of the Finance Bill 2023, TI-Kenya alongside partners sustained targeted sensitisation and advocacy campaigns through community and media engagements to educate the citizens on the contents of the Finance Bill and its implications. There was also a [public petition](#) to members of parliament to reject the bill. This notwithstanding the Finance Bill 2023 was passed by parliament and assented to law by the president in June 2023. Following the enactment, TI-Kenya together with other organisations filed a petition challenging the constitutionality of the Act; Finance Act 2023 Case (HCCHRPET/E228/2023). The matter was concluded in the High Court with the court finding the Act unconstitutional. However, the court allowed for its implementation pending an appellate hearing in the Court of Appeal. The attention for TI-Kenya and partner CSOs shifted to heightened efforts in pushing for transparency and accountability in the use of public funds.

Engagements with the International Monetary Fund (IMF)

TI-Kenya alongside Okoa Uchumi partners took note of the fact that most of their recommendations to IMF on targeted public finance issues through various consultative meetings were never considered. Resultantly, TI-Kenya and Okoa Uchumi partners declined to participate in consultations with the IMF on the ongoing fiscal consolidation program in Kenya and launched a protest [letter](#) to IMF. In response, IMF reached out to the Okoa Uchumi secretariat to resolve the impasse. Discussions are ongoing to establish a working relationship between CSOs and the IMF on public finance management issues in Kenya.

Improved business integrity and ethics

Increased awareness on Beneficial Ownership and public procurement laws in Rwanda and Uganda.

In September 2023, TI-Kenya financially supported TI-Rwanda activities towards enhancing public awareness on Beneficial Ownership Transparency in Rwanda through radio and TV talk shows.

This follows the publication of the law governing companies in Rwanda (Law N° 007/2021) and adoption of the law governing public procurement in Rwanda in which TI-Kenya gave technical support during the review process. The law governing companies requires disclosure of beneficial ownership information and a register to be maintained by the company secretary and imposes on companies penalties for failure to disclose their beneficial owners. Since April 2023, the Rwanda Development Board (RDB) has been collecting information related to Beneficial Ownership in all companies registered in Rwanda. However, public awareness was still very limited. The law governing public procurement in Rwanda, adopted on 21st November 2022, has provisions on beneficial ownership in public procurement in Rwanda.

In Uganda, TI-Kenya alongside TI-Uganda and the Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI) participated in stakeholder review of the beneficial ownership draft regulations in December 2022. Further, TI-Kenya financially supported TI-Uganda's public awareness activities (radio talk shows) on access to public information and implementation of beneficial Ownership regulations and their contribution to anti-corruption work in Uganda.

Supporting the review of relevant regulations to curb tax evasion.

In May 2023, Transparency International Kenya in collaboration with the Business Registration Service convened a meeting with civil society, government agencies and the private sector under the ambit of the Open Government Partnership (OGP) to assess the progress made on Beneficial Ownership under the OGP and develop draft commitments in the new NAP (NAP V). This engagement developed draft commitments for the new NAP for further review and adoption.

In June 2023, TI-Kenya supported the Business Registration Service (BRS) in an input-gathering meeting with the Law Society of Kenya, the Institute of Public Certified Secretaries of Kenya and financial institutions represented by the Kenya Bankers Association. The meeting gathered stakeholder input on the proposed changes to the Companies Act, the Limited Liabilities Partnership Act, and the Beneficial Ownership Information Regulations 2022. Further, the stakeholders were introduced to the newly revamped company register for input before it was rolled out by December 2023. The BR's legislative amendments are meant to ensure more legal entities (LLPs and foreign entities) are brought under the Beneficial Ownership regime to reduce tax evasion and strengthen Kenya's legal frameworks to combat money laundering and terrorism financing. This is also in line with the African Union High-Level Panel report recommendations to deal with the commercial components of IFFs as well as recommendations for further responsibilities of African partners as relates to transparency of ownership and control of companies, partnerships, trusts, and other legal entities.

Research and analysis to promote ethical business practices.

