TRANSPARENCY INTERNATIONAL KENYA

UNCAC Civil Society Coalition

CIVIL SOCIETY REPORT

on the implementation of
Chapter II (Prevention) & Chapter V (Asset Recovery) of the

UNITED NATIONS CONVENTION AGAINST CORRUPTION

IN KENYA

by Transparency International Kenya

Acknowledgements

With the aim of contributing to the national UNCAC review in Kenya in its second cycle, this parallel report was written by Transparency International Kenya (TI Kenya), using the guidance materials and report template designed by the UNCAC Coalition and Transparency International Kenya. The production of this report was supported by the UNCAC Coalition, made possible with funding provided by the Norwegian Agency for Development Cooperation (Norad) and the Ministry of Foreign Affairs of Denmark (Danida).

The findings in this report are those of the authors, but do not necessarily reflect the views of the UNCAC Coalition and the donors who have made this report possible.

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 30th June 2025.

The authors of this report are the members of the Research Team at Transparency International Kenya including Gibson Mwaita, Elizabeth Duya, Caroline Maina, Diana Mwanzia, Samuel Komu, Philomena Mbaye and under the supervision of Sheila Masinde, the organization's Executive Director. The report was reviewed by Ana Revuelta and Danella Newman from the UNCAC Coalition.

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Founded in 1999, Transparency International Kenya (TI-Kenya) is a not-for-profit organization with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the chapters of the global movement Transparency International.

The organization has over 20 years' experience in governance work at the national and county levels. TI-Kenya pursues advocacy, partnerships, strategic litigation, research, capacity building, and civic engagement approaches. TI-Kenya contributes to developing effective legal, policy, and legislative frameworks as well as promoting national values that support transparency and accountability.

TI-Kenya has its main office in Nairobi, and maintains regional presence in the Coast, Rift Valley, the larger Western Kenya and Eastern Kenya through four Advocacy and Legal Advice Centers (ALACs) located in Mombasa, Eldoret, Kisumu and Nairobi.

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Abbreviation

ACECA	Anti-Corruption and Economic Crimes Act
AECD	Anti-Corruption and Economic Crimes Court Division
ARA	Assets Recovery Agency
ATI	Access to Information
CSOs	Civil Society Organizations
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
FRC	Financial Reporting Centre
IEBC	Independent Electoral and Boundaries Commission
KLIF	Kenya Leadership Integrity Forum
LIA	Leadership and Integrity Act
MCACC	Magistrates Court Anti-Corruption Case
MDA	Ministries, Department and Agencies
MLA	Mutual Legal Assistance
OAG	Office of the Auditor General
ODPP	Office of the Director of Public Prosecution
POCAMLA	Proceeds of Crime and Anti-Money Laundering Act
PPADA	Public Procurement and Asset Disposal Act
STR	Suspicious Transaction Reports
TI-Kenya	Transparency International Kenya
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
WPA	Witness Protection Agency

List of Persons Consulted[1]

Name	Affiliation
Anonymous Anonymous	Ethics and Anti-Corruption Commission
Anonymous	Judiciary
Anonymous	Office of the Attorney General and Department of Justice (National Anti-Corruption Campaign Steering Committee)
Anonymous	Office of the Director of Public Prosecution
Anonymous	Witness Protection Agency

Focus Group Discussions

Name	Job title	Affiliation	Date of interview
Lewis Kundai	Program Officer	Civil Forum for Asset Recovery (CiFAR)	24 April 2025
Sylvia Katua	Program Officer	Mzalendo Trust	24 April 2025
Alex Mureithi Lisa Atieno	Program Officer Program Officer	The Institute for Social Accountability	24 April 2025

[1] The government representatives interviewed for this report have all requested to remain anonymous. Interviews were conducted between April and June 2025.

I. Introduction

Kenya signed and ratified the United Nations Convention against Corruption (UNCAC)[2] on 9 December 2003. This parallel report reviews Kenya's implementation of selected articles of Chapter II (Preventive measures) and Chapter V (Asset recovery) of the UNCAC. The report is intended as a contribution to the UNCAC implementation review process covering the subsequent chapters. Kenya was selected by the UNCAC Implementation Review Group by drawing lots for review in the second year of the second cycle.

1.1 Scope

The UNCAC articles and topics that receive particular attention in this report are:

Chapter II: Preventive Measures
- Article 5: Preventive Anti-Corruption Policies and Practices
- Article 6: Preventive Anti-Corruption Body or Bodies
- Article 7.1: Public sector employment
- Article 7.3: Political financing
- Articles 8 and 12: Codes of Conduct for public officials
- Articles 8.4 and 13.2: Reporting mechanisms and whistleblower protection
- Article 9: Public procurement and management of public finances
- Article 10: Public Reporting
- Article 11: Measures relating to the Judiciary and Prosecution Services
- Article 12: Private sector
- Article 13: Participation of Society
- Article 14: Measures to Prevent Money Laundering

Chapter V: Asset Recovery
- Article 52: Prevention and Detection of Transfers of Proceeds of Crime
- Article 53: Measures for Direct Recovery of Property
- Article 54: Mechanisms for Recovery of Property through International Cooperation in Confiscation
- Article 55: International Cooperation for Purposes of Confiscation
- Article 56: Special Cooperation
- Article 57: Return and Disposal of Assets
- Article 58: Financial Intelligence unit
- Article 59: Bilateral and multilateral agreements and arrangements
- Article 59: Bilateral and Multilateral Agreements and Arrangements

1.2 Structure

[2] United Nations Convention against Corruption (UNCAC) (2004), https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

The report begins with an executive summary that presents key findings, and recommendations regarding the Country review process, availability of information and the implementation and enforcement of the selected UNCAC articles. This is followed by detailed chapters that explore the review findings in Kenya as well as matters on access to information. The report then assesses Kenya's implementation of UNCAC, illustrating both good practices and areas of deficiencies. It also discusses recent developments related to anti-corruption efforts, and concludes with the recommendations for priority actions to enhance the implementation of UNCAC in Kenya.

1.3 Methodology

This report was prepared by TI-Kenya with technical and financial support from the UNCAC Coalition. The group made efforts to obtain information for the report from government offices and to engage in dialogue with government officials.

The report was prepared using guidelines and a report template designed by the UNCAC Coalition and Transparency International for use by civil society organizations (CSOs). These tools reflected but simplified the United Nations Office on Drugs and Crime (UNODC)'s checklist and called for relatively short assessments as compared to the detailed official self-assessment checklist. The report template included a set of questions about the review process and, in the section on implementation, asked for examples of good practice and areas in need of improvement in articles of UNCAC Chapter II on preventive measures and Chapter V on asset recovery.

During the data collection exercise, relevant state and non-state actors were mapped out. A comprehensive review of Kenya's framework was conducted of the existing legal and policy framework including: Constitution of Kenya (2010)[3]; Anti-Corruption and Economic Crimes Act, No. 3 of 2003[4]; Access to Information Act (2016)[5]; Ethics and Anti-Corruption Commission Act, No. 22 of 2011[6]; Public Finance Management Act (2012)[7]; Public Procurement and Asset Disposal Act (2015)[8]; Proceeds of Crime and Anti-Money Laundering

[3] Constitution of Kenya (2010), https://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf. Accessed 22 August 2025.
[4] Anti-Corruption and Economic Crimes Act, (2003), https://new.kenyalaw.org/akn/ke/act/2003/3/eng@2023-12-11. Accessed 22 August 2025.
[5] The Access to Information Act (2016), https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No._31_of_2016.pdf. Accessed 22 August 2025.
[6] Ethics and Anti – Corruption Commission Act (2011), https://eacc.go.ke/en/default/wp-content/uploads/2018/06/eacc.pdf. Accessed 22 August 2025.
[7] Public Finance Management Act (2012), https://pfmr.go.ke/wp-content/uploads/2020/11/PFM-ACT-2012.pdf. Accessed 22 August 2025.
[8] Public Procurement and Asset Disposal Act (2003), https://ppra.go.ke/ppda/. Accessed 22 August 2025.

Act (2012)[9]; Conflict of Interest Act 2025[9]; Leadership and Integrity Act, No. 19 of 2012[10]; Bribery Act, No. 47 of 2016[11]. Special emphasis was put on the extent to which these laws comply with or domesticate the UNCAC.

On the other hand, a literature review was conducted by examining reports from government agencies, civil society and the media, which highlighted the status of UNCAC implementation. TI-Kenya also conducted interviews with government agencies and focus group discussions with civil society organizations. Government agencies consulted comprised the Office of the Director of Public Prosecutions, the Judiciary (Anti-Corruption and Economic Crimes Court division), the Office of the Attorney General (National Anticorruption Steering Committee) and the Witness Protection Agency, whilst CSOs consulted are Mzalendo Trust, Civil Forum for Asset Recovery (CiFAR), Institute of Social Accountability, who are members of the Civil Society Parliamentary Engagement Network (CSPEN).

In preparing this report, the authors took into account the recent review of Kenya carried out by the UNCAC Implementation Review Mechanism (IRM) in 2014 during the first review cycle and the Country Review Report[12] in the second review cycle, published in 2019.

[9] Proceeds of Crime and Anti – Money Laundering Act (2012) https://new.kenyalaw.org/akn/ke/act/2009/9/eng@2023-09-15. Accessed 22 August 2025.

[10] Leadership and Integrity Act (2012), https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/LeadershipandIntegrityActNo19of2012.pdf. Accessed 22 August 2025.

[11] Bribery Act (2016), http://kenyalaw.org:8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/B/Bribery%20Act%20-%20No.%2047%20of%202016/docs/BriberyAct47of2016.pdf. Accessed 22 August 2025.

[12] UNODC (2019), Country Review Report of The Republic of Kenya - Review of the implementation by Kenya of Chapters II and V of the United Nations Convention against Corruption, available at: https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed on 1 May 2025.

II. Executive Summary

This independent parallel report assesses Kenya's implementation of UNCAC Chapters II (Preventive Measures) and V (Asset Recovery). This parallel report provides a civil society perspective to supplement the official review process of Kenya, with a focus on legal frameworks, practical implementation, and the inclusiveness of the review process.

2.1 Description of the official review process

Kenya's second-cycle review under the United Nations Convention against Corruption (UNCAC) officially began on 25 July 2017, with the Democratic Republic of the Congo and New Zealand serving as the designated peer-reviewing countries. The review process was coordinated by a national inter-agency committee presided by the Office of the Attorney General, which completed a comprehensive self-assessment checklist covering Chapters II (Preventive Measures) and V (Asset Recovery) of the Convention.

To support the assessment, Kenya undertook a consultative approach that included input from civil society organizations (CSOs), and input from the private sector and academia. These stakeholders were included in the national coordination structures overseeing the review. A country visit took place in Nairobi from 26 to 28 June 2018, during which peer reviewers and UNODC representatives engaged with both public and non-state actors.

Notably, Kenya exceeded the basic transparency requirements of the UNCAC review mechanism by voluntarily publishing its full country report[13] on 27 June 2019, rather than limiting disclosure to the executive summary. This decision reflects a commendable commitment to openness and accountability.

2.2 Availability of information

For the preparation of this report, TI-Kenya conducted interviews with various government agencies and CSO actors. Most of the information on the status of implementation of UNCAC Chapters II and V was obtained from key informants from the government agencies and civil society organizations. Additionally, we drew from publicly available sources, including the UNODC country profile page, the websites of Ministries, Department and Agencies (MDAs) and Kenya law reports' national website. We consulted civil society reports including from the UNCAC Coalition and TI-Kenya's published research reports. We verified online sources and drew from our advocacy experience to address corruption in Kenya and TI-Kenya's published research reports.

However, obtaining interviews with some key government agencies proved challenging, often requiring multiple follow-ups via email. Some agencies were slow to respond to our interview

[13] UNODC, Kenya Country Review Report (2019), https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 18 July 2025.

requests, and due to the tight timeline for drafting the instant report, we were unable to secure their participation.

2.3 Implementation in law and practice

Kenya has established a comprehensive legal and institutional framework to prevent and combat corruption in public and private entities. However, key institutions such as the Ethics and Anti-Corruption Commission (EACC), the Office of the Director of Public Prosecution (ODPP), the Financial Reporting Centre (FRC), the Assets Recovery Agency (ARA) and the Judiciary face implementation challenges due to limited resources (financial and human), weak inter-agency coordination and political interference[14]. While good practices have emerged such as the adoption of the Integrated Financial Management Information System (IFMIS) and e-procurement, and EACC Guidelines on corruption risk assessment have been launched, Kenya needs to consistently enforce its legal framework and enhance institutional capacity to become more effective in the fight against corruption and fully implement Chapter II and Chapter V of the UNCAC.

Below is a summary of each policy area covered in the report and the main findings of laws, policies, and their application and enforcement in practice.

Articles 5 and 6 – Preventive anti-corruption policies and practices, and anti-corruption bodies

The Parliament of Kenya enacted the Anti-Corruption and Economic Crimes Act[15], and the Ethics and Anti-Corruption Commission (EACC) Act[16], both of which are based in the Constitution of Kenya.[17] The Ethics and Anti-Corruption Commission is tasked with ensuring compliance with and enforcement of anti-corruption measures.[18] Other complementing bodies include the Office of the Director of Public Prosecutions (ODPP), the Assets Recovery Agency (ARA), the Anti-Corruption and Economic Crimes Court Division within the judiciary, and the Financial Reporting Centre (FRC). However, the practical enforcement of anti-corruption policies and practices by these institutions is challenged by overlapping mandates creating imbalance between the agencies, limited resources to the EACC, political interference and inadequate cooperation from other agencies like the ODPP.[19]

[14] Transparency International Kenya (2025), *'Rubber Meets the Road: An Assessment on the Impact of Anti-Corruption Laws and Institutions in Kenya'*, https://tikenya.org/wp-content/uploads/2025/03/Rubber-Meets-the-Road-An-Assessment-on-the-Impact-of-Anti-Corruption-Laws-and-Institutions-in-Kenya.pdf. Accessed on 22 August 2025.
[15] Anti-Corruption and Economic Crimes Act, (2003), https://eacc.go.ke/default/wp-content/uploads/2018/06/aceca.pdf. Accessed 22 August 2025.
[16] Ethics and Anti-Corruption Commission Act, (2011) , https://eacc.go.ke/en/default/wp-content/uploads/2018/06/eacc.pdf. Accessed 22 August 2025.
[17] Article 79, Constitution of Kenya 2010. https://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf. Accessed 22 August 2025.
[18] Section 3, Ethics and Anti - Corruption Commission Act (2011), https://eacc.go.ke/en/default/wp-content/uploads/2018/06/eacc.pdf. Accessed 22 August 2025.
[19] Transparency International Kenya (2025), *'Rubber Meets the Road: An Assessment on the Impact of Anti-Corruption Laws and Institutions in Kenya'* .

Article 7.1 – Public sector employment

The Parliament of Kenya established the Leadership and Integrity Act[20] and Conflict of Interest Act 2025[21] both grounded in the Constitution. These laws emphasize merit-based appointments, competitive recruitment and the promotion of integrity within the public service. However, their implementation is undermined by political interference and patronage, especially in senior appointments. In some occasions, corruption cases have been withdrawn by the Office of the Director of Public Prosecution following the appointments of politicians to senior positions in government.[22] Additionally, there is inadequate transparency in public appointments where vetting processes are reduced to a mere formality.

Article 7.3 – Political financing

Kenya has also established a legal framework on political financing through the Political Parties Act[23] and the Election Campaign Financing Act[24], which provide for public funding, disclosure requirements, and regulation of campaign expenditures. However, implementation remains weak: the Election Campaign Financing Act has never been fully operationalized due to lack of political will, enforcement by agencies like the Office of the Registrar of Political Parties (ORPP) is limited, and public access to political finance information is poor as was reported by one of the respondents from the EACC and CSOs that were engaged in the focus group discussions, hence its poorly-rated performance. Despite active civil society advocacy for transparency and accountability, Kenya continues to fall short in effectively regulating political financing and ensuring compliance with international anti-corruption standards.

Article 8 – Codes of conduct for public officials

The Parliament of Kenya adopted the Leadership and Integrity Act[25] and the Conflict-of-Interest Act 2025 with comprehensive coverage. These laws require all public officials to periodically declare their income, assets, and liabilities. This process is monitored by the EACC and includes conducting lifestyle audits to detect potential misconduct, particularly where an individual appears to live beyond their legitimate means.[26] Moreso, the implementation in practice of the ethics and integrity laws and the lifestyle audits is hindered by limited resources

[20] Leadership and Integrity Act (2012), https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/LeadershipandIntegrityActNo19of2012.pdf. Accessed 22 August 2025.
[21] Conflict of Interest Act (2025), https://new.kenyalaw.org/akn/ke/act/2025/11. Accessed 22 August 2025.
[22] Transparency International Kenya, 'What's the truth on ODPP's withdrawal of graft cases?' (2022), https://tikenya.org/2022/10/25/whats-the-truth-on-oddps-withdrawal-of-graft-cases/. Accessed 22 August 2025.
[23] Section 7 (i), Political Parties Act (2011), https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PoliticalPartiesAct.pdf. Accessed 25 August 2025.
[24] Election Campaign Financing Act (2013), https://www.iebc.or.ke/uploads/resources/SrIlWeBWMH.pdf. Accessed 22 August 2025.
[25] Leadership and Integrity Act, (2012), https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/LeadershipandIntegrityActNo19of2012.pdf. Accessed 22 August 2025.
[26] https://katibainstitute.org/lifestyle-audits-and-the-constitution/. Accessed 22 August 2025.

and political pushbacks. Additionally, the lifestyle audit is a voluntary process and mainly occurs where the EACC has a justified reason to conduct it. Besides, when assets' declarations are submitted, they are not publicly accessible, limiting transparency and public scrutiny. On the other hand, a good practice implemented by the EACC, particularly the Department of Preventive Measures, is carrying out awareness programs in government institutions to ensure public officials comply with the codes of conduct.

