



PRESS RELEASE:

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WORLD WHISTLEBLOWER DAY: HONORING THE VOICES THAT SPEAK UP AND THE URGENCY FOR LEGAL REFORMS

On this year's World Whistleblower day, TI-Kenya, The Kenya Human Rights Commission (KHRC), The Institute of Social Accountability (TISA) and Inuka Kenya Ni Sisi, joins the global community in recognizing and celebrating whistle blowers and the critical role they play towards promoting transparency, accountability and the rule of law.

Celebrating Courage in the Face of Adversity

Globally, the experience of whistleblowers continues to be both inspiring and challenging. Their willingness to put principles before personal comfort has led to crucial reforms that protect millions of people worldwide. In Kenya whistleblowers have served as early warning system exposing fraud, budgeted corruption and human rights violations contributing towards strengthened democratic governance. Their testimonies have exposed unethical behavior in the public and private spheres, igniting public indignation and calling for reform.

Despite their sacrifice, whistleblowers often face retaliation, threats, loss of livelihood, and even physical harm. For instance, CPA Spencer Sankale, one of the whistleblowers of the 'Maasai Mara Heist' that came to light in 2019 was dismissed employment in 2021; The late David Muniyakei, the whistleblower in the Goldenberg scandal who lost his job at the Central Bank of Kenya almost 30 years ago and died a destitute; In 2021, Jennifer Wambua, who was the then deputy communications director at the National Land Commission was found dead, at a time when she was a state witness in a Ksh 122.3 million fraud case in which 18 people including public officials were charged. Her reporting of this case was suspected as a motive for her killing

These stories are just but a fraction of the horrendous acts of retaliation that most Kenyans face when they speak up against corruption. This is unacceptable in any society that claims to uphold constitutional values and human dignity.

Need for protection and legislative reforms

The despicable acts of high-level intimidation against whistleblowers are a reminder of the urgent need to put in place a robust legal framework to protect those who risk their lives and livelihoods exposing corruption and other related abuses. The absence of a comprehensive whistleblower protection framework in Kenya has left courageous individuals vulnerable and thereby demeaning anti-corruption efforts.

In 2015, a Task Force reviewing Kenya's legal, policy, and institutional framework for combating corruption recommended the enactment of a comprehensive whistleblower protection law. This led to the drafting of the Whistleblower Protection Bill, 2017, which was later refined into the Protected Disclosures Bill, 2019. Amendments were also proposed to relate anti-corruption legislation, including the Access to Information Act, Bribery Act, and the Proceeds of Crime and Anti-Money Laundering Act, to broaden the scope of designated entities under Designated Non-Financial Businesses and Professions (DNFBPs).

Despite these efforts, progress remained slow until the Whistleblower Protection Bill, 2023, was reintroduced by the Office of the Attorney General. Parallel versions of the bill were also tabled in the National Assembly and in the Senate.

The 2023 Bill by the Attorney General if enacted into law, will be critical in:

- Establishing a clear legal framework for the protection of whistleblowers;
- Creating a confidential reporting mechanism and protection protocols;
- Imposing penalties for acts of retaliation;
- Offering incentives and support systems to encourage whistleblowing in the public interest.

Call to action

We acknowledge the current efforts to enact the Whistleblower Bill through the Office of the Attorney General by providing amendments to the Witness Protection Act under the Anti-Corruption laws (Amendment) Bill 2025 to expand its protection to, not only general witnesses, but also the whistleblowers.

We commend lawmakers and civil society partners who have championed this cause.

On this World Whistleblower Day,

We urge all public institutions involved in the process to expedite the passage of the Bill, which has been pending for more than 12 years now, without dilution of its protective provisions so that the law can truly ensure all Kenyans that risk life and limb to report corruption or other forms of wrongdoing. We particularly call for the following:

i. Fast-track the Whistleblower Protection Bill 2024

We urge the Parliament and other relevant institutions to prioritize the tabling, review, and enactment of the Whistleblower Protection Bill without further delay.

ii. Amend the Witness Protection Act

Introduce an amendment to the Witness Protection Act to explicitly give the Witness Protection Agency the exclusive mandate to handle whistleblower protection, particularly in cases where whistleblowers face serious threats to their lives.

iii. Ensure Interim Protection Measures

Provide continued institutional and legal support to whistleblowers, even in the absence of a comprehensive legal framework, to ensure their safety and ability to speak out without retaliation

iv. Clarify Admission and Exit Criteria for Protection

Establish a clear and transparent criterion for admitting and removing whistleblowers from protection programs. This includes setting guidelines for the duration of protection and the voluntary terms under which whistleblowers enter or exit such programs. Where gaps exist, these criteria can be adapted from the existing Witness Protection Act.

v. Define a Statutory Limitation Period for Disclosures

The proposed Whistleblower Protection Bill should clearly stipulate the time frame within which whistleblowers can report misconduct or improper conduct. This will prevent ambiguity and ensure timely disclosures, while balancing fairness to all parties involved.

We encourage the media to keep up its responsible coverage of whistleblower disclosures while safeguarding sources and acknowledging the dangers these people face.

We encourage citizens to continue supporting whistleblowers by recognizing and encouraging them to continue speaking truth to power.

We urge all public and private organisations and companies to establish strong internal reporting mechanisms and frameworks critical for safeguarding staff members who come forward with honest reports of wrongdoing.

ENDS.

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