Unethical commercial practices contribute significantly to corruption as private businesses collude with public officials to evade tax, get lucrative business opportunities unfairly or even as conduits for stolen public funds (a pathway for IFFs). Many times private businesses provide either demand or supply forces of corruption. TI-Kenya has been keen to advocate for ethical business practices to reduce corruption emanating, benefitting, or being facilitated by the private sector. To this end, our organisation undertook the following assessments to collect evidence for advocacy on ethical business practices.

1. Sector-specific assessment of how tax incentives benefit mining companies in Kenya to facilitate evidence-based advocacy around the award of tax incentives and formulation of policies that promote transparency and accountability in the mining sector.
2. Research into tax incentives driving economic inequality across six economic blocks in Kenya to illuminate various tax incentives/waivers awarded by county governments, loopholes in the law and the impact of their implementation especially to vulnerable members of the community.
3. Comparative analysis of existing tax incentives and decision-making processes in Kenya across the six Economic Blocs in Kenya and where relevant, the EAC region, to transpose learnings from neighbouring countries. The research analysed how tax incentives dedicated to driving investment, economic growth and job creation bring income and wealth/economic inequalities to the marginalised groups in Kenya on the other hand.
4. Review of poverty eradication measures/ policies put in place by the various countries and how effective these have been in eradicating/reducing income inequalities.
5. Fiscal analysis of government allocations and Illicit Financial Flows in the mining sector.

The recommendations from these assessments have been used in advocacy at national and county levels to promote the adoption of ethical business practices and hence reduce corruption and existing economic inequalities. The reports have been an eye-opener to county and national government agencies about the effect of their policy and legislative framework.

To stimulate national discourse on IFFs, TI-Kenya published three articles on Beneficial Ownership Transparency (BOT) implementation and related compliance issues in the country and Africa at large. The first article was published in collaboration with TI-Zambia and TI Secretariat on BoT after the Summit for Democracy that was held in Zambia sometime in March 2023 illuminating BOT issues in Africa. Following the Gold Mafia investigative series by Al Jazeera Investigates (AI), TI-Kenya published on its website an article highlighting key issues about IFFs for Kenya and possible solutions. In response to the enactment of the finance bill that proposed new taxes, TI-Kenya shared insights on domestic resource mobilisation to safeguard public finances through article in the Star.

Journalists' capacity strengthening on Illicit financial flows (IFFs)

In June 2023, TI-Kenya capacity built 21 journalists on Illicit Financial Flows to enhance their capacity to investigate IFFs. As an anti-corruption strategy, the strengthening of journalists' capacity increases the number and quality of investigative stories on IFFs hence uncovering Kenya and Africa's lost resources through IFFs for advocacy and action by relevant agencies. Kenya and Africa continue to lose billions of resources each year through IFFs mainly originating from the extractive sector. A 2020 publication by UNCTAD revealed that Africa could gain \$89 billion annually by curbing illicit financial flows. It is therefore paramount that African countries enhance in-country fight against IFFs.

Institutional Development

This strategic focus area builds upon TI-Kenya's track record while further developing its internal capacities and ensuring institutional sustainability.

Operations, People and Culture

TI-Kenya endeavours to build a culture of transparency, integrity, and accountability from the inside out by inculcating a culture of justice, unity, integrity, courage, and excellence within its people while enhancing its governance processes to ensure that the institution upholds its vision as a premier anti-corruption body. To this end, TI-Kenya:

1. Strengthened its people engagement approaches (employee relations; organizational values and culture; work environment; performance management; Staff welfare) to ensure it attracts, motivates, and retains high-quality staff.
2. Regularly capacity built its staff through training and sensitisations, mentorship, peer learning, knowledge and information sharing platforms, documentation and sharing of best practices to ensure staff have the requisite capacity to fight corruption.
3. Implemented recommendations of Job evaluation and workload analysis undertaken in 2021 to strengthen its institutional culture and identity.
4. Conducted internal surveys (Satisfaction Surveys and Happy Barometer check) to assess effectiveness of institutional policies and processes.
5. Undertook quarterly board meetings and other engagements to review and strengthen institutional governance processes.