Articles 8.4 and 13.2 – Reporting mechanisms and whistleblower protection

On the reporting mechanisms and whistleblower protection, Kenya has made some progress but falls short of full implementation. The Anti-Corruption and Economic Crimes Act[27] provides limited protection for individuals who report corruption to the EACC, particularly when disclosures are made in good faith. The EACC also offers an anonymous online platform for reporting[28]. However, Kenya lacks a comprehensive whistleblower protection law. Attempts to pass such legislation, including the recent Whistleblower Protection Bill 2024, have repeatedly stalled in Parliament. As a result, whistleblowers remain vulnerable to retaliation such as job loss, harassment, or threats. The EACC National Ethics and Corruption Survey from 2023 indicated that a majority of Kenyans are hesitant to report corruption due to fear of reprisals, and confidence in existing protection mechanisms remains low.[29] According to the survey, 61.1% of the population believe that people who report corruption are likely to suffer for reporting.

Article 9 – Public procurement and management of public finances

Kenya developed the Public Finance Management Act[30] and the Public Procurement and Asset Disposal Act (PPADA)[31]. These laws are in line with international standards, although their implementation remains a challenge. The PPADA established the Public Procurement Regulatory Authority which oversees procurement practices.[32] However, this agency faces political interference and inadequate oversight, which hinder public accountability.

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[27] Section 65, Anti – Corruption and Economic Crimes Act (2023), https://new.kenyalaw.org/akn/ke/act/2003/3/eng@2023-12-11. Accessed 22 August 2025.
Section 65 of the Anti-Corruption and Economic Crimes Act protects informers who may assist the Commission or an investigator in dealing with corruption offences or economic crimes. No action or proceedings may be taken against informers or other persons for their assistance to the Commission as long as the persons believe the information to be true.
[28] Ethics and Anti - Corruption Commission (EACC), 'Report Corruption Anonymous', https://eacc.go.ke/en/default/report-corruption/anonymous/. Accessed 22 August 2025.
[29] Ethics and Anti-Corruption Commission, 'National Survey Report - 2023', https://eacc.go.ke/en/default/wp-content/uploads/2024/03/EACC-NATIONAL-SURVEY-REPORT-2023.pdf . Accessed 22 August 2025.
[30] Public Finance Management Act (2012), https://www.worldbank.org/content/dam/Worldbank/document/Africa/Kenya/Kenay%20Devolution/Public%20Finance%20Management%20Act%20%282012%29.pdf. Accessed 22 August 2025.
[31] Public Procurement and Asset Disposal Act (PPDA) (2015), https://eacc.go.ke/en/default/wp-content/uploads/2018/06/PPDA.pdf. Accessed 22 August 2025.
[32] Public Finance Management Act (2012), https://eacc.go.ke/en/default/wp-content/uploads/2018/06/PPDA.pdf.

To combat corruption, and particularly corruption related to procurement, the government has adopted an e-procurement system[33] and an Integrated Financial Management Information System (IFMIS)[34], both of which can be considered as good practices. These systems mandate all procurement and other financial transactions to be electronically conducted, making it easier to track any suspicious activities and hindering any eventual corruption practices. Consequently, e-procurement has improved transparency.

Articles 10 and 13 – Access to information, and Participation of society

Several legal instruments give effect to UNCAC's article 10 and 13, including Article 35 of the Constitution, the Access to Information Act, the Public Finance Management Act, the Public Procurement and Asset Disposal Act, and the Conflict-of-Interest Act. These laws illustrate how citizens can request information from relevant Ministries, Departments and Agencies, with a few exceptions.[35] The Access to Information Act (ATI) subsequently mandates the Commission on Administrative Justice (Office of the Ombudsman) as the lead agency to facilitate the right of access to information. Through its Access to Information Department, the Office of the Ombudsman reviews and rules on complaints related to violations of the right of access to information, initiates investigations on breaches of the ATI Act, among other oversight functions.

According to the data from the Office of the Ombudsman[36], 92% of the requests were granted as of September 2024. Nevertheless, the government noted legal implementation gaps within the Access to information Act. Hence, the state is currently developing a National Access to Information Policy[37], which shall provide the institutional mechanisms for planning, implementation, coordination, monitoring, reporting and oversight in relation to matters ATI.

Public participation is a guaranteed right under the Constitution anchored under Article 10 of the Constitution as a principle of governance. This right is further reinforced in Article 118 and 232 of the Constitution on legislative and public service processes. Its practical application is evident in the measures that allows citizens to engage in legislative and public service processes, including submission of memoranda on various proposed bills as the ones enlisted herein. For instance, the public has contributed and proposed amendments to various bills, such as the Finance Bill, the Anti-Money laundering and combatting terrorism financing (amendment) Bill, and the Anti-Corruption laws (Amendment) Bill in 2025 through submissions of written memorandum and oral submissions to the respective Committees in Parliament as part of the participation process.

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[33] E- GP Kenya, https://www.egpkenya.go.ke/. Accessed 22 August 2025.
[34] https://www.ifmis.go.ke/.
[35] https://new.kenyalaw.org/akn/ke/act/2016/31/eng@2022-12-31#part_II__sec_6. Accessed 22 August 2025.
[36] https://www.the-star.co.ke/news/2024-09-27-kenyans-made-249424-information-requests-from-public-entities-ombudsman. Accessed on 25 September 2025.
[37] Draft National Access To Information Policy - Public Participation_0.pdf. Accessed on 26th September 2025.

Additionally, the State Department for Parliamentary Affairs[38] has also released a Public Participation Bill 2024, currently undergoing public participation, which aims to provide for the conduct of public participation by the government Ministries, Departments and Agencies.

Apart from the above, participation of the society in practice has been severely hindered by state interference, hence instilling fear and intimidation in the public when speaking out against corruption and government wrongdoing. There have been a number of incidents between 2024 and 2025 against civil society groups, journalists, protestors, and other actors. For instance, during the 2024 protests against the Finance Bill 2024, multiple human rights defenders were harassed by law enforcement despite conducting peaceful protests. This was recorded by the Kenya National Commission on Human Rights who recorded that as of December 2024, there had been abductions of 29 citizens arising from the protests, and arbitrary arrests of 53 citizens and victims of police brutality of 18 citizens across the country[39]. Despite the reports by Commissions such as the Kenya National Commission on Human Rights, impunity remains high. The cases highlighted by the Commission are still undergoing investigations, and the perpetrators are yet to be fully held accountable.

Article 11 – Measures relating to the judiciary and prosecution services

The Judiciary established the Anti-Corruption and Economic Crimes Division in both the Magistrates Court and the High Court in 2002, in line with the Anti-Corruption and Economic Crimes Act.[40] Similarly, Article 157 of the Constitution, through the Office of the Director of Public Prosecutions Act[41], established the Office of the Director of Public Prosecution (ODPP) which is mandated to institute and conduct all criminal proceedings, including related to offences under the UNCAC provisions.

The judiciary has been commended for establishing specialized courts to handle corruption-related cases and successfully concluding cases. While the Office of the Director of Public Prosecution was acknowledged for initiating prosecutions, it was also criticized for withdrawing corruption cases and mishandling proceedings, which in some cases led to acquittal of the accused persons.[42]

Article 12 – Private sector transparency

[38] https://parliamentaryaffairs.go.ke/sites/default/files/Public%20Participation%20Bill%202024.pdf. Accessed on 22 September 2025.
[39] Kenya National Commission on Human Rights, 30 December 2024, Statement on the Protests against Abductions and Enforced Disappearances in Kenya, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1214/Statement-on-the-Protests-against-Abductions-and-Enforced-Disappearances-in-Kenya. Accessed on 22 September 2025.
[40] STRENGTHENING JUDICIAL REFORMS IN KENYA THE ...ICJ Kenyahttps://icj-kenya.org › ..... Accessed 22 August 2025.
[41] CAP 6B. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/O/Office%20of%20the%20Director%20of%20Public%20Prosecutions%20Act%20-%20No.%202%20of%202013/docs/OfficeoftheDirectorofPublicProsecutionsAct2of2013.pdf. Accessed 22 August 2025.
[42] NtvKenya, #Defeating Justice: The Mismanagement of Corruption Cases by the ODPP, https://ntvkenya.co.ke/newsfeatures/defeatingjustice-the-mismanagement-of-corruption-cases-by-the-odpp/. Accessed 22 August 2025.

The Parliament of Kenya enacted the Bribery Act[43]. The Act applies to both public and private entities, and all acts of bribery committed by a Kenyan citizen in a public or private entity, or a person associated with such private entity outside Kenya, are addressed as if they had taken place in the country. Other legislation includes the Ethics and Anti-Corruption Commission Act, the Anti-Corruption and Economic Crimes Act, and the Leadership and Integrity Act. The Bribery Act places the obligation on private entities to prevent and report bribery.

However, awareness of corruption and enforcement in the private sector are still low. This is due to inadequate internal compliance systems and integrity programs. There is also limited data on prosecution of private sector corruption cases and private sector's whistleblower mechanisms are weak. On a positive note, the EACC launched a Practical Guide for Corruption Risk Assessment and Management by Public and Private Entities[44] and is conducting awareness programs and providing support to private entities in carrying out risk assessments designed to prevent and combat corruption within the private sector.

Article 14 – Measures to prevent money laundering

Kenya has taken significant steps to implement Article 14 of UNCAC by adopting a legal framework to combat money laundering and support asset recovery. The Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) criminalizes money laundering and provides mechanisms for identifying, tracing, freezing, seizing, and confiscating the proceeds of crime. It also established two key institutions: the Asset Recovery Agency (ARA), responsible for asset tracing and recovery, and the Financial Reporting Centre (FRC), which supports the detection of illicit financial flows and combats money laundering and terrorism financing.

Despite this solid framework, implementation faces notable challenges. These include limited human and financial resources, especially given ARA's broad mandate across internationally, national and county levels, as well as instances of political interference and threats against investigators. Additionally, constrained capacity has led to delays in resolving asset recovery cases. Nonetheless, ARA has been recognized for effectively applying civil forfeiture provisions, enabling the recovery of illicit assets through court proceedings and limiting suspects' access to the proceeds of crime.

Articles 52 and 58 – Prevention and detection of transfers of proceeds of crime

Kenya has adopted a legal framework to address asset recovery, including the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA)[45] which establishes the offence of

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[43] CAP 79B. http://kenyalaw.org:8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/B/Bribery%20Act%20-%20No.%2047%20of%202016/docs/BriberyAct47of2016.pdf. Accessed 22 August 2025.

[44] https://eacc.go.ke/en/default/wp-content/uploads/2025/05/EACC-CRA-GUIDELINE-.pdf. Accessed 22 August 2025.

[45] https://www.frc.go.ke/wp-content/uploads/2024/02/Proceeds-of-Crime-and-Anti-Money-Laundering-Act-No-9-of-2009-Revised-2022.pdf. Accessed 22 August 2025.

money laundering and provides for the identification, tracing, freezing, seizure and confiscation of the proceeds of crime. It also establishes the Asset Recovery Agency (ARA) and the Financial Reporting Centre (FRC). The mandate of ARA is to identify, trace, freeze, seize and confiscate the proceeds of crime,[46] whilst the mandate of FRC is to assist in the identification of the proceeds of crime and the combating of money laundering and the financing of terrorism[47]. However, the implementation of these provisions faces key challenges, starting with the limited resources available to combat money laundering as the ARA operates both at the National and County Government levels and with a limited number of investigators operating nationwide, as well as political interference and threats from suspects under investigation.

Articles 53 and 56 – Measures for direct recovery of property

Kenya implements these provisions through ARA which is mandated in the identification, tracing, freezing, seizure and confiscation of the proceeds of crime. ARA recovers proceed from crime through Criminal Forfeiture and/or Civil Forfeiture. It also administers the Criminal Assets Recovery Fund and international assistance in investigations and proceedings. A good practice has been the use of civil forfeiture by ARA, which allows for the confiscation of unlawfully acquired assets without requiring a criminal conviction. This has been useful especially where criminal proceedings are stalled or where there is lack of cooperation from the accused. Despite this progress, several challenges persist, including lengthy nature of civil litigation in court which can delay recovery and return of assets. On the other hand, ARA has good international cooperation with other jurisdictions such as the UK, Netherlands and South Africa, and has entered bilateral arrangements with countries such as China, Switzerland and Seychelles.

Articles 54, 55, 56 and 59 – International cooperation for the purpose of confiscation

Kenya's legal system allows the enforcement of foreign confiscation orders and the issuance of freezing orders upon request from another State. International cooperation is guided by the Mutual Legal Assistance Act which provides for mutual legal assistance to be given and received by Kenya in investigations, prosecutions and judicial proceedings in relation to criminal matters[48]. Besides, Kenya has demonstrated commitment to international cooperation through its participation in FRAACK (Framework for the Return of Assets from Corruption and Crime in Kenya)[49] signed with United Kingdom, Switzerland and Jersey, and by establishing a structured framework for the transparent and accountable return of recovered assets to Kenya. Despite these advancements, there is limited institutional capacity in asset

[46] Section 54, POCAMLA.
[47] Section 23, POCAMLA.
[48] https://new.kenyalaw.org/akn/ke/act/2011/36/eng@2023-09-15#:~:text=(2)For%20the%20purposes%20of,and%20seizures%3B%20(e)examining. Accessed on 18 July 2025.
[49] Basel Institute on Governance, *FRACCK agreement with Kenya illustrates that partnership is essential when the disposal of confiscated assets should benefit development* (2019). https://baselgovernance.org/news/fracck-agreement-kenya-illustrates-partnership-essential-when-disposal-confiscated-assets. Accessed 18 July 2025.

tracing, especially in complex international cases which hampers the full realization of UNCAC provisions.

Article 57 – Return and disposal of assets

Kenya has taken commendable steps towards aligning its practices with Article 57 of UNCAC, which mandates the return and proper disposal of confiscated assets. The most prominent example of this is the FRACCK agreement, which not only guides the return of assets but also outlines how those assets should be used to benefit the public. FRACCK emphasizes transparency, accountability, and inclusive development as guiding principles in the management of returned funds. Returned assets under this framework are channelled toward public-interest projects, including education, health care, and community development. However, challenges remain in the monitoring and accountability of returned assets. Once assets are repatriated, there is limited visibility into how funds are disbursed or whether they reach the intended beneficiaries. There is also a need for independent oversight and reporting mechanisms to track the use of recovered assets over time.

Article 58 – Financial intelligence unit

The Financial Reporting Centre (FRC), established under the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) has the mandate to identify the proceeds of crime and combat money laundering and the financing of terrorism.[50] As a good practice, the Financial Reporting Centre (FRC), in accordance with Regulation 44 of the Proceeds of Crime and Anti-Money Laundering Regulations, requires all reporting institutions to submit a compliance report by 31st January of the following calendar year. [51] It also requires any reporting institution or supervisory body that becomes aware of suspicious activities or transactions of possible money laundering, terrorism financing or proliferation financing activities to report it to the Centre within two days after the suspicion arose.[52] While FRC has improved its operational capacity over the years, it still faces limited financial and human resources that hinder the volume and quality analysis of the received cases. Weak inter-agency coordination is shown by the low rate of prosecutions from the various reporting institutions[53] mandated to report any suspicious transactions. The relatively low number of prosecutions highlights the need for enhanced investigative capacity, stronger inter-agency collaboration, and more efficient case resolution mechanisms to fully realize the impact of financial intelligence in combating financial crimes.

Table 1: Implementation and enforcement summary

[50] Section 23, POCAMLA.
[51] Financial Reporting Centre, https://www.frc.go.ke/?page_id=25. Accessed 22 August 2025.
[52] Ibid.
[53] Ibid.

UNCAC articles	Status of implementation in law	Status of implementation and enforcement in practice
Art. 5 – Preventive anti-corruption policies and practices	Largely implemented	Moderate
Art. 6 – Preventive anti-corruption body or bodies	Largely implemented	Moderate
Art. 7.1 – Public sector employment	Partially implemented	Moderate
Art. 7.3 – Political financing	Not implemented	Poor
Art. 8 – Codes of conduct for public officials	Partially implemented	Moderate
Art. 8.4 and 13.2 – Reporting mechanism and whistleblower protection	Partially implemented	Moderate
Art. 9 – Public procurement and management of public finances	Partially implemented	Moderate
Art. 10 and 13 – Access to information and participation of society	Partially implemented	Moderate
Art. 11 – Judiciary and prosecution services	Largely implemented	Moderate
Art. 12 – Private sector transparency	Partially implemented	Moderate
Art. 14 – Measures to prevent money-laundering	Partially implemented	Moderate
Art. 52 and 58 – Anti-money laundering	Partially implemented	Moderate
Art. 53 and 56 – Measures for direct recovery of property	Largely implemented	Moderate
Art. 54, 55, 56 and 59 – International cooperation for the purpose of confiscation	Partially implemented	Moderate
Art. 57 – Return and disposal of assets	Partially implemented	Moderate
Art. 58 – Financial Intelligence unit	Partially implemented	Moderate

Table 2: Performance of selected key institutions

Name of institution	Performance in relation to responsibilities covered by the report	Brief comment on performance ***(for example, inadequate resources, lack of independence, strong expertise)***
Ethics and Anti-Corruption Commission	Moderate	Has performed well in its preventive and awareness campaigns, including development of integrity frameworks. However, its investigative and enforcement capacity is limited by resources and political interference.
Assets Recovery Agency	Moderate	Has performed well especially in tracing, freezing and recovering proceeds of crime. However, its investigative and enforcement capacity is limited by resources and political interference.
Office of the Director of Public Prosecution	Moderate	Has performed well in prosecution of cases. However, DPP's progress is hampered by limited resources and inadequate collaboration with other agencies in handling cases, e.g. lack of securing attendance of witnesses, which leads to the acquittal of the suspect.
Director of Criminal Investigations	Moderate	Though not key in handling corruption cases, DCI has been commended for the key role it plays in financial crimes and gathering evidence for related agencies. However, its investigative and enforcement capacity is limited by resources, limited technical expertise in financial investigations, overlap with other investigative agencies, and political interference.
Office of the Auditor General	Moderate	The regular release of audit reports highlighting misuse of public funds is commendable. However, follow-up mechanisms on the audit report findings remain weak.
Judiciary	Good	The creation of specialized anti-corruption courts that expedite corruption cases has been a good practice. However, the effectiveness of these courts is limited by resources and political interference.

2.4 Recommendations for priority actions

To effectively strengthen the implementation of Chapters II and V of the United Nations Convention against Corruption (UNCAC) in Kenya, it is essential to enhance law enforcement efforts, ensure adequate resourcing, and safeguard the political independence of key institutions, among other critical measures. In this regard, the following priority actions are recommended:

1. **Strengthen the institutional capacity of the EACC** and other enforcement agencies by increasing public funding and enhancing access to modern investigative tools, including comprehensive training programs for personnel.
2. **Advocate for legal reforms to expand the authority of the EACC** and streamline its cooperation with other state agencies. These reforms should also address legal ambiguities, eliminate mandate overlaps, and simplify investigation and enforcement procedures.
3. **Enhance whistleblower protection** by the Parliament passing the Whistleblower Protection Bill 2024 and implementing clearly defined, confidential reporting procedures supported by robust legal safeguards against retaliation.
4. **Advocate for legal reforms to bar individuals facing active corruption charges** from being candidates to elective positions or to holding public office until they are cleared.
5. **Safeguard judicial independence**, particularly of the AECD, by protecting it from political or other undue influence, and promote public awareness of its critical role in upholding the rule of law.
6. **Increase financial support to the Judiciary** in alignment with its constitutional mandate to ensure timely and accessible justice. Ensure full operationalization and exchequer autonomy through the Judiciary Fund, and invest in specialized training, infrastructure, and digital systems.
7. **Streamline overlapping mandates among asset recovery agencies** to avoid duplication, enhance efficiency, and ensure focused enforcement.
8. **Develop a clear national policy on the re-use of recovered assets** to protect them from misappropriation and ensure their reinvestment into anti-corruption efforts and essential public services.
9. **Protect civic space and anti-corruption actors** such as the CSOs, Human rights defenders, and journalists by the state from intimidation, arbitrary arrests and violence, including by investigating, prosecuting and holding the perpetrators accountable. This shall ensure that impunity attacks are ended against the actors and enhance meaningful collaboration between the government and non-state actors.

III. Assessment of review process for Kenya

Kenya's second cycle of the UNCAC implementation review process has faced some challenges in transparency and information availability. In terms of transparency, the review schedule was not made public, but the government consulted some civil society actors for the preparation of its response to the self-assessment checklist, through the National Steering Committee on UNCAC Review appointed by the Attorney General and the Ministry of Justice[54]. In addition, while the UNCAC review mechanism allows States Parties to keep certain key documents confidential, such as the self-assessment checklist and full country report, Kenya has taken a more open approach by voluntarily publishing its full country report, which can be accessed in UNODC's website.[55] This is a step towards more accountability and to allow for broader public engagement in anti-corruption efforts.

To assess the process, TI Kenya reached out to government departments involved in the review, as well as to civil society representatives, some of whom had participated in consultations. While the availability of information was limited in some cases, the government demonstrated a moderate level of inclusiveness and a commendable effort toward transparency in comparison with the minimum requirements of the UNCAC review mechanism.

3.1 Report on the Review Process

Table 3: Transparency of the government and CSO participation in the UNCAC review process

Did the government disclose information about the country's focal point?	Yes	The country's focal point for the second review was under the Office of the Attorney General and the Department of Justice[56].
Was the review schedule published somewhere/publicly known?	No	From the Country Review Report, there is no indication that the review schedule was published or publicly known.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	According to the Country Review Report, it indicates that civil society actors were consulted in the preparation of the self-assessment checklist through the National

[54] UNODC, Kenya Country Review Report (2019), https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 22 August 2025.
[55] Ibid.
[56] UNCAC Coalition, UNCAC Review Status Tracker, https://uncaccoalition.org/uncacreviewstatustracker/. Accessed 22 August 2025.

		Steering Committee on UNCAC Review appointed by the Attorney General, vide Gazette Notice No. 7771 of 18th August 2017[57]. However, the specific civil society actors consulted were not enlisted.
Was the self-assessment checklist published online or provided to civil society?	Yes	The self-assessment checklist was not published online. However, it was made available to civil society before the country visit in June 2018[58].
Did the government agree to a country visit?	Yes	Yes.
Was a country visit undertaken?	Yes	A country visit took place on 26-28 June 2018.
Was civil society invited to provide input to the official reviewers?	Yes	- CSOs - Academia Other (Private Sector)
Was the private sector invited to provide input to the official reviewers?	Yes	The private sector was invited to provide input to the official reviewers[59].
Has the government committed to publishing the full country report?	Yes	The full country report was published in 2019 at the UNODC website[60].

3.2 Access to information

The legal framework on access to information in Kenya is based on the Access to Information Act, 2016[61], which gives effect to Article 35 of the Constitution guaranteeing this right. This law outlines both the categories of information that public entities are required to disclose proactively, and the formal process for citizens and institutions to request specific information. While the framework is robust on paper, its implementation is uneven, particularly regarding data related to anti-corruption enforcement, high-level investigations, and asset recovery. In practice, agencies often cite confidentiality or administrative delays when failing to provide data, creating a gap between legal rights and actual access.

[57] UNODC, Kenya Country Review Report (2019), https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 22 August 2025.
[58] UNCAC Coalition, UNCAC Review Status Tracker.
[59] UNCAC Coalition, (2021): Taking Stock of Good Practices – the UNCAC and Beyond, https://uncaccoalition.org/africa-regional-overview-taking-stock-of-good-practices-the-uncac-and-beyond/#:~:text=In%20the%20second%20review%20cycle,in%20the%20second%20review%20cycle. Accessed 22 August 2025.
[60] UNODC, Kenya Country Review Report (2019), https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 22 August 2025.
[61] Access to Information Act, No. 31 of 2016, https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No._31_of_2016.pdf. Accessed on 22 August 2025.

One of the main obstacles faced by the authors was the inconsistent implementation of access to information procedures such as requests for interviews, coupled with bureaucratic delays, non-responsive institutions, and outdated or incomplete online resources. These challenges hindered efforts to obtain comprehensive, current data on the practical enforcement of UNCAC provisions at the national level.

Despite these difficulties, several government agencies were contacted, including the Office of the Director of Public Prosecutions, the Anti-Corruption and Economic Crimes Court Division (AECD), the Office of the Attorney General (through the National Anti-Corruption Steering Committee), the Assets Recovery Agency (ARA), the Ethics and Anti-Corruption Commission (EACC) and the Witness Protection Agency. These institutions engaged in key informant interviews, which served as primary sources of practical insights and data on the status of UNCAC implementation.

Other challenges encountered in obtaining information were due to some agencies' internal protocols that limited access to personnel authorized to provide information such as the Office of the Auditor General (OAG). As a result, the research team relied on alternative informants and secondary sources to gather insights regarding these offices' role and performance. Finally, information was also gathered from media sources, civil society reports, and publicly available documentation such as the EACC National Ethics and Anti-Corruption Policy[62] EACC Annual Reports 2022-2023; FRC Annual Report 2022/2023 and 2023/2024 as shall be elaborated hereunder.

However, key data remained unavailable, such as the full self-assessment checklist, disaggregated enforcement statistics, and details of international cooperation cases. These gaps reflect institutional capacity constraints, fragmented data systems, and at times, a reluctance to disclose politically sensitive information, especially involving high-profile cases. As such, while Kenya's legal framework promotes transparency, the practical access to enforcement data remains limited, which hampers effective monitoring of UNCAC implementation.

[62] Published in 2018, https://eacc.go.ke/en/default/wp-content/uploads/2020/10/ANTI-CORRUPTION-POLICY-2020.pdf. Accessed on 18 July 2025.

IV. Assessment of implementation of Chapter II and Chapter V Provisions

4.1 Chapter II

This chapter analyses the implementation of the provisions of UNCAC Chapter II on preventive measures and Chapter V on asset recovery in Kenya through the adoption of laws, regulations and practices, and highlights both good practices and areas for improvement.

4.1.1 Articles 5 and 6 – Preventive anti-corruption policies and practices, and Preventive anti-corruption body or bodies

Legal and institutional framework

Since ratifying the United Nations Convention against Corruption (UNCAC), the Parliament of Kenya has enacted a range of laws to support its implementation, notably the Anti-Corruption and Economic Crimes Act (ACECA)[63], and the Ethics and Anti-Corruption Commission Act (EACC)[64]. Both of these laws are grounded in Article 10 and Chapter 6 of the Constitution of Kenya. They provide the foundation for preventive policy development, the creation of institutional enforcement mechanisms, and the establishment of national ethical standards.

In 2014, Kenya underwent the first cycle review of compliance with UNCAC provisions[65] and the assessment highlighted the lack of a comprehensive national anti-corruption policy and of an integrated legal and institutional framework. In response, the National Anti-Corruption Policy[66] was developed in 2018 to offer a coordinated approach to combating corruption, establishing ethical standards, and providing mechanisms for monitoring and evaluating the effectiveness of anti-corruption strategies.

Furthermore, several key institutions have been established:

- **Ethics and Anti-Corruption Commission (**EACC): Article 79 of the Constitution established this main agency via the Ethics and Anti-Corruption Commission Act.[67] It is tasked with ensuring compliance with and enforcement of anti-corruption measures.
- **Office of the Director of Public Prosecutions** (ODPP): Established under the Office of the Director of Public Prosecutions Act, and based in Article 157 of the Constitution, the ODPP plays a central role in prosecuting corruption cases. It has the authority to

[63] No. 3 of 2003 https://eacc.go.ke/default/wp-content/uploads/2018/06/aceca.pdf. Accessed on 22 August 2025.
[64] No. 22 of 2011 https://eacc.go.ke/en/default/wp-content/uploads/2018/06/eacc.pdf. Accessed on 22 August 2025.
[65] https://www.unodc.org/corruption/en/country-profiles/data/KEN.html. Accessed on 18 July 2025.
[66] National Ethics and Anti-Coruption Policy https://eacc.go.ke/en/default/wp-content/uploads/2020/10/ANTI-CORRUPTION-POLICY-2020.pdf. Accessed on 18 July 2025.
[67] Section 3 Ethics and Anti Corruption Commission Act, 2011 https://eacc.go.ke/en/default/wp-content/uploads/2018/06/eacc.pdf. Accessed on 18 July 2025.

instruct investigative agencies such as the EACC and the DCI to carry out investigations into corruption-related offenses.

- **Assets Recovery Agency** (ARA): Formed under the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA),[68] the ARA is tasked with investigating and prosecuting cases involving criminal proceeds from crimes like corruption and money laundering. Its core functions include initiating legal action for the preservation and forfeiture of property suspected to be acquired through corruption, enabling the recovery and return of assets to the state or rightful owners.
- **Financial Reporting Centre** (FRC): Also established under POCAMLA, the FRC monitors and investigates suspicious financial transactions. Financial institutions and businesses involved in monetary operations are required to report unusual or suspicious activities to the FRC. The centre then provides intelligence to enforcement bodies like ARA to help intercept illicit funds at an early stage.

Practical implementation

The legal and institutional framework to prevent corruption is facing important challenges. To begin with, the laws confer conflicting mandates to different institutions. For instance, the Anti-Corruption and Economic Crimes Act (ACECA) and the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) give asset recovery functions to both the EACC and the ARA. Further, nothing stops the Directorate of Criminal Investigations (DCI) from investigating corruption and economic crimes, and, occasionally, the EACC is unable to proceed with an investigation in which the DCI is already involved. The confusion of institutional mandates can be an advantage to perpetrators of corruption.

On the preventive side, the EACC lacks authority to enforce the recommendations arising from the system's review it is mandated to undertake. Without authority to enforce compliance, EACC audits to promote ethics and fight against corruption are significantly undermined. In addition, there is a lack of enforcement mechanisms to ensure compliance with audit recommendations issued by the Office of the Auditor-General (OAG). Ministries, Departments, and Agencies (MDAs) often treat these recommendations as optional, resulting in limited or no implementation in many cases[69].

The legal and policy framework is weak in areas such as due diligence for persons seeking appointment or election to public office, and the definition of offences and establishment of penalties to support implementation of the Leadership and Integrity Act (LIA)[70] from 2012 is inadequate.

[68] No. 9 of 2009 https://www.pckamunya.co.ke/wp-content/uploads/2018/07/Proceeds-of-Crime-and-Anti-Money-Laundering-Act.pdf. Accessed on 18 July 2025.
[69] Such as the Public debt audit reports published https://www.oagkenya.go.ke/public-debt-audit-reports/
[70] No. 9 of 2012. https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/LeadershipandIntegrityActNo19of2012.pdf. Accessed on 18 July 2025.

On a positive note, the government has undertaken nationwide campaigns, and public education and awareness initiatives, for instance through the National Anti-Corruption Campaign Steering Committee (NACCSC)[71] and the EACC, with a view to embed integrity in public institutions and create a cultural renaissance of integrity and anti-corruption. Kenya has developed strategic frameworks such as the National Anti-Corruption Plan (2024)[72] which aligned government and non-state actors in coordinated efforts, and the National Ethics and Anti-Corruption Policy (2018)[73] which is yet to be updated.

The Kenya Leadership Integrity Forum (KLIF) is an existing and ongoing partnership and governance initiative established in 2006[74] that enables the private and public sectors to join efforts against corruption.[75] Its mandate is to provide a mechanism through which stakeholders design and implement anti-corruption initiatives, leveraging on their strengths in addressing corruption. Finally, the EACC launched in May 2025 a Practical Guide for Corruption Risk Assessment and Management by public and private entities.[76] This guide provides a structured framework for identifying and managing exposure to corruption risks.

Good practices

- Extensive legal framework: Kenya has institutionalized anti-corruption laws with a strong constitutional backing, providing a foundation for coordinated action.
- The Ethics and Anti-Corruption Commission (EACC) established a practical framework to assess and manage corruption risks in public and private entities.
- The National Anti-Corruption Campaign Steering Committee (NACCSC) complements public education and awareness initiatives against corruption, and the EACC has organized campaigns and training initiatives in public institutions.
- A National Anti-Corruption Plan aligned government and non-state actors in coordinated efforts, but it has not been recently updated.

Deficiencies

- The legal and policy framework is weak in areas such as due diligence for persons seeking appointment or election to public office.
- The definition of offences and establishment of penalties to support implementation of the Leadership and Integrity Act (LIA) is inadequate.
- The laws confer conflicting mandates to different institutions, especially on asset recovery.

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[71] https://eacc.go.ke/en/default/wp-content/uploads/2020/10/ANTI-CORRUPTION-POLICY-2020.pdf. Accessed on 18 July 2025.
[72] https://eacc.go.ke/en/default/document/the-national-anti-corruption-plan/. Accessed on 18 July 2025.
[73] https://eacc.go.ke/en/default/wp-content/uploads/2020/10/ANTI-CORRUPTION-POLICY-2020.pdf.
[74] https://eacc.go.ke/en/default/wp-content/uploads/2025/02/Kenya-Integrity-Plan-2023-2028.pdf. Accessed on 18 July 2025.
[75] https://eacc.go.ke/en/default/klif/. Accessed on 18 July 2025.
[76] https://eacc.go.ke/en/default/wp-content/uploads/2025/05/EACC-CRA-GUIDELINE-.pdf.

- The EACC lacks power to enforce recommendations from the system's review it conducts that it is mandated to undertake.