Systems, Policies, and Structures

To respond to the dynamic environment, TI-Kenya reorganised its internal systems, policies, procedures, and structures to accommodate sustainable and safe operations. In this regard, the organisation continued to review key internal policies and procedures, adhere to all applicable statutory requirements, continued automation of planning, monitoring and evaluation, finance, procurement, and human resource processes as well as ensured robust ICT to support institutional operations.

Planning, Monitoring, Evaluation, Research, and Learning (MERL)

Monitoring, evaluation, research, and learning ensure continuous data generation and analysis to inform management decision-making and assess institutional performance and learning and adaptation. Within the period under review, TI-Kenya.

- I. Continued implementation of the strategic plan dubbed Action for Integrity through annual detailed implementation plans.
- II. TI-Kenya deepened institutional learning through annual, biannual, quarterly, and monthly learning forums.
- III. We continuously monitored and periodically assessed the implementation of its anti-corruption initiatives through different projects.
- IV. We published key research products including a sector-specific assessment of how tax incentives benefit mining companies in Kenya, Research into tax incentives and economic inequality across six economic blocks in Kenya, Comparative analysis of existing tax incentives and decision-making processes in Kenya, Review of poverty eradication measures/ policies put in place by the various countries and their effect in eradicating/reducing income inequalities and fiscal analysis of government allocations and Illicit Financial Flows in the mining sector.
- V. We disseminated results of the 2022 Corruption Perception Index (CPI) to advocate for more stringent measures to tackle corruption in Kenya.

Strategic Communications and Partnerships

To increase media engagement, visibility, and TI-Kenya's presence in strategic spaces/ places, the organisation engaged in proactive marketing of our brand that aligned stakeholders with our vision for a Corruption-free society. Specifically, TI-Kenya.

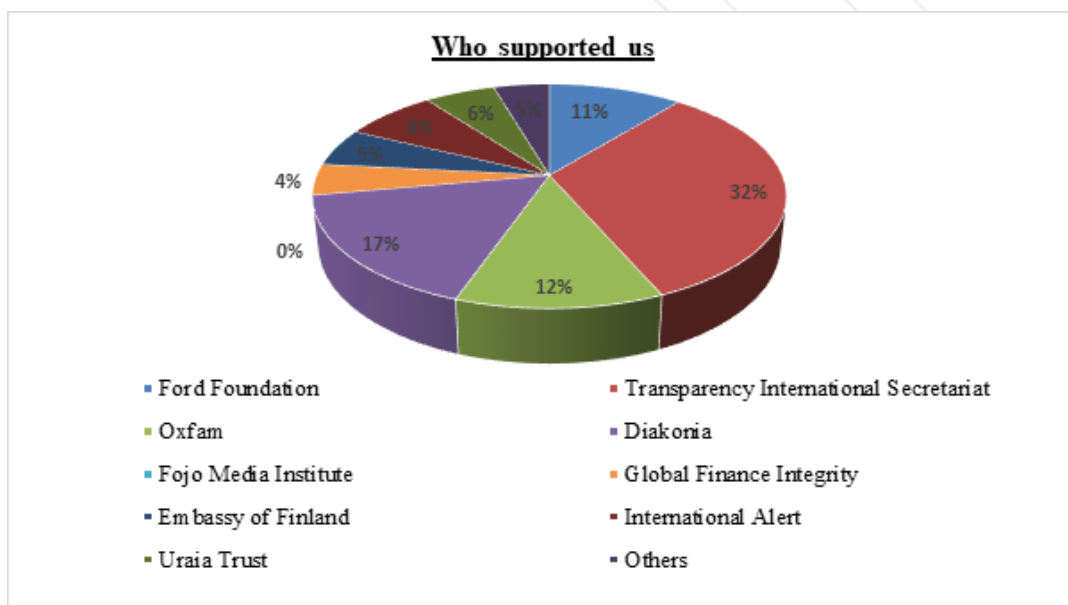
- I. Amplified the anti-corruption agenda through 16 radio talk shows, 6 live TV interviews, and 7 press conferences and media briefings reaching over 20 million citizens with messages on emerging governance issues, including on leadership and integrity, illicit financial flows, ethical business practice and social accountability among others. We also kept our audience engaged in our anti-corruption activities through our monthly E-newsletters.
- II. Advocated for transparency and accountability in the country through print media by publishing 17 opinion pieces in the local dailies.
- III. Sustained online anti-corruption campaigns through our social media platforms. Within the period about 2 million online audiences interacted with our X account (formerly Twitter), our following rose from 18.6 K to 19.1 K, 11.2 K interacted with our Facebook account, and 2.9K on the LinkedIn platform.
- IV. Participated in outreach and awareness activities such as the International Day for the Universal Access to Information, Africa Anti-corruption Day, International Anti-Corruption Day among others to disseminate information and educate the public on corruption and their role in fighting the same.