4.1.2 Articles 7, 8 and 12 – Public sector employment, Codes of Conduct, conflicts of interest and asset declarations

Legal and institutional framework

Regarding public sector integrity, the country's constitutional and legal framework, particularly through Articles 10, 232 and Chapter 13 of the Constitution of Kenya, prescribes public service principles such as accountability, efficiency, and transparency. The Leadership and Integrity Act (LIA)[77] establishes procedures and mechanisms for the effective administration of Chapter Six of the Constitution on leadership and integrity, while Section 7 of LIA ensures that a State officer is required to uphold the Constitution and the law, perform official duties lawfully, and respect the rights and fundamental freedoms of all individuals. Besides, the Conflict-of-Interest Act [78] emphasizes merit-based recruitment, transparency, and the promotion of integrity in public office. It defines a Code of Conduct and Ethics for public officials and requires financial declarations from certain categories of government representatives. Additionally, Articles 99(1)(b) and 193(1)(b) of the Constitution outline educational, moral, and ethical requirements for public office holders, enhancing the integrity of candidates.

To comply with Article 8 of the UNCAC, Kenya has enacted various codes of conduct under the Leadership and Integrity Regulations of 2015[79] as per the LIA Act, including the General Leadership and Integrity Code and entity-specific codes. These frameworks uphold ethical standards, restrict public officers from holding conflicting interests, and prohibit full-time state officers from engaging in other gainful employment.

The EACC is mandated to oversee and enforce the implementation of the Anti-Corruption and Economic Crimes Act and to ensure that state officers uphold the integrity standards outlined in Chapter Six of the Constitution. The Commission is empowered with a range of functions[80] to enable effective compliance, including the authority to enlist support from other public institutions including the ODPP, ARA and the DCI, mandate compliance, and, if necessary, seek judicial intervention.

On conflicts of interest, Articles 73 and 75 of the Constitution define responsibilities and conduct for state officers and conditions for the avoidance of conflicts of interest. The Constitution also requires public officials to take an oath of office and consistently act in ways that maintain public trust.

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[77] Leadership and Integrity Act (2012), https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/LeadershipandIntegrityActNo19of2012.pdf. Accessed on 22 August 2025.
[78] Conflict of Interest Act (2025) https://new.kenyalaw.org/akn/ke/act/2025/11. Accessed 22 August 2025.
[79] https://new.kenyalaw.org/akn/ke/act/ln/2015/13/eng@2022-12-31. Accessed on 22 August 2025.
[80] As outlined under Sections 11 of the EACC Act.

While primarily focused on public officials, Kenya's legislation indirectly supports Article 12 of UNCAC by addressing the interface between public and private interests. The Conflict of Interest Act mandates the disclosure of financial interests and asset declarations of government officials to curb corruption and prevent conflicts of interest. This measure is meant to discourage corruption and foster a culture of accountability among public servants. By requiring periodic declarations, the Act aims to deter public officers from amassing unexplained wealth and sets the foundation for holding officers accountable for their financial status throughout their service period.

Practical implementation

While the legal framework required by UNCAC Articles 7, 8, and 12 is largely in place, its implementation in practice remains moderate. Through the establishment of transparency and accountability measures, the legal framework contributes to corruption reduction. Requiring public officials to disclose their assets and declare potential conflicts of interest, as the laws do, creates a deterrent against dishonest behaviour. Furthermore, the laws establish ethical boundaries and restrictions on unexplained wealth accumulation.

A notable case law highlighting how the EACC enforced the Anti-Corruption and Economic Crimes Act is the Moses Kasaine Lenolkulal v Director of Public Prosecutions.[81] In 2019, the Governor of Samburu, Moses Kasaine Lenolkulal, was charged with conspiracy to commit an act of corruption, abuse of office, conflict of interest and unlawful acquisition of public property. All these offences contravened the Anti-Corruption and Economic Crimes Act. Upon being charged, Hon Justice Murugi barred Governor Lenolkulal from accessing the Samburu County Government Offices without prior written authorization from the investigative agency, specifically the CEO of the Ethics and Anti-Corruption Commission.

Governor Lenolkulal challenged the order barring him from accessing his office. He contended that the order was illegal and unconstitutional and argued that it was contrary to the express provisions of Article 181 (1) of the Constitution. Justice Mumbi Ngugi upheld the decision, stating that Article 181 of the Constitution can no longer be used as a shield by state and public officers undergoing prosecution for corruption, economic crimes and other charges as this negates the objects and purposes of Chapter 6 of the Constitution of Kenya.

In 2024, the former Governor was convicted of conflict of interest.[82] The court also found him guilty alongside other persons on unlawful acquisition of public property (KES 83,345,255 or

[81] Transparency International Kenya, "The Verdict: An Analysis of Interpretation of Chapter 6 Constitution of Kenya 2010 By Kenyan Courts" (2019), https://tikenya.org/wp-content/uploads/2023/05/T.I.K-The-Verdictanalysis-of-interpretation-of-chapter-six-by-kenyan-Courts-21012020-1.pdf. Accessed on 6 August 2025.

[82] EACC, "Court convicts former Samburu Governor in a precedent-setting judgement", Aug. 2024, https://eacc.go.ke/en/default/court-convicts-former-samburu-governor-in-a-precedent-setting-judgement/;

USD 645,087.11) that the County Government of Samburu paid Oryx Filling Station for the supply of fuel and lubricants.

In terms of enforcement, there is insufficient documentation of case law, which limits legal reference points, weakens accountability, and impedes the development of consistent jurisprudence in anti-corruption enforcement. Although the legal framework includes provisions for sanctioning integrity breaches, implementation is hampered by procedural inefficiencies and lengthy investigations, reducing the system's overall deterrent and preventive impact. The ineffective enforcement of disciplinary mechanisms further undermines deterrence, while ambiguity in key legal definitions allows for exploitation and inconsistent interpretation.

Additionally, the limited legal reach over powerful officials reduces the law's effectiveness, as influential individuals often evade scrutiny. For example, the former Vice President, Rigathi Gachagua, who was charged of corruption, including allegations he had embezzled tens of millions of dollars to buy real estate properties, was overwhelmingly acquitted.[83] On the other hand, other corruption charges that were brought against prominent politicians were dropped under controversial circumstances by the ODPP.[84] While the law applies to a broad range of public officers, many high-ranking or politically influential officials remain beyond its effective reach. This selective application creates legal loopholes and undermines public confidence in the equality of enforcement.

Compounding these issues is the inadequate institutional capacity of oversight bodies such as the EACC, which constrains their ability to investigate, prosecute, and raise public awareness effectively. The EACC's ability to perform its functions, including conducting audits and ensuring compliance, is severely constrained by limited financial resources and insufficient staffing. These constraints undermine the Commission's operational effectiveness and limit its impact on national anti-corruption efforts. Although the EACC and various stakeholders have advocated for amendments to reinforce the law, these efforts have often been obstructed by political resistance. Consequently, the constitutional aspiration of public sector leadership grounded in integrity remains largely unmet.

Good practices

- The Leadership and Integrity Act (LIA Act) is at the core of a legal and institutional framework promoting integrity within public sector employment.
- The legislation includes clear provisions on codes of conduct, management of conflicts of interest, and mandatory asset declarations by public officials.

Reuters, Oct. 2024, "Kenyan deputy president ousted, but accountability for corruption remains elusive", https://www.reuters.com/world/africa/kenyan-deputy-president-ousted-accountability-corruption-remains-elusive-2024-10-18/. Accessed on 18 July 2025.

[84] Daily Nation, "History repeats itself with DPP 'impunity' on cases", Sept. 2024, https://nation.africa/kenya/blogs-opinion/blogs/history-repeats-itself-with-dpp-impunity-on-cases-4746864. Accessed on 18 July 2025.

Deficiencies

- The legislative structure supporting parts of the EACC's mandate remains inadequate and vulnerable. Notably, the Leadership and Integrity Act (LIA) lacks the strength required to effectively implement the integrity standards outlined in Chapter Six of the Constitution.
- There is a notable gap in the availability of comprehensive case law and judicial outcomes involving the conviction of public officials for integrity violations.
- The enforcement of disciplinary measures of public officials under existing laws is inconsistent and often delayed.
- Many high-ranking or politically influential public officials are not included in the law, and this selective application of the law creates loopholes and undermines public confidence in the equality of enforcement. The EACC's ability to perform its functions, including conducting audits and ensuring compliance, is severely constrained by limited financial resources and insufficient staffing which undermine the Commission's impact on national anti-corruption efforts.

4.1.3 Article 7.3 – Political Financing

Legal and institutional framework

Kenya's implementation of Article 7.3 of UNCAC on political financing is addressed through a combination of constitutional provisions and statutory frameworks aimed at promoting transparency, accountability, and fairness in the political process.

The Constitution of Kenya lays the foundation for clean and ethical political leadership by setting high standards for public office aspirants. Articles 99(1)(b) and 193(1)(b) of the Constitution establish educational, moral, and ethical qualifications for individuals seeking elective office, helping to prevent unfit individuals from entering the political arena.

To address the financing of political parties and electoral campaigns, Kenya has enacted laws that regulate contributions and expenditure. The Election Campaign Financing Act from 2013 (ECF Act)[85]provides for the regulation, management, expenditure and accountability of election campaign funds during election and referendum campaigns[86], though it was suspended prior to the 2017 general elections[87].

Practical implementation

In practice, political parties are mandated to submit audited financial statements to the Office of the Registrar of Political Parties, while the Independent Electoral and Boundaries

[85] Election Campaign Financing Act (No. 42 of 2013), https://www.iebc.or.ke/uploads/resources/SrIlWeBWMH.pdf. Accessed on 18 July 2025.
[86] https://new.kenyalaw.org/akn/ke/act/2013/42/eng@2022-12-31. Accessed on 18 July 2025.
[87] Ibid, Section1A.

Commission (IEBC) oversees campaign financing during elections. These institutions are tasked with enforcing compliance and ensuring accountability in political financing.

In 2022, the High Court of Kenya ruled[88] that the election campaign spending limits outlined in Sections 12, 18, and 19 of the Election Campaign Financing Act did not require approval by Parliament but must instead undergo meaningful involvement of the public in obtaining feedback. Previously, Section 29 of the Act required the Independent Electoral and Boundaries Commission (IEBC) to submit these regulations to the National Assembly for approval before their publication in the Kenya Gazette[89]. The High Court's decision[90] reinforced that the right to free, fair, and regular elections, grounded in universal suffrage and the free expression of the will of the people, is a constitutional guarantee that cannot be controlled or undermined by political elites[91].

However, challenges remain in fully realizing the objectives of UNCAC Article 7.3 in Kenya. Issues such as political interference, lack of political will, limited transparency in party finances in practice, and weak oversight mechanisms continue to hinder effective regulation of political funding. In particular, the amendments proposed to the Election Campaign Financing Act to prevent money laundering, illicit financial flows and corruption have not been adopted due to lack of political goodwill. Meanwhile, electoral campaigns lack accountability mechanisms to hold the candidates/political parties accountable on the source of the funds and their expenditure. Although the political parties are required to prepare annual accounts, including income/expenditure statements and asset-liability reports, and submit them to both the Registrar of Political Parties (ORPP) and the Auditor-General, compliance in practice remains minimal.

While the Auditor-General, under Article 229 of the Constitution, is mandated to audit political party accounts, these audits are often neither published online nor proactively disseminated. As of the last election cycle in 2022, cash circulating outside formal banking systems hit an all-time high of KES 252 billion (USD 2.1 billion) fuelled by unbridled election spending, in a country where a third of the population lives with less than USD 1.90 a day[92]. Civil society organizations have called out seeking lifting of the suspension and full implementation of the Election Campaign Financing.[93]

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[88] http://kenyalaw.org/caselaw/cases/view/233076/. Accessed on 18 July 2025.
[89] The Kenya Gazette is an official publication of the government of the Republic of Kenya published by the Government press.
[90] http://kenyalaw.org/caselaw/cases/view/233076/. Accessed on 18 July 2025.
[91] Transparency International Kenya, High Court Ruling Spells Clarity in the Regulation of Campaign Financing in Kenya (2022), https://tikenya.org/wp-content/uploads/2023/05/High-Court-Ruling-on-Campaign-Financing.pdf. Accessed on 18 July 2025.
[92] Star, August 2022, "Transparency in election funding lacking",
" https://www.the-star.co.ke/sasa/books/2022-08-08-transparency-in-election-funding-lacking?utm_term=Autofeed&utm_medium=Social&utm_source=Facebook#Echobox=1659920854. Accessed on 18 July 2025.
[93] Transparency International Kenya (2021), *Joint Civil Society Statement on the Election Campaign Financing Standoff.* https://tikenya.org/wp-content/uploads/2023/05/JOINT-CIVIL-SOCIETY-STATEMENT-ON-THE-ELECTION-CAMPAIGN-FINANCING-STANDOFF.pdf. Accessed 26 September 2025.

Good practices

- Ongoing advocacy for the implementation of the currently suspended Election Campaign Financing Act (ECF Act) by the IEBC, is carried out by non-state actors. It provides for the regulation, management, expenditure and accountability of election campaign funds during election and referendum campaigns.
- Judicial goodwill in ruling in favour of the citizens ensures that the ECF Act is not misused by political persons in gaining illicit campaign funds and gives IEBC green light to develop regulations for implementing the Act.

Deficiencies

- The Election Campaign Financing Act from was suspended and there is a lack of political will to enact the amendments proposed to the Act.

4.1.4 Articles 8.4 and 13.2 – Reporting Mechanisms and Whistleblower Protection

Legal and institutional framework

Kenya has taken a number of legislative and institutional steps to promote the reporting of corruption and protect whistleblowers, in line with the UNCAC. The primary legal provisions governing this area are contained in the Anti-Corruption and Economic Crimes Act (ACECA), 2003[94], which protects informers from liability and maintains confidentiality of identity under Section 65.[95]

The Witness Protection Act, 2006[96], establishes the Witness Protection Agency (WPA), which is responsible for safeguarding whistleblowers and witnesses at risk. However, Kenya does not

[94] Section 65 of ACECA Act https://eacc.go.ke/default/wp-content/uploads/2018/06/aceca.pdf. Accessed on 18 July 2025.

[95] Section 65 of ACECA Act on the Protection of informers:
(1) No action or proceeding, including a disciplinary action, may be instituted or maintained against a person in respect of—
(a) assistance given by the person to the Commission or an investigator; or
(b) a disclosure of information made by the person to the Commission or an investigator.
(2) Subsection (1) does not apply with respect to a statement made by a person who did not believe it to be true.
(3) In a prosecution for corruption or economic crime or a proceeding under this Act, no witness shall be required to identify, or provide information that might lead to the identification of, a person who assisted or disclosed information to the Commission or an investigator.
(4) In a prosecution for corruption or economic crime or a proceeding under this Act, the Court shall ensure that information that identifies or might lead to the identification of a person who assisted or disclosed information to the Commission or an investigator is removed or concealed from any documents to be produced or inspected in connection with the proceeding.
(5) Subsections (3) and (4) shall not apply to the extent determined by the court to be necessary to ensure that justice is fully done.

[96] No. 16 of 2006, https://wpa.go.ke/wp-content/uploads/2021/04/WITNESS-PROTECTION-ACT-AND-SUBSIDIARY-LEGISLATION-REVISED-EDITION-2020.pdf. Accessed on 22 August 2025.

yet have a standalone Whistleblower Protection Act. A draft Whistleblower Protection Bill 2024 has been proposed to fill this gap, but it remains pending before Parliament.[97]

Practical implementation

In terms of implementation, the EACC has developed various mechanisms for public reporting of corruption[98]. These include a toll-free hotline (1551), walk-in complaints desks, and an online portal. The Witness Protection Agency has also been operational, offering protective measures such as relocation, identity changes, and financial support for eligible whistleblowers and witnesses. Despite these efforts, several challenges hinder effectiveness. Many potential whistleblowers still refrain from reporting due to fear of retaliation, lack of confidence in the protection system, and previous experiences where whistleblower identities were leaked. The Witness Protection Agency remains underfunded and limited in scope, unable to meet the rising demand for protection in corruption and economic crime cases. Furthermore, the absence of a comprehensive legal framework specifically addressing whistleblower protection outside of formal criminal proceedings leaves many vulnerable to reprisal.

Good Practices

- The EACC's anonymous reporting tools have been positively received and are widely accessible to citizens across the country.

Deficiencies

- Individuals reporting corruption often face threats, job loss, or intimidation, particularly within government institutions, due to ineffective protective measures.
- The WPA struggles with limited funding, low staffing, and constrained operational reach.
- Public confidence in the anonymity and safety of whistleblower mechanisms remains low, which negatively impacts reporting levels.
- The long-standing delay in enacting the Whistleblower Protection Bill has left significant gaps in protection, particularly for whistleblowers outside formal criminal proceedings.

4.1.5 Article 9 – Public Procurement

Legal and institutional framework

The implementation of Article 9 in Kenya is supported by a detailed legal and institutional framework aimed at promoting transparency, accountability, and fairness in the use of public resources. At the core of this framework is the Public Procurement and Asset Disposal Act (PPADA) of 2015,[99] which governs the procurement processes of public entities in Kenya. The

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[97] https://www.statelaw.go.ke/wp-content/uploads/2024/07/WHISTLEBLOWER-PROTECTION-BILL-2024.pdf. Accessed on 22 August 2025.
[98] EACC, "Corruption reporting", https://eacc.go.ke/en/default/report-corruption/. Accessed on 22 August 2025.
[99] Public Procurement and Asset Disposal Act (2015), https://ppra.go.ke/ppda/. Accessed on 18 July 2025.

Act establishes clear procedures for tendering, contracting, and disposal of public assets. It emphasizes open and competitive bidding, transparency, and the equitable treatment of suppliers, all of which align with the objectives of UNCAC Article 9.

The Public Procurement Regulatory Authority (PPRA) is the oversight body tasked with ensuring that procurement processes comply with the law. It monitors procurement activities, enforces standards, and investigates irregularities. Procurement decisions can be challenged through the Public Procurement Administrative Review Board (PPARB)**,** which provides a legal mechanism for resolving disputes.

The Constitution of Kenya reinforces the importance of integrity and accountability in public procurement. Article 227 specifically mandates that public procurement must be carried out in a system that is fair, equitable, transparent, competitive, and cost-effective. It's further supported by Articles 10 and 201, promoting integrity and accountability in government financial practices. Overall, the Public Procurement and Asset Disposal Act sets a foundation for a fair public procurement system that strives to be equitable and free from corruption.

To enhance transparency, the government has implemented e-procurement systems such as the Integrated Financial Management Information System (IFMIS)[100], which helps track public expenditure and reduce opportunities for corruption by limiting human discretion in procurement processes at National and County level.

Practical implementation

Kenya has made significant strides in aligning with UNCAC Article 9 through strong laws, institutional oversight, and digital tools to ensure integrity in public procurement. However, despite this robust legal framework, challenges persist in implementation. Issues such as collusion between public officials and suppliers, lack of transparency in contract awards, delayed payments, and limited capacity within procuring entities continue to undermine the integrity of the procurement system[101].

The effectiveness of legal provisions depends heavily on consistent enforcement, political will, and the strengthening of institutional capacities. While the national government has received adequate funding to support implementation of the PPADA Act, county governments lack funding for training and monitoring and face many challenges.

Limited funding hinders procurement capacity, especially in training the officers at the county level and providing them with the necessary equipment and materials required for performance of their duties. A shortfall of resources also hampers the extent to which counties can meet compliance with procurement standards, with negative impacts towards the fight for transparency and accountability for procurement practices. Furthermore, there is a lack of

[100] https://www.ifmis.go.ke.

[101] This challenge was highlighted by the participants involved during the Focus Group Discussions held in April 2025.

public awareness about the existence of the Public Procurement Administrative Review Board (PPARB), which is mandated to hear and determine procurement-related disputes. The lack of public awareness about the PPARB has severely affected its effectiveness, as many aggrieved parties that could benefit from the Board fail to utilize it to challenge any procurement irregularities. This under-utilization allows corruption and malpractice to proceed unchecked, erodes public trust in procurement processes and contributes to a lack of accountability.

Good practices

- The Public Procurement and Asset Disposal Act sets a foundation for a fair public procurement system.
- The government implements e-procurement through the Integrated Financial Management Information System (IFMIS).

Deficiencies

- Unequal distribution of funding between the National and County Government to support implementation of the PPADA Act: at the county level implementation faces numerous challenges as county governments lack adequate funding for training and compliance monitoring.
- Limited funding hinders procurement capacity and hampers the extent to which counties can meet compliance with procurement standards. Limited awareness about the existence of the Public Procurement Administrative Review Board (PPARB).

4.1.6 Article 9.2 – Management of Public Finances

Legal and institutional framework

Kenya's implementation of UNCAC provisions on the management of public finances is primarily guided by the[102] Public Finance Management Act (PFM Act) from 2012, and the Public Audit Act 2015,[103] both anchored in Article 201 and Chapter 12 of the Constitution of Kenya.

The PFM Act was enacted to provide for the effective management of public finances by the national and county governments.[104] It ensures that all public finances are managed in accordance with the constitutional principles of openness, accountability, public participation,

[102] Public Finance Management Act (No. 18 of 2012), https://www.worldbank.org/content/dam/Worldbank/document/Africa/Kenya/Kenay%20Devolution/Public%20Finance%20Management%20Act%20%282012%29.pdf, Accessed on 18 July 2025,
[103] Public Audit Act (No. 34 of 2015), http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2015/PublicAuditAct34of2015.pdf. Accessed on 18 July 2025.
[104] https://kenyalaw.org/kl/fileadmin/pdfdownloads/Cap_412A_Public_Finance_Management_Act.pdf. Accessed on 18 July 2025.

and responsible fiscal management. It establishes a clear legal and institutional framework for budget preparation, expenditure control, financial reporting, and oversight.

The key institutions created or empowered under the Act include:

- **The National Treasury**, which coordinates national fiscal policy and oversees implementation.
- **County Treasuries**, which manage public finances at the devolved county level.
- **The Public Debt Management Office**, tasked with overseeing Kenya's public debt.
- **The Intergovernmental Budget and Economic Council**, which promotes collaboration between national and county governments.
- **The Public Sector Accounting Standards Board**, which sets and monitors financial reporting standards.
- **The Office of the Registrar of National Government Securities**, which manages government borrowing.

Complementing the PFM Act, the Public Audit Act, 2015, operationalizes Article 229 of the Constitution, establishing the Office of the Auditor-General (OAG) as an independent constitutional office. The Auditor-General is mandated to audit all public institutions and report directly to Parliament or county assemblies, confirming whether public funds are used lawfully and effectively. The OAG's independence is guaranteed under Article 253, reinforcing the integrity of audit processes.

Together, these frameworks ensure that public financial management is not only rules-based but also oriented toward fiscal discipline, public trust, and anti-corruption compliance, in line with UNCAC requirements.

Practical implementation

The Office of the Auditor-General (OAG) has institutionalized the publication of audit reports detailing how public funds have been utilized or misused by both national and county governments. These publications which can be easily accessed online[105], serve as a critical accountability tool, promoting transparency in public financial management and providing the public, civil society, and Parliament with vital oversight information.

Besides, the Citizen Accountability audits aim at enhancing collaboration between the OAG and citizens working in partnership with public officers in efforts aimed at promoting accountability in resource management and the delivery of public services. The office has developed a comprehensive framework to guide the collaboration efforts by the office and CSOs in the audit process.[106]

[105] https://www.oagkenya.go.ke/special-audit-report/. Accessed on 18 July 2025.
[106] Office of the Auditor General. Citizen-Accountability-Audit-Framework.pdf, https://www.oagkenya.go.ke/wp-content/uploads/2022/05/Citizen-Accountability-Audit-Framework.pdf. Accessed on 18 July 2025.

However, the primary obstacle in financial management arises from the inconsistent coordination of national institutions with county levels.[107] Furthermore, service delivery suffers from poor performance because the Public Finance Management Act does not enforce timely budgetary processes effectively although it sets clear procedural deadlines.

Monitoring and evaluation frameworks contain insufficient oversight that enables shady practices to persist throughout both procurement procedures and project execution.

Despite the Public Audit Act specifying penalties there has been inconsistent enforcement because politicians frequently protect those who break the rules. The inability to establish effective fund recovery procedures diminishes the preventive power of the Act.[108]

Good practices

- The Office of the Auditor-General (OAG) has institutionalized the publication of audit reports, publicly available, detailing how public funds have been utilized by national and county governments, and a Citizen Accountability Audit.

Deficiencies

- Inconsistent coordination of national institutions with county levels is the main obstacle to public financial management.
- The Public Financial Management Act does not enforce timely budgetary processes effectively which results in poor service delivery.
- Procurement procedures to not have sufficient oversight.
- Penalties foreseen in the Public Audit Act have been inconsistently enforced.

4.1.7 Articles 10 and 13 – Access to information and Participation of society

Legal and institutional framework

Kenya's implementation of Articles 10 and 13 of the UNCAC is supported by a progressive constitutional and legal framework, though practical challenges still hinder full realization.

Article 35 of the Constitution of 2010 guarantees every citizen the right to access information held by the state or by another person, where such information is required to exercise or protect any right. This constitutional right is operationalized through the Access to Information Act, 2016[109], which provides a legal process for citizens to request public information, including data related to governance, public finance, political processes, and service delivery.

[107] S.27(2)(d) of the Public Audit Act, 2015, CAP.412B, Laws of Kenya.
[108] Ibid.
[109] Access to Information Act (2016), https://new.kenyalaw.org/akn/ke/act/2016/31/eng@2022-12-31. Accessed on 18 July 2025.

The law requires as well public institutions and some private entities to proactively disclose information, particularly on matters of public interest. This is crucial in the fight against corruption, as it empowers the public and civil society to monitor government actions, question decisions, and demand accountability from public officials.

With regard to participation, Kenya recognizes the importance of public involvement in governance and anti-corruption efforts, in line with Article 13 of the UNCAC. The Constitution, under Article 10**,** identifies public participation as one of the national values and principles of governance. This is reinforced in several statutes, including the Leadership and Integrity Act, the Public Finance Management Act, and county-level public participation laws, which require citizen engagement in budgeting, policymaking, and oversight processes.

In addition, government institutions such as the EACC conduct civic education and collaborate with the public in reporting and preventing corruption. The EACC engages with CSOs and other non-state actors via the Kenya Leadership Integrity Forum (KLIF) is a partnership and governance initiative established for a unified and integrated fight against corruption by the public and private sectors[110]. KLIF provides mechanism through which stakeholders design and implement anti-corruption initiatives, leveraging on their strengths in addressing corruption. Additionally, the EACC engages the general citizens through a toll-free line 1551[111] where the public can report corruption-related cases. Civil society organizations (CSOs), community-based groups and the media play an active role in raising public awareness, promoting transparency, monitoring public procurement, and exposing corruption.

Practical implementation

Despite this legal framework, implementation on access to information and on participation is uneven. Many government agencies are reluctant to proactively disclose information, and bureaucratic delays or non-compliance with disclosure requests are common. Moreover, enforcement mechanisms are weak, and public awareness about the right to access information or how to engage meaningfully in governance processes remains limited, which limits public oversight and participation.

There has been an increase in requests for information from public entities. According to the data from the Office of the Ombudsman[112], a total of 249,424 requests were made to public institutions and 92% of the requests were granted as of September 2024. Additionally, the government noted that the existing legal framework on ATI lacked a policy framework to guide on the implementation. Hence, the state is currently developing a National Access to

[110] EACC, "What is the Kenya Leadership Integrity Forum (KLIF)?", https://eacc.go.ke/en/default/klif/. Accessed on July 18, 2025.
[111] EACC, "Report Corruption", https://eacc.go.ke/en/default/report-corruption/. Accessed on August 22, 2025.
[112] The Star, September 27, 2024, "Kenyans made 249,434 information requests from public entities – Ombudsman", https://www.the-star.co.ke/news/2024-09-27-kenyans-made-249424-information-requests-from-public-entities-ombudsman. Accessed on September 25, 2025.

Information Policy[113], which shall provide the institutional mechanisms for planning, implementation, coordination, monitoring, reporting and oversight in relation to matters ATI.

Additionally, effective implementation is hampered by the lack of regulations which would better articulate the processes through which information is provided to citizens. Lack of a proper monitoring framework on proactive disclosure ensures that no clear standards are applied by the public institutions in disclosure of information making it difficult to assess whether the objectives of the Access to Information Act are being met. Further, non-digitization of records as required by the Act has hindered access to information held by public entities[114].

On the participation of society, while measures for citizen participation in legislative processes are in place, the quality and depth of public participation are often questioned. Many public forums are poorly organized, citizens are sometimes excluded from decision-making, and inputs from public consultations are not always reflected in final decisions. In addition, some civil society actors face political pressure or legal constraints that limit their effectiveness.

On the one hand, measures in place for the participation of citizens and non-state actors in legislative processes and the public has contributed and proposed amendments to various bills, such as the Finance Bill, the Anti-Money laundering and combatting terrorism financing (amendment) Bill, and the Anti-Corruption laws (Amendment) Bill in 2025 through submissions of written memorandum and oral submissions to the respective Committees in Parliament as part of public participation process. Additionally, the State Department for Parliamentary Affairs has also released a Public Participation Bill 2024[115], currently undergoing public participation, which aims to provide for the conduct of public participation processes by the government ministries, departments and agencies.

On the other hand, civil society organisations, media, journalists, and civilians are often facing political interference and intimidation, which cripples their independence and limits their role in promoting transparency, public participation, and accountability. A crackdown on civil society was witnessed recently through the civic protests that took place in June 2024 in opposition to the Finance Bill 2024.[116] Initially, the government promoted the bill despite the strong opposition, and it was approved in Parliament.[117] However, due to the persisting public

[113] Draft National Access To Information Policy - Public Participation, https://www.ombudsman.go.ke/sites/default/files/2023-10/Draft%20National%20Access%20To%20Information%20Policy%20-%20Public%20Participation_0.pdf. Accessed on 26 September 2025.
[114] https://www.opengovpartnership.org/members/kenya/commitments/KE0029/. Accessed on 24 September 2025.
[115] https://parliamentaryaffairs.go.ke/sites/default/files/Public%20Participation%20Bill%202024.pdf. Accessed on 22 September 2025.
[116] CIVICUS (March 2025), Deadly Crackdown Follows 2024 Mass Protests, Surge in Femicides Sparte More Protests, https://monitor.civicus.org/explore/deadly-crackdown-follows-2024-mass-protests-surge-in-femicides-sparks-more-protests/. Accessed on 22nd September 2025.
[117] Arise News, 21st June 2024, Kenya's Parliament Approves Controversial Finance Billd Despite Public Outcry, https://www.arise.tv/kenyas-parliament-approves-controversial-finance-bill-despite-public-outcry/. Accessed on 22 September 2025.

uproar, President William Ruto rejected the Finance Bill 2024 and sent it back to Parliament for reconsideration.[118]

In sum, Kenya has made commendable efforts to implement UNCAC Articles 10 and 13 through constitutional guarantees, access to information legislation, and public participation frameworks. However, more must be done to strengthen enforcement, enhance public awareness, ensure proactive disclosure of information, and create an enabling environment for civil society in practice with meaningful opportunities for citizen engagement. Addressing these gaps is vital for improving accountability and sustaining the fight against corruption.

Good practices

- The Access to Information Act provides a legal process for citizens to request public information and requires public institutions and some private entities to proactively disclose information on matters of public interest.
- The Leadership and Integrity Act, the Public Finance Management Act, and county-level public participation laws provide for citizen engagement in budgeting, policymaking, and oversight processes.
- The EACC conducts civic education initiatives.

Deficiencies

- Enforcement of access to information legislation remains weak. Public institutions often fail to comply with access to information requirements or delay responses to information requests, and to proactively disclose information.
- Public participation is frequently superficial or symbolic, with citizens having little real influence over decisions, especially in budget-making, law formulation, and public project oversight.
- Civil society organizations and media often face political interference and intimidation, which undermines their independence and limits their role in promoting transparency, public participation and accountability.
- Restrictive legal frameworks or ambiguous laws are sometimes used to curtail the operations of civil society, reducing their effectiveness in anti-corruption advocacy and public engagement.

4.1.8 Article 11 – Measures relating to the Judiciary and Prosecution Services

Legal and institutional framework

[118] The Star, 26th June 2024, Ruto declines to sign Finance bill, sends it back to Parliament, https://www.the-star.co.ke/news/africa/2024-06-26-ruto-declines-to-sign-finance-bill-sends-it-back-to-parliament. Accessed on 22 September 2025.

The Anti-Corruption and Economic Crimes Division of the High Court, established in 2002, supports enforcement of the Anti-Corruption and Economic Crimes Act (ACECA). It derives its mandate from Article 169 of the Constitution. This division is responsible for handling cases related to corruption, ensuring that they are dealt with expeditiously and in accordance with the law. By collaborating with investigative bodies like the Ethics and Anti-Corruption Commission (EACC), the judiciary plays an integral role in ensuring that corrupt individuals are held accountable, and that justice is served in a transparent and timely manner.

Practical Implementation

The judiciary has significantly shaped the implementation of ACECA, particularly through landmark rulings that interpret its provisions on abuse of office, illicit enrichment, and asset recovery. A notable case is Republic v. Ferdinand Waititu & Others[119], which revolved around allegations of corruption, abuse of office, and illicit enrichment, concerning Ferdinand Waititu, the former Governor of Kiambu County. EACC initiated investigations into alleged irregular procurement practices, which had led to the misappropriation of public funds amounting to millions of shillings[120].

Aside from the above, the judiciary has also embraced the alternative dispute resolutions in solving cases brought under ACECA, that is, Plea Bargaining Mechanism courtesy of the Plea-Bargaining Guidelines by the ODPP[121]. This approach allows for the expedited resolution of criminal cases, including complex corruption prosecutions. This approach conserves judicial resources, promotes efficiency, and ensures accountability through negotiated settlements that can include restitution or cooperation with ongoing investigations.

To further improve coordination and stakeholder engagement, the Anti-Corruption Court Users Committee (ACCUC) was established under the broad Court Users Committee initiative. The committee was established under the Judicial Service Act No.1 of 2011[122] and implemented alongside the Court Users Committee Guidelines[123] to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and the transformation of the justice system.