Financial Performance Analysis for the Financial Year that ended on 30th September 2023

Restricted Income

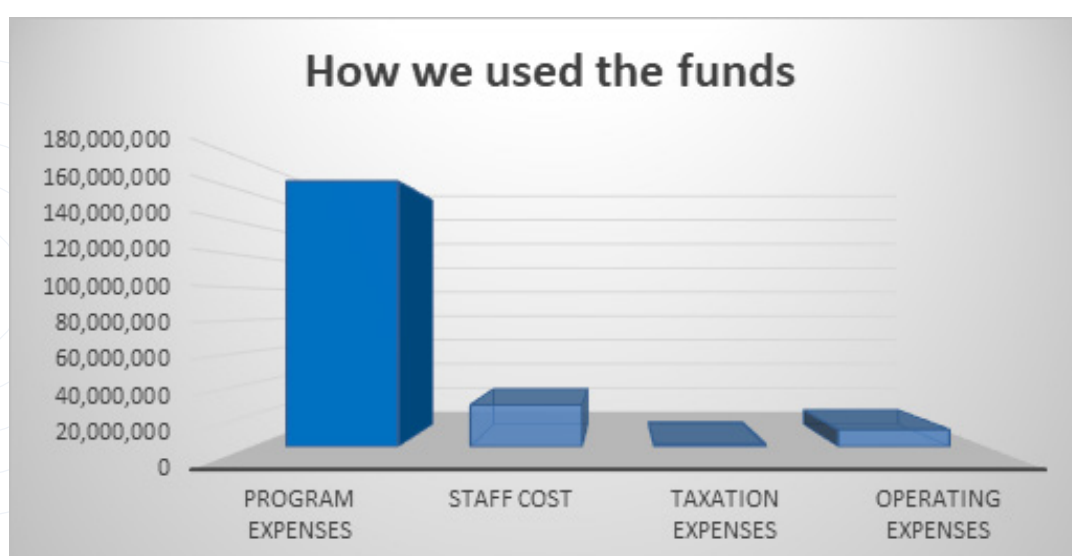
Restricted grants	2023	2022
Ford Foundation	16,980,586.00	21,943,957.00
Transparency International Secretariat	50,592,038.00	31,001,659.00
Oxfam	18,571,582.00	12,083,385.00
Diakonia	26,070,790.00	37,769,160.00
Fojo Media Institute	-	8,424,530.00
Global Finance Integrity	6,998,976.00	4,194,815.00
Embassy of Finland	8,565,094.00	10,792,151.00
International Alert	11,756,161.00	5,332,970.00
Uraia Trust	8,916,364.00	3,175,683.00
Others	7,098,154.00	28,502,561.00
Grand Total	155,549,745.00	163,220,871.00