[119] See annex.
[120] EACC, "Court convicts former Governor, his wife, and five others in Kes588 million road tender corruption case", Feb. 2025, https://eacc.go.ke/en/default/court-finds-former-governor-his-wife-and-five-others-guilty-in-kes588-million-road-tender-corruption-case/. Accessed on 18 July 2025.
[121] Plea Bargaining Guidelines https://odpp.go.ke/wp-content/uploads/2024/08/ODPP-Plea-Bargaining-Guidelines.pdf. Accessed on 9 October 2025.
[122]Judicial Service Act,2011 https://new.kenyalaw.org/akn/ke/act/2011/1#:~:text=An%20Act%20of%20Parliament%20to%20make%20provision%20for,on%20Administration%20of%20Justice%2C%20and%20for%20connected%20purposes. Accessed on 9 October 2025.
[123] https://ncaj.go.ke/wp-content/uploads/2019/10/CUC-GUIDELINES-2019-PRINT-VERSION.pdf#:~:text=Court%20Users%20Committee%20%28CUC%29%20is%20a%20platform%20that,and%20consultative%20approach%20in%20the%20administration%20of%20justice.

The ACCUC forum brings together judicial officers, prosecutors, police, civil society, and legal practitioners to regularly discuss challenges and improve cooperation within the justice system, particularly on corruption-related cases. They promote transparency, enhance accountability, and offer feedback mechanisms that support integrity in judicial processes, indirectly influencing private sector confidence and governance standards.

Additionally, the rate of clearance of cases at the Magistrates AECD has been commendable, with 97% cases cleared as of May 2025, as reported in the Case load Statistics Report released in May 2025[124]. The number of cases cleared in the period July 2024 to May 2025 is 1425 cases out of 1463 filed cases. However, the High Court AECD division is yet to share their data on case resolution analysis.

Table 4: Case load Statistics Report July 2024-May 2025

Case type	NO. of convictions	NO. of acquittals	NO. of withdrawals	NO. of plea bargains adopted	Consolidations	Marked as closed	Total finalized
MAIN MCACC CASES	17	7	5	6	1	3	39
MCAC-MISC CASES	N/A	N/A	N/A	N/A	N/A	1386	1386

Source: Case load Statistics Report July 2024-May 2025 provided by the Anti-Corruption Court Division, Milimani Law Courts[125]

Prosecution is the preserve of the Director of Public Prosecutions (DPP). In this case, the DPP undertakes criminal proceedings against individuals and entities suspected of corruption. The DPP has prosecuted and secured convictions against both natural and legal persons who have committed various offenses under various laws within Kenya's anti-corruption legal framework. The DPP has also catalysed the expeditious disposal of anti-corruption matters by entering into plea bargaining agreements with accused persons. This has not only allowed for expeditious disposal of anti-corruption cases but also allowed for an increase in convictions.

The ODPP is an active member of the Kenya Leadership Integrity Forum (KLIF) highlighted in the analysis above of UNCAC Articles 5 and 6. It brings together stakeholders from the public and private sectors, civil society, and religious organizations aiming for an integrated effort to prevent and combat corruption. The ODPP has to ensure the implementation of the UNCAC provisions and subsequent domestic laws, which is to reduce the levels and prevalence of corruption and unethical practices in Kenya, through the following:

[124] See annex.
[125] https://drive.google.com/file/d/1OehdKRAU2wTQfJVziGVdWCEiJUlyOZEs/view?usp=sharing. Accessed on 9 October 2025.

a) A specialized department that prosecutes corruption and economic crimes, known as the Economic, Organized, and International Crimes Department[126] dedicated to prosecuting anti-corruption and economic crime matters.
b) Taking part in Anti-Corruption Day which is held on the 9th of December where outreach programs are undertaken to educate the public on matters of anti-corruption[127].

On the other hand, the implementation has also faced hurdles. A significant barrier to effective prosecution lies in the chronic underfunding of the ODPP. Budgetary constraints have severely hampered its ability to train staff, acquire necessary technology, and build institutional capacity to manage complex corruption cases[128]. This underfunding also extends to other critical agencies within the justice sector, leading to case backlogs, overburdened courts, and slow adjudication processes, factors that are inconsistent with UNCAC's emphasis on prompt and efficient judiciary.

Another critical gap in implementation relates to the safety and willingness of witnesses to testify. Despite the existence of the Witness Protection Act (2006) and the establishment of the Witness Protection Agency, many witnesses remain vulnerable to threats, intimidation, and financial inducements. These risks often deter individuals from providing crucial testimony, severely weakening the evidentiary basis of corruption cases[129]. While Kenya has the legal infrastructure for witness protection, actual implementation, including access to protection is limited and often delayed.

Lastly, despite ongoing reforms, coordination among the Judiciary, ODPP, EACC, and other justice sector players remains fragmented, impacting the overall efficiency of the criminal justice system[130].

Good practices

- The judiciary's integration of digital platforms has enhanced case tracking, remote hearings, and access to information, supporting transparency.
- The Plea-Bargaining Mechanism enables quicker case resolution and resource efficiency in complex corruption prosecutions.
- Through community outreach and media, the ODPP promotes understanding of anti-corruption laws and encourages citizen involvement.

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[126] https://odpp.go.ke/eoic/,
[127] ODPP, "Mark International Anti-corruption Day 2024 at Strathmore University's grounds", Dec. 9, 2024, https://odpp.go.ke/odpp-mark-international-anti-corruption-day-2024-at-strathmore-universitys-grounds/. Accessed on 18 July 2025.
[128] This information was provided by a respondent from the Office of the Director of Public Prosecutions (ODPP), who identified it as a key challenge during an interview conducted on 28 April 2025 by the ODPP.
[129] People Daily Digital, January 17, 2022, "Tall order protecting witnesses and whistleblowers in Kenya, https://peopledaily.digital/news/tall-order-protecting-witnesses-and-whistle-blowers-in-kenya. Accessed on 9 October 2025.
[130] This information was provided by a respondent from the Judiciary, who identified it as a key challenge during an interview conducted on 19 May 2025.

- Establishment of Milimani Anti-Corruption Court Users committee which brings together stakeholders such as judicial officers, prosecutors, police, advocates, and civil society representatives to discuss challenges and improve coordination within the justice system.

Deficiencies

- The ODPP suffers from insufficient funding, hampering staff training, technology acquisition, and overall capacity to prosecute complex cases.
- Prosecuting high-profile individuals remains difficult due to political meddling in investigations, prosecutions, and even adjudication.
- Threats and financial inducements often deter witnesses from testifying, weakening the evidentiary base for prosecutions.
- Despite ongoing reforms, coordination among the Judiciary, ODPP, EACC, and other justice sector players remains fragmented, impacting the overall efficiency of the criminal justice system.

4.1.9 Article 12 – Private sector transparency

Legal and institutional framework

Kenya has made notable strides in implementing Article 12 of the United Nations Convention against Corruption (UNCAC), which calls for the promotion of transparency, accountability, and integrity within the private sector.

A major milestone in this effort was the enactment of the Anti-Bribery Act, 2016,[131] which applies to both public officials and private sector entities. It provides for the prevention, investigation and punishment of bribery.[132] This law was designed to strengthen Kenya's legal framework in the fight against corruption, particularly by setting clear standards to prevent and penalize bribery in private business dealings. The Act is firmly grounded in Kenya's 2010 Constitution, especially Article 10 on national values and principles of governance, Article 232 on public service values, and Chapter Six on leadership and integrity.

The Anti-Bribery Act obligates private sector actors to implement anti-bribery policies and report incidents of bribery. It aligns Kenya with its international obligations under UNCAC

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[131] Antibribery Act, Cap 79B, http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/A/Anti-Bribery%20Act%20-%20No.%2047%20of%202016/docs/Anti-BriberyAct47of2016.pdf. Accessed on 18 July 2025.

[132] Antibribery Act, http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/A/Anti-Bribery%20Act%20-%20No.%2047%20of%202016/docs/Anti-BriberyAct47of2016.pdf. Accessed on 18 July 2025.

and the African Union Convention on Preventing and Combating Corruption[133], while also supporting the goals of Vision 2030 to foster a transparent and accountable economic environment.

Practical implementation

Despite these efforts, several challenges remain. One major issue is inconsistent compliance across different sectors, especially between large corporations and smaller enterprises, which often lack the capacity or resources to fully implement anti-bribery measures. The EACC also faces financial constraints, limiting its ability to investigate cases and conduct outreach or training across the private sector.

Another significant weakness is the lack of strong whistleblower protection mechanisms. While the Act mandates the reporting of bribery under Section 9, it does not provide sufficient safeguards for those who report misconduct, exposing them to potential retaliation. Furthermore, the law does not offer tailored guidance for small and medium enterprises (SMEs), leading to varied interpretations and implementation challenges based on company size.

Additionally, political interference has occasionally disrupted investigations, particularly in cases involving influential individuals or businesses, undermining the credibility and impartiality of enforcement actions.

A good practice example in implementing the Anti-Bribery Act came in May 2025, when the EACC launched a Practical Guide for Corruption Risk Assessment and Management.[134] This guide offers a structured framework to help public and private entities identify, assess, and manage corruption risks, providing practical support to improve compliance with the Anti-Bribery Act.

Good practices

- The Anti-Bribery Act applies to both public officials and private sector entities and provides for the prevention, investigation and punishment of bribery.
- A Practical Guide for Corruption Risk Assessment and Management launched by EACC assists both public and private entities in identifying, evaluating, and managing corruption risks, reinforcing implementation of the Anti-Bribery Act.

Deficiencies

[133] African Union Convention on Preventing and Combating Corruption, https://au.int/sites/default/files/treaties/36382-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf. Accessed on 18 July 2025.
[134] EACC, Practical Guide for Corruption Risk Assessment and Management, https://eacc.go.ke/en/default/wp-content/uploads/2024/12/Guideline-for-Corruption-Risk-Assessment-and-Management_20-12-2024-2.pdf. Accessed on 22 August 2025.

- Enforcement and compliance with the Anti-Bribery Act vary widely across different private sector entities, especially between large corporations and small or medium-sized enterprises.
- The EACC faces funding constraints, limiting its ability to investigate bribery in all relevant sectors or conduct extensive outreach and capacity-building programs.
- Although Section 9 of the Anti-Bribery Act mandates the reporting of bribery incidents, the Act lacks robust mechanisms to protect whistleblowers, discouraging potential informants from coming forward.
- The Anti-Bribery Act does not provide sector-specific or size-specific compliance frameworks, leading to varied interpretations and uneven application, particularly among smaller businesses.
- Investigations, especially those involving influential individuals or entities, have occasionally been delayed or obstructed by political interference, weakening the rule of law and undermining anti-corruption efforts.

4.1.10 Article 14 – Measures to prevent money laundering

Legal and institutional framework

Kenya has developed a robust legal framework to address the obligations set out in this article. A major legal framework is the Proceeds of Crime and Anti-Money Laundering (POCAMLA),[135] enacted in 2009 and amended over the years to strengthen enforcement. This legislation establishes the Financial Reporting Centre (FRC) as Kenya's Financial Intelligence Unit, mandated to receive and analyse suspicious transaction reports, supervise reporting institutions, and disseminate financial intelligence to law enforcement agencies. To aid in its implementation is the Proceeds of Crime and Anti-Money Laundering Regulations[136], which provide detailed rules for customer due diligence, including identifying beneficial owners, and understanding the nature and purpose of business relationships.

Sanctions for non-compliance are expressly provided under POCAMLA and enforced through FRC. The FRC may impose monetary penalties[137] on institutions that fail to file Suspicious Transaction Reports (STRs), violate customer due diligence requirements, or obstruct inspections. These fines are intended to be dissuasive and proportional, as required under Article 14 of UNCAC.

[135] Proceeds of Crime and Anti-Money Laundering Act No.9 0f 2009, https://www.frc.go.ke/wp-content/uploads/2024/02/Proceeds-of-Crime-and-Anti-Money-Laundering-Act-No-9-of-2009-Revised-2022.pdf. Accessed on 18 July 2025.
[136] https://new.kenyalaw.org/akn/ke/act/ln/2023/153/eng@2023-11-17. Accessed on 22 September 2025.
[137] Sections 24B of POCAMLA. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/P/Proceeds%20of%20Crime%20and%20Anti-Money%20Laundering%20Act%20-%20No.%209%20of%202009/docs/ProceedsofCrimeandAnti-MoneyLaunderingAct9of2009.pdf. Accessed on 9 October 2025.

Additionally, FRC also issues administrative sanctions[138], including issuing warnings, directing corrective actions, suspending non-compliant institutions, or taking steps to disqualify individuals who no longer meet "fit-and-proper" criteria.

Furthermore, POCAMLA outlines criminal sanctions[139] for more serious breaches. Individuals and entities that wilfully violate AML obligations, such as by failing to report suspicious activity, engaging in tipping off, or laundering proceeds of crime, may be prosecuted. Convictions can result in imprisonment, significant fines, and the forfeiture of illicit assets.

In furtherance to the above, Kenya amended the Companies Act, 2015, through the Statute Law (Miscellaneous Amendments) Act, which introduces Section 93A, requiring companies to maintain a register of beneficial owners[140]. This amendment was operationalized through the Companies (Beneficial Ownership Information) Regulations, 2020[141].

Finally, Kenya has also taken steps to enhance both domestic and international cooperation in tackling money laundering. The FRC works closely with law enforcement agencies such as EACC, DCI, and ODPP to investigate and prosecute money laundering cases. This has improved its ability to share information, including across borders. This integrated framework provides Kenya with a foundational structure to combat money laundering, although the effectiveness of these laws depends on consistent implementation, oversight, and enforcement.

Practical Implementation

Despite the above legal reforms, several sectors, especially Designated Non-Financial Businesses and Professions (DNFBPs), such as real estate firms, Savings and Credit Cooperative Societies (SACCOs), and accounting professionals, continue to show low levels of compliance. Many have failed to register with the FRC or implement the required due diligence measures. The FRC has issued compliance notices warning of possible license revocation for non-compliance[142] .

In response to Kenya being grey-listed by the Financial Action Task Force (FATF), and evaluations by regional bodies like the Eastern and Southern Africa Anti-Money Laundering

[138] Section 24C. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/P/Proceeds%20of%20Crime%20and%20Anti-Money%20Laundering%20Act%20-%20No.%209%20of%202009/docs/ProceedsofCrimeandAnti-MoneyLaunderingAct9of2009.pdf. Aaccessed on 9 October 2025.

[139] Sections 44 to 47. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/P/Proceeds%20of%20Crime%20and%20Anti-Money%20Laundering%20Act%20-%20No.%209%20of%202009/docs/ProceedsofCrimeandAnti-MoneyLaunderingAct9of2009.pdf. Accessed on 9 October 2025.

[140] https://www.oraro.co.ke/disclosure-of-beneficial-ownership-of-companies-in-kenya/. Accessed on 23 September 2025.

[141] https://new.kenyalaw.org/akn/ke/act/ln/2020/12/eng@2023-10-19. Accessed on 23 September 2025.

[142] https://www.kenyans.co.ke/news/92666-6-companies-risk-losing-licenses-war-money-laundering. Accessed on 23 September 2025.

Group (ESAAMLG), Kenya has shown political will to reform its legal framework. However, risk-based supervision and enhanced due diligence (EDD) practices remain underdeveloped, especially among smaller institutions and non-bank sectors[143].

Kenya also lacks regulatory frameworks to monitor and regulate virtual assets and virtual asset service providers, risking the use of such assets, including digital assets such as cryptocurrencies, in money laundering and terrorist financing[144].

Good practices

- Mandatory beneficial ownership disclosure rather than voluntary by dint of Section 93A of the Companies Act which shifts the burden onto companies / legal persons to prepare, maintain, and file information about their beneficial owners.
- Expanded Due Diligence and Regulatory Reach by The Companies (Beneficial Ownership Information) Regulations which require due diligence (including beneficial owner identification), ongoing monitoring, and risk-based approaches. Also, there is increased attention to "designated non-financial businesses and professions" (DNFBPs) sectors beyond banks.

Deficiencies

- Some sectors remain under-regulated or with weak oversight, especially DNFBPs. Also, newer/digital-asset service providers (VASPs) are only more recently being brought under scrutiny / regulation.
- Slow pace in the approval by the Parliament of the Virtual Assets Service providers Bill 2025 which aims to regulate emerging digital financial activities.

4.2 Chapter V

4.2.1 Articles 52 and 58 – Anti-Money Laundering

Legal and institutional framework

The implementation of Articles 52 and 58 of UNCAC in Kenya is anchored in a comprehensive legal and institutional framework aimed at detecting, deterring, and prosecuting illicit financial flows. Kenya has adopted policies requiring politically exposed persons (PEPs) to disclose their financial interests, assets, and liabilities. The Leadership and Integrity Act mandates public officers to make regular declarations of wealth, particularly where there is potential for conflict of interest.

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[143] https://enactafrica.org/enact-observer/can-anti-money-laundering-amendments-get-kenya-off-fatf-s-grey-list. Accessed on 23 September 2025.
[144] Ibid.

Money laundering is primarily addressed through the Proceeds of Crime and Anti-Money Laundering (POCAMLA)[145], enacted in 2009 and amended over the years to strengthen enforcement. This law criminalizes money laundering and provides for the identification, tracing, freezing, and confiscation of proceeds derived from criminal activity[146]. It also outlines reporting obligations for financial institutions and other designated non-financial businesses. The Act embodies constitutional principles, notably Article 10, which emphasizes good governance and accountability, and Article 79, which requires the establishment of independent bodies to address corruption and economic crimes. POCAMLA also ensures international compliance, aligning Kenya with global standards, including the Financial Action Task Force (FATF) Recommendations. This alignment not only bolsters Kenya's anti-money laundering measures but also fosters international cooperation in fighting transnational financial crimes.

The Proceeds of Crime and Anti-Money Laundering Regulations (2023) represents a critical milestone in tightening compliance requirements for banks and other financial institutions. These regulations mandate robust customer due diligence processes, obliging institutions to thoroughly verify client identities and monitor transactions for suspicious patterns. Additionally, stringent record-keeping obligations ensure that financial institutions retain comprehensive transaction data, aiding investigations into illicit activities.

The Parliament passed the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025[147]. This initiative represents a significant step toward strengthening Kenya's legal framework to combat illicit financial flows, align with international standards (such as FATF recommendations), and reinforce national anti-corruption and financial transparency efforts.

In efforts to strengthen cross-border cooperation, Kenya is a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG)[148], allowing for regional collaboration on money laundering and terrorist financing issues.

Additionally, in Kenya, technological advancements present a growing challenge, as money launderers often stay a step ahead of the safeguards implemented by banks. Criminals are increasingly able to exploit digital platforms and cyber-enabled methods to evade detection, making it more difficult for financial institutions to effectively combat these evolving threats[149]. However, the government has attempted to mitigate this challenge by ensuring its legal framework keeps pace with emerging trends, such as the exploitation of digital platforms.

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[145] Proceeds of Crime and Anti-Money Laundering Act No.9 0f 2009, https://www.frc.go.ke/wp-content/uploads/2024/02/Proceeds-of-Crime-and-Anti-Money-Laundering-Act-No-9-of-2009-Revised-2022.pdf. Accessed on 18 July 2025.

[145] Proceeds of Crime and Anti-Money Laundering Act No.9 0f 2009, https://www.frc.go.ke/wp-content/uploads/2024/02/Proceeds-of-Crime-and-Anti-Money-Laundering-Act-No-9-of-2009-Revised-2022.pdf. Accessed on 18 July 2025.

[147] "The National Assembly passes the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025", http://www.parliament.go.ke/node/23702. Accessed on 18 July 2025.

[148] https://www.esaamlg.org/index.php/countries.

[149] https://theconversation.com/kenya-has-tightened-its-laws-to-stop-money-laundering-why-banks-are-the-focus-226062. Accessed 22 August 2025.

One such effort is the introduction of the Virtual Assets Service Providers Bill 2025[150], which is currently pending approval by Parliament.

Practical implementation

Despite this robust framework, Kenya faces challenges in fully implementing UNCAC's Chapter V. These include weak enforcement, gaps in inter-agency coordination, delays in prosecution, and the continued use of the informal sector for illicit transactions. Additionally, politically exposed persons (PEPs) are often implicated in laundering public funds, but prosecutions are limited due to political interference or lack of evidence.

Kenya has taken significant steps to comply through strong laws, the establishment of the Financial Reporting Centre, and enhanced regulations for the financial sector. However, the effectiveness of these measures is often undermined by enforcement gaps and institutional weaknesses. Strengthening inter-agency collaboration, improving investigative capacity, and ensuring political will are critical to curbing money laundering and related corruption risks.

Kenya was again placed on the FATF's "grey list" after having been removed from this list previously, due to its non-compliance with international standards. The evaluation conducted by FATF noted that Kenya was unable to show successful investigation and prosecution of money laundering cases.[151]

Persons consulted for this report also noted that due to constrained human and financial resources, the resolution of asset recovery cases is often delayed. Conversely, ARA is also often acknowledged for effectively utilizing civil forfeiture provisions, which prevent suspects from using the proceeds of crime. Through civil proceedings, ARA has successfully secured the seizure of criminal assets, thereby restricting suspects from profiting from them.

A notable application of the POCAMLA Act is the case of Asset Recovery Agency v. Abdi Ali Mohamed (2020)[152]. The High Court preserved over KES 62 million (USD 479,876.16) linked to fraudulent transactions, showcasing POCAMLA's effectiveness in addressing financial crimes. The case highlights Kenya's commitment to FATF standards and demonstrates the Act's role in deterring illicit activities.

Good practices

[150] https://parliament.go.ke/sites/default/files/2025-04/THE%20VIRTUAL%20ASSET%20SERVICE%20PROVIDERS%20BILL,%202025%20(2).pdf. Accessed 22 August 2025.

[151] Global Financial Integrity, Grey-listing of Kenya by FATF calls for urgent reforms to combat financial crime (March 2024), https://gfintegrity.org/press-release/grey-listing-of-kenya-by-financial-action-task-force-calls-for-urgent-reforms-to-combat-financial-crime/. Accessed on 3 October 2025.

[152] https://new.kenyalaw.org/akn/ke/judgment/kehc/2020/3231/eng@2020-08-12. Accessed on 23 September 2025.

- The recently passed Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025[153] seeks to align the country's laws with these global benchmarks on anti-money laundering, counter-terrorism financing, and proliferation financing[154].

Deficiencies

- Inadequate budgetary allocations to institutions such as the Asset Recovery Agency (ARA) and the Financial Reporting Center limit their ability to successfully oversee the full enforcement of POCAMLA.
- Lack of comprehensive and updated legislation that addresses emerging digital trends such as virtual assets.
- Slow pace in the approval by the Parliament of the Virtual Assets Service providers Bill 2025 which aims to regulate emerging digital financial activities.

4.2.2 Articles 53 and 56 – Measures for Direct Recovery of Property

Legal and institutional framework

Kenya has taken several steps to implement UNCAC provisions which focus on the recovery of assets, international cooperation, and return of proceeds of corruption, particularly when dealing with cross-border cases and illicit wealth hidden abroad.

Kenya recognizes asset recovery as a fundamental principle in the fight against corruption. The Constitution of Kenya 2010, particularly Chapter 6 on Leadership and Integrity, supports asset recovery by holding public officials accountable for unexplained wealth. Laws such as POCAMLA and ACECA provide the legal basis for identifying, tracing, freezing, and recovering proceeds of corruption both domestically and internationally.

Kenya also enables victims of corruption, including foreign jurisdictions, to claim restitution, which aligns with UNCAC Article 53's objective of facilitating direct recovery of stolen assets. The legal framework allows for mutual legal assistance in asset recovery, including freezing, confiscation, and return of illicit assets vide the Mutual Legal Assistance Act, from 2011 and the Requests For Mutual legal assistance In Criminal Matters -Guidance For Authorities Outside of Kenya-2018 ('Guidance')[155]. POCAMLA permits Kenyan courts to recognize and enforce foreign confiscation orders. The Mutual Legal Assistance Act sets procedures for

[153] "The National Assembly passes the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025", http://www.parliament.go.ke/node/23702. Accessed on 18 July 2025.
[154] Ibid.
[155] Requests for Mutual Legal Assistance in Criminal Matters "Guidance for Authorities Outside of Kenya" (2018), https://statelaw.go.ke/wp-content/uploads/2020/11/MLA-GUIDELINES-IN-CRIMINAL-MATTERS-FOR-AUTHORITIES-OUTSIDE-OF-KENYA.pdf. Accessed on 22 August 2025.

cooperation with other states in criminal investigations and asset recovery[156], whilst the Guidance gives a clear understanding of the provision and improves the efficiency of processing of mutual legal assistance requests to Kenya.

Kenya has put in place legal mechanisms for cooperating with foreign states in identifying, freezing, and confiscating assets. Upon request, Kenyan authorities can initiate proceedings to enforce foreign confiscation orders or take provisional measures such as asset freezing, pending a final decision. These powers are exercised through the Attorney General's office[157] and the Asset Recovery Agency (ARA).

Kenya is empowered to provide spontaneous information to other countries when evidence of criminal assets or illicit financial flows is discovered without a formal request. This supports proactive cooperation in international asset recovery efforts. Agencies like the ARA, FRC, and EACC can share financial intelligence with counterparts in other jurisdictions.

Practical implementation

According to one of the key informants from a government agency, the government has been involved in high-profile asset recovery cases in partnership with countries like the UK and Switzerland.[158] However, the process is often slow, and one of the respondents highlighted that there is need for greater transparency in how recovered assets are managed and used remain a concern.

To comply with Article 57 of UNCAC, Kenya is expected to return assets to the requesting states and use recovered assets for development, subject to agreements with cooperating countries. Kenya actively engages in bilateral and multilateral treaties and frameworks that support asset recovery and anti-corruption cooperation. It is a member of international organizations such as ESAAMLG and is a signatory to various mutual legal assistance treaties that facilitate cooperation on cross-border investigations and asset returns.

Kenya has made meaningful progress in aligning with UNCAC Articles 51, 53–57, and 59 by enacting supportive laws, establishing dedicated institutions like the Asset Recovery Agency, and participating in international cooperation. However, challenges persist, particularly in the speed, transparency, and efficiency of asset recovery and return. Strengthening institutional capacity, streamlining legal procedures, and enhancing international partnerships remain crucial for Kenya to fully meet UNCAC's asset recovery and cooperation obligations.

Good practices

[156] Mutual Legal Assistance Act (2011), https://new.kenyalaw.org/akn/ke/act/2011/36/eng@2023-09-15#:~:text=(2)For%20the%20purposes%20of,and%20seizures%3B%20(e)examining. Accessed on 22 August 2025.

[157] Requests for Mutual Legal Assistance in Criminal Matters "Guidance for Authorities Outside of Kenya" (2018), https://statelaw.go.ke/wp-content/uploads/2020/11/MLA-GUIDELINES-IN-CRIMINAL-MATTERS-FOR-AUTHORITIES-OUTSIDE-OF-KENYA.pdf. Accessed on 22 August 2025.

[158] This information was retrieved from a key informant from the EACC on 11 June 2025.

- POCAMLA provides the foundation for identifying, tracing, freezing, and confiscating assets derived from corruption and economic crimes. Complementing this is the Mutual Legal Assistance Act, 2011, which enables Kenya to cooperate with other countries in criminal investigations, including enforcing foreign confiscation orders.
- DPP under the ODPP Act, has been collaborating with relevant agencies, such as the EACC and the ARA, to recover assets acquired through corruption.
- ARA has the authority to initiate proceedings for asset freezing and confiscation, including enforcement of foreign court orders. Kenya also facilitates spontaneous sharing of financial intelligence with other countries, which strengthens proactive international cooperation in tackling illicit financial flows.
- Use of civil forfeiture enables the recovery of assets from suspects by allowing the property to be seized and preserved during ongoing civil proceedings. The property is held in the custody of the ARA, ensuring it is not misused, sold, or otherwise tampered with by the suspect. If the case is resolved in favour of the state, the safeguarded assets can then be returned to the victims of corruption or related crimes.

Deficiencies

- The procedures for asset tracing, seizure, and repatriation are often lengthy and bureaucratic. Complex legal requirements, overlapping institutional mandates, and procedural delays contribute to the slow pace of asset recovery. This undermines public confidence and limits the deterrent effect of asset recovery efforts.
- Despite existing cooperation frameworks, coordination among anti-corruption and asset recovery agencies (such as EACC, ARA, FRC, and ODPP) remains fragmented. Overlapping mandates, inconsistent communication, and institutional rivalry impede the seamless flow of information necessary for effective asset tracing and prosecution.
- Although civil society plays an oversight role, there is limited institutionalized space for their participation in asset recovery processes. Public consultation and involvement in decisions regarding the return and use of recovered assets remain weak, which affects public trust and reduces pressure for transparent and accountable practices.

4.2.3 Articles 54, 55, 56 and 59 – International Cooperation for the Purpose of Confiscation

Legal and institutional framework

Kenya has enacted key laws such as the Mutual Legal Assistance Act[159], which provides a legal basis for seeking and providing assistance in criminal matters, including the confiscation of illicit assets. Additionally, POCAMLA equips authorities with powers to trace, freeze, and confiscate proceeds of crime.

[159] Mutual Legal Assistance Act, CAP 75A, https://new.kenyalaw.org/akn/ke/act/2011/36/eng@2023-09-15. Accessed on 17 July 2025.

Several institutions play central roles in this framework. The Ethics and Anti-Corruption Commission (EACC) leads investigations into corruption cases, while the Office of the Attorney General serves as the central authority for mutual legal assistance. The Assets Recovery Agency (ARA) is specifically tasked with identifying, freezing, and recovering assets linked to corruption and money laundering. These institutions work collaboratively and engage with international bodies such as Interpol, UNODC, and regional platforms like the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) to facilitate cross-border cooperation.

Practical implementation

In practice, Kenya has engaged in a number of efforts to recover stolen assets and collaborate with other jurisdictions in corruption cases. Notable among these is the ongoing effort to recover funds tied to the Anglo-Leasing scandal, where international cooperation has been sought to identify and retrieve illicit assets held abroad[160].

Other high-profile cases, like those involving a former governor of a Kenyan county, have seen domestic[161] courts authorize the freezing or forfeiture of assets believed to have been acquired through corrupt means. According to one of the interviewees for this report, Kenya has also cooperated with countries such as the United Kingdom and Switzerland through mutual legal assistance requests, particularly in cases involving money laundering and asset concealment. These examples demonstrate an increasing willingness to engage in cross-border cooperation. However, implementation remains inconsistent and often slow due to bureaucratic hurdles, limited technical capacity in asset tracing and financial investigations, and the complex legal requirements associated with mutual legal assistance processes.

Good Practices

- Establishment of the Assets Recovery Agency (ARA) as a specialized institution focused solely on asset tracing and confiscation.
- Kenya's membership in regional and global anti-money laundering networks, which has improved cross-border cooperation and information exchange.

Deficiencies

- While laws exist, few high-profile asset recovery cases have been fully concluded.
- Lack of bilateral treaties with many jurisdictions, especially tax havens where illicit wealth is often hidden.

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[160] https://enactafrica.org/enact-observer/kenya-sets-out-to-repatriate-looted-assets Accessed on 23 September 2025.

[161] Daily Nation, "Former Kiambu governor Ferdinand Waititu loses control of his assets", June 03, 2022, https://nation.africa/kenya/counties/kiambu/former-kiambu-governor-ferdinand-waititu-loses-control-of-his-assets-3836090. Accessed on 17 July 2025.

- Institutional overlaps and coordination challenges between ARA, EACC, ODPP, and the Judiciary, which cause delays.
- Political interference and selective enforcement, especially where high-ranking individuals are involved.
- Weak technical capacity in financial forensics and international litigation, which hampers effective cooperation with foreign jurisdictions.
- Delays in processing MLA requests, often due to a lack of clarity in procedures or inadequate resourcing of the Attorney General's office.

4.2.4 Article 57 – Return and disposal of assets

Legal and institutional framework

In Kenya, this obligation is primarily grounded in the POCAMLA, which empowers the Asset Recovery Agency (ARA) to confiscate and manage recovered assets, and to facilitate their return in appropriate cases. POCAMLA[162] address the management, preservation, and disposal of seized and forfeited property. Kenya is also guided by international cooperation provisions under the Mutual Legal Assistance Act and relevant bilateral agreements, which outline procedures for requesting or returning assets, as elaborated under the UNCAC Articles 53and 56 analysis.

Practical implementation

Kenya has taken part in several international asset recovery processes involving return and disposal of confiscated assets. Notably, in the Anglo Leasing scandal, which is analyzed in the immediately above Articles, Kenya reached agreements with Switzerland for the return of stolen funds. In 2018, Switzerland returned approximately USD Value: $13.25M recovered from the scandal[163].

According to Anti-Corruption and Economic Crimes Act, Section 56C, returned assets in Kenya are typically deposited into the Consolidated Fund[164], managed by the National Treasury whilst the parliament is expected to oversee their appropriation. While this meets the formal requirements of Article 57(3), which allows returned assets to be used by the receiving State, it has raised questions about transparency and traceability.

Domestically, the ARA has overseen the disposal of numerous confiscated assets, including cash, vehicles, land, and buildings. These are either auctioned, handed to State institutions, or held in trust, depending on court orders. For instance, Assets Recovery Agency v Alibhai [2023] KEHC 22536 (KLR)[165], where the vehicles belonging to the suspect were confiscated

[162] Sections 111 to 117.
[163] https://star.worldbank.org/asset-recovery-watch-database/daniel-arap-moi-anglo-leasing-case. Accessed on 18 September 2025.
[164] Section 56C of ACECA https://eacc.go.ke/default/wp-content/uploads/2018/06/aceca.pdf. Accessed on 18 September 2025.
[165] https://new.kenyalaw.org/akn/ke/judgment/kehc/2020/3231/eng@2020-08-12. Accessed on 23 September 2025.

via court order by ARA. However, in cases involving foreign-origin assets or cross-border crimes, the volume of successful returns remains relatively low, and negotiation of returns can be slow.