Who supported us



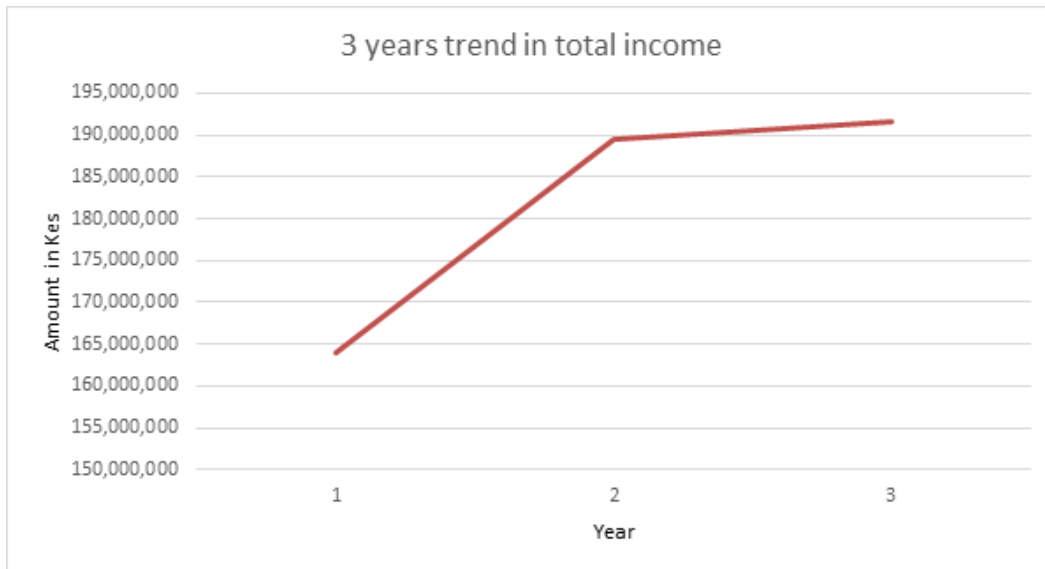
How the funds were applied (Ksh)

EXPENSES	Amount (Ksh)/ Percentage
Program Expenses	167,474,661
Staff Cost	26,385,632
Taxation Expenses	1,555,613
Operating Expenses	10,713,749
Total	206,129,655



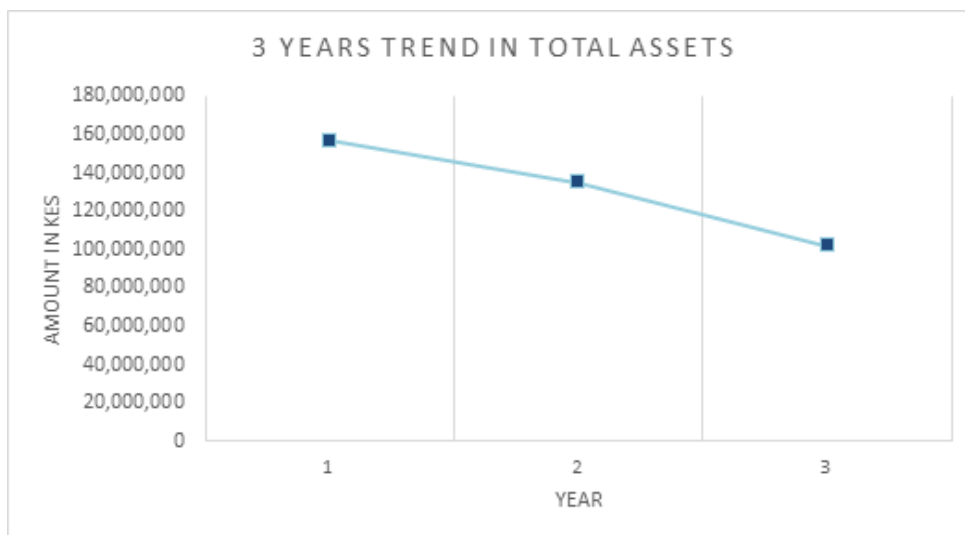
3 years trend on total income

Year	Total income (KSH)
2021	164,011,586
2022	189,558,132
2023	191,631,346



3 years trend in our total assets

Year	Total assets (KSH)
2021	156,644,801
2022	134,865,666
2023	101,820,759





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KENYA

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TI - Kenya



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