Good Practices

- Institutional clarity: The ARA has a legal mandate to manage, dispose of, and return assets, reducing inter-agency overlap.
- Asset registers: ARA maintains asset registers for confiscated properties, thereby enhancing tracking.
- Use of court-supervised processes: Kenyan courts are involved in authorizing forfeiture and determining how assets are disposed of or returned, which promotes due process.

Deficiencies

- Lack of transparency in utilization: Once assets are returned to the Consolidated Fund, their traceability becomes opaque. There is no comprehensive system for tracking how these funds are allocated or used for anti-corruption, development, or restitution purposes.
- Delays in asset repatriation: Cross-border return processes often face bureaucratic or diplomatic delays, partly due to differing legal standards or evidentiary requirements between Kenya and partner countries.
- Limited use of asset-sharing agreements: Kenya has few publicly available or operational bilateral agreements specifically focused on asset return, and negotiations for such deals can be prolonged.
- Public engagement is limited: There is insufficient civil society participation or public communication about returned assets and their use, reducing accountability.
- Fragmentation: Coordination between institutions involved in asset recovery (EACC, ARA, DPP, Judiciary, and Treasury) is sometimes inconsistent, slowing down the process and undermining transparency in returns.

4.2.5 Article 58 – Financial Intelligence Unit

Legal and institutional framework

Kenya has fulfilled the formal requirements of UNCAC Article 58 through the establishment and operationalization of the Financial Reporting Centre established under the POCAMLA. The FRC plays an essential role in detecting suspicious financial activities and supporting the fight against corruption and money laundering.

The FRC is the country's designated FIU, an independent body whose principal objective is to assist in the identification of the proceeds of crime and combating money laundering, terrorism financing and proliferation financing. FRC became operational on April 12, 2012[166].

Its mandate includes receiving and analysing STRs and Cash Transaction Reports (CTRs), maintaining a database of financial intelligence, and cooperating with law enforcement agencies such as the Asset Recovery Agency (ARA), the Ethics and Anti-Corruption Commission (EACC), and the Directorate of Criminal Investigations (DCI). Kenya is also a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a regional FATF-style body.

Practical Implementation

In practice, the FRC has become a critical component in Kenya's anti-corruption and anti-money laundering efforts. It receives thousands of suspicious transaction reports (STRs) annually from reporting institutions, including financial institutions or Designated Non-Financial Businesses and Professions (DNFBPs)[167]. According to the FRC's Annual Report 2024, it received 8,057 reports consisting of 5,454 STRs, 2,482 SARs and 114 STARs from reporting institutions and 7 reports from walk-ins / whistleblowers[168.]

The FRC analyses these reports and generates intelligence products that are shared with relevant enforcement agencies for further action.

The FRC has increasingly participated in joint financial investigations and operations, especially in high-value corruption, tax evasion, and wildlife trafficking cases. Its role in identifying and disrupting money laundering networks has been instrumental in freezing assets and building prosecutable cases.

Although the FRC is operational and legally mandated to receive and analyse STRs, it struggles with underreporting from key sectors such as real estate, legal services, and casinos, which remain weakly regulated[169]. The FRC is also under-resourced, with limited analytical capacity and staffing relative to the volume and complexity of financial data it receives. Moreover, there is often a disconnect between intelligence generated and enforcement action, as follow-through by investigative and prosecutorial agencies remains inconsistent. Inter-agency coordination can be fragmented, leading to delays or duplication of efforts, while emerging risks from cryptocurrencies and mobile money platforms remain inadequately addressed due to regulatory gaps.

Good Practices

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[166] https://www.frc.go.ke/?page_id=7. Accessed on 18 September 2025.
[167] https://www.frc.go.ke/?page_id=7. Accessed on 18 September 2025.
[168] https://www.frc.go.ke/wp-content/uploads/2025/05/Financial-Reporting-Centre-Annual-Report-2024_Final.pdf. Accessed on 18 September 202.5
[169] https://www.frc.go.ke/wp-content/uploads/2025/05/Financial-Reporting-Centre-Annual-Report-2024_Final.pdf. Accessed on 18 September 2025.

- Operational Independence: The FRC is operationally autonomous and has a protected legal mandate to share intelligence without political interference.
- Inter-agency collaboration: The FRC works closely with ARA, EACC, and KRA (Kenya Revenue Authority), often contributing to multi-agency task forces that pursue illicit financial flows.
- International cooperation: The FRC is a member of the Egmont Group[170], which allows it to exchange information with other FIUs globally and supports cross-border corruption and money laundering investigations.
- Capacity building: Regular training for reporting entities, investigative agencies, and compliance officers helps improve understanding of money laundering red flags and enhances reporting quality.

Deficiencies

- Underreporting and non-compliance: Many reporting institutions, especially small financial entities and non-financial businesses (e.g. real estate agents), are still not fully compliant with AML/CFT reporting obligations, leading to data gaps.
- Resource constraints: The FRC has limited staff and technical capacity relative to its workload. The volume and complexity of STRs have increased faster than its analytic capacity.
- Limited follow-through on intelligence: While the FRC shares intelligence with enforcement agencies, the actual investigation and prosecution rates remain low, leading to a disconnect between financial intelligence and judicial outcomes.
- Low public visibility: The FRC operates with limited public outreach, which means the public and even some sectors within the economy are unaware of its role or how financial intelligence contributes to corruption investigations.
- Fragmented regulatory coverage: Some sectors, like crypto assets, remain under-regulated or loosely monitored, posing new challenges for the FRC in tracking illicit flows.

4.3 Statistics

Money Laundering

Reporting/Intelligence Phase	Year: 2023	Year: 2024	Year: 2025
Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities: - Banks and financial institutions - Non-financial businesses and professions (NFBPs)	6,604 | 22	8,054 | 3	n/a
Number of postponement orders adopted on reported transactions	n/a	n/a	n/a

[170] https://egmontgroup.org/members-by-region/eg-member-fiu-information/. Accessed on 24 September 2025.

Number of money laundering investigations carried out independently by law enforcement agencies (without a prior STR)	32	37	n/a
Number of suspicious cash activities at the border reported to the FIU (including those based on declarations and smuggling)	11,079	7,802	n/a
Number of STRs sent to law enforcement and on which further analysis was made	197	237	n/a
Number of staff dedicated full-time (or full-time equivalent) to money laundering in the FIU	n/a	n/a	n/a

Investigation Phase	Year: 2023	Year: 2024	Year: 2025
Number of cases initiated by law enforcement agencies on the basis of STRs sent by the FIU	197	237	n/a
Number of staff dedicated full-time (or full-time equivalent) to money laundering in law enforcement agencies	n/a	n/a	n/a
Number of cases brought to prosecution: originating from STRs, CTRs and independent law enforcement investigations	6	37	n/a

Judicial Phase	Year: 2023	Year: 2024	Year: 2025
Number of staff dedicated full-time (or full-time equivalent) to investigating money laundering in the judiciary	n/a	n/a	n/a
Number of persons/legal entities convicted for money laundering offences	n/a	n/a	n/a
Number of convictions for laundering proceeds of crimes committed abroad	n/a	n/a	n/a
Number of convictions for crimes other than money laundering originating from STRs	n/a	n/a	n/a
Number of sentences by type for money laundering offences	n/a	n/a	n/a
Number of unsuspended custodial sentences by length (as principal offence, as predicate offence)	n/a	n/a	n/a

Asset Recovery

Judicial Phase	Year: 2023	Year: 2024	Year: 2025
Number of freezing procedures (based on a court order)	8	13	n/a
Number of confiscation procedures	8	13	n/a
Number of requests received for freezing orders from another country	n/a	n/a	n/a
Value of frozen assets	KES 886 million (USD 6,857,585.14)	KES 1.2 billion (USD 9,287,925.70)	n/a
Number of requests received for confiscation orders from another country	n/a	n/a	n/a
Value of confiscated assets	KES 1.2 billion (USD 9,287,925.70)	KES 1.2 billion (USD 9,287,925.70)	n/a
Amounts recovered from assets	KES 3.8 billion (USD 29,411,764.71)	KES 2.9 billion (USD 22,445,820.43)	n/a
Amounts returned	KES 4.7 billion (USD 36,377,708.98)	KES 2.94 billion (USD 22,755,417.96)	n/a

4.4 Short analysis

i. Reporting & Intelligence Phase

The data indicate a consistent volume of Suspicious Transaction Reports (STRs) filed by banks and financial institutions, with 6,604 STRs in 2023[171] and 8,054 in 2024[172], an upward trend that suggests growing vigilance and regulatory compliance in the financial sector. In contrast, non-financial businesses and professions (NFBPs) contributed very few reports (22 in 2023, and only 3 in 2024), highlighting a major weakness in the reporting framework. This suggests poor awareness, enforcement, or regulatory oversight among designated non-financial entities such as real estate agents and lawyers.

[171] https://www.frc.go.ke/wp-content/uploads/2024/09/FRC-Annual-Report-2023-Webcopy.pdf.
[172] https://www.frc.go.ke/wp-content/uploads/2025/05/Financial-Reporting-Centre-Annual-Report-2024_Final.pdf.

Despite the increase in STRs, there is a lack of transparency or available data on postponement orders, key measures used to temporarily freeze suspicious transactions, pointing to possible gaps in immediate enforcement action. However, there is evidence of proactive enforcement by law enforcement agencies, with 32 and 37 independent investigations initiated in 2023 and 2024 respectively, not based on STRs, which reflects some institutional capacity for detecting money laundering outside the formal reporting channels.

Reporting at border points also remains relatively high, with 11,079 suspicious cash activity reports in 2023 and 7,802 in 2024, indicating continued vulnerabilities in cross-border cash movements.

Importantly, the number of STRs analysed and referred to law enforcement rose from 197 in 2023 to 237 in 2024, suggesting improved data processing and inter-agency collaboration by the Financial Intelligence Unit (FIU). However, the absence of data on FIU staffing raises questions about the sustainability of this capacity.

ii. Investigation Phase

The number of cases initiated based on STRs exactly matches the number of STRs sent for further analysis (197 in 2023 and 237 in 2024), suggesting effective transmission and uptake of intelligence by enforcement agencies. However, there's a significant gap between the number of investigations and the number of cases brought to prosecution with only 6 in 2023 and 37 in 2024. This may point to investigative bottlenecks, prosecutorial reluctance, or difficulties in gathering admissible evidence. No data are available on staffing within law enforcement agencies dedicated to money laundering cases, which limits the ability to assess institutional capacity.

iii. Judicial Phase

There is a notable lack of accessible data on judicial outcomes related to money laundering. Key metrics such as the number of convictions, sentencing details, or laundering of proceeds from foreign crimes were not available. In particular:

- The ARA has not published case updates for the period 2023 to 2025. The most recent judicial cases listed on its website date between 2018 and 2022[173]. It is therefore unclear whether ARA has not filed any cases during this period, or if their website has simply not been updated.
- The information provided by the Judiciary is presented in high-level summaries without detailed disaggregation. As a result, it is difficult to extract meaningful insights aligned with the required indicators, such as the number of money laundering convictions, sentencing outcomes, or case trajectories from STRs to convictions.

[173] https://assetsrecovery.go.ke/case/variation-rulings/?pg=4.

- There are no reported data on criminal convictions for money laundering specifically. However, some publicly available judicial reports refer broadly to criminal cases involving corruption, economic crimes, and unethical conduct, though these are not broken down by offense type.

iv. Asset Recovery

Kenya recorded a moderate but increasing number of freezing and confiscation procedures, from 8 each in 2023[174] to 13 each in 2024[175]. The value of frozen assets increased from KES 886 million to KES 1.2 billion, and KES 1.2 billion in confiscated assets was recorded in both years. This shows progress in seizing illicit gains, though overall figures remain modest compared to the scale of corruption reported in the country.

Recovery efforts yielded KES 3.8 billion in 2023 and KES 2.9 billion in 2024, while KES 4.7 billion and KES 2.94 billion were returned each year respectively. While this indicates a functional asset recovery system, the lack of disaggregated data on foreign cooperation (i.e, freezing/confiscation orders from other countries) suggests limitations in cross-border recovery capacity.

v. Efforts to Contact Responsible Authorities and Responses

Efforts to obtain additional data and clarify gaps were made through emails and follow-ups with the Judiciary and ARA who shared the Statistics Report 2025 and links to the websites where the reports were availed respectively.

While the mentioned agencies provided aggregated data and summary updates, key gaps remain, especially regarding judicial outcomes and staffing levels. The lack of a centralized public reporting system for anti-money laundering enforcement continues to be a barrier to accountability and progress monitoring.

4.5 Information on asset recovery cases

The information on the cases below is derived from the Asset Recovery Agency case digest[176] published by the Assets Recovery Agency.

a) Assets Recovery Agency v James Thuita Nderitu & 6 Others [2020] eKLR, ACEC Civil Suit 2 of 2019[177]

[174] https://eacc.go.ke/en/default/wp-content/uploads/2024/05/EACC-Annual-Report-2022-2023_Final.pdf.
[175] https://eacc.go.ke/en/default/wp-content/uploads/2025/01/EACC-REPORT-OF-ACTIVITIES-AND-FINANCIAL-STATEMENTS-FOR-THE-FINANCIAL-YEAR-2023-2024-FINAL-2.pdf.
[176] https://assetsrecovery.go.ke/wp-content/uploads/2023/07/ARA-Case-Digest-Booklet-Volume-I.pdf.
[177] https://assetsrecovery.go.ke/wp-content/uploads/2023/07/ARA-Case-Digest-Booklet-Volume-I.pdf.

Highlight: Conviction in criminal trials is not necessary for the institution of suits for recovery of funds or assets reasonably believed to be proceeds of crime

The 1st and 3rd respondents were charged with criminal offences including conspiracy to commit an offence of economic crime and fraudulent acquisition of public property. The applicant claimed that it established that the respondents had received funds fraudulently from the National Youth Service (NYS) through their business entities and personal accounts and associates split in several transactions. The applicant further claimed that the funds were intra-transferred into accounts owned by the respondents' family members and associates.

The applicant filed the instant application seeking among others orders, for the court to declares that the funds in the respondents' accounts as proceeds of crime and that the funds be forfeited to the Government and transferred to the applicant. The court held that since the outcome of criminal proceedings did not have a bearing on forfeiture proceedings, the applicant did not have to await the conclusion of a criminal trial before instituting civil proceedings for recovery of funds or assets reasonably believed to be proceeds of crime.

b) Assets Recovery Agency v Phylis Njeri Ngirita & 2 others; Platnum Credit Limited (Interested Party) & another [2020] eKLR, Anti-Corruption And Economic Crimes Civil Suit 1 Of 2019[178]

Highlight: Applications for orders of forfeiture of property believed to be proceeds of crime are not violations of the rights to own property, fair hearing and fair administrative action.

The applicant, the Assets Recovery Agency (the Agency) filed the instant application seeking to recover motor vehicles and real property from the respondents believed to be proceeds of crime. The interested parties also filed applications respectively asking the court to make orders in respect of their interests in the motor vehicles the subject of the forfeiture application prior to making orders for forfeiture of the vehicles to the State.

The Agency claimed that the respondents and their business entities and associates received funds fraudulently from National Youth Service (NYS) split in several transactions. The money received from NYS through their business entities and personal accounts was further intra-transferred within the same bank into accounts owned by their family members and associates held at the same bank. It was the Agency's case that it established that the respondents acquired the properties, the subject of the application, using proceeds of crime fraudulently obtained from the NYS and that it was in the interests of justice that the court should issue the orders of forfeiture.

It was the applicant's case that the respondents had acquired the properties, the subject of the application, using proceeds of crime and that the court should issue the orders of forfeiture.

[178] Ibid.

The court held that a conviction was not necessary in order for the court to make an order of forfeiture. The court further held that the protection of the right to property did not extend to property found to have been unlawfully acquired.

c) Phyllis Njeri Ngirita v Republic& 3 others [2020] eKLR, Miscellaneous Criminal Application 3 of 2020[179]

Highlight: Allegations that the best interest of the child was at stake could not override fatal procedural technicalities

The applicant sought orders to allow her access to funds. Access was sought on the basis that the funds were necessary for payment of school fees for her son. The respondents opposed the application. They argued that the account the subject of the application was also the subject of High Court ACEC No. 1 of 2019- Assets Recovery Agency v Phyllis Njeri Ngirita& Others (Platinum Credit Limited and Opportunity International WEDCO Limited (Interested Parties). They asserted that there was an order in force issued by Onyiego J on July 2, 2019, freezing the funds in the said account, which orders were still in force.

The court sought to determine whether the constitutional issues and the best interest of the child overrode the fact that there existed an application with the same subject. The courts considered the interests of children and observed that it was best to avoid situations in which they were exposed to hardship, however, the mere allegation that that was the case was not sufficient to move the court to grant orders in favour of an applicant, that is, grant her access to her frozen funds.

d) Stephen Vicker Mangira & another v Senior Principal Magistrate, Shanzu & 9 others [2020] eKLR, Petition 4 of 2019[180]

Highlight: Constitutionality of the Proceeds of Crimes and Anti-Money Laundering Act

The petitioner sought a record of 30 prayers. The prayers were truncated into three broad groups or categories; those that challenged the arrest and the ensuing proceedings; the preservation and forfeiture proceedings before the High Court in Mombasa, and the specific attack on specific provisions of POCAMLA and the stature and character of the 4th and 5th respondents. The court determined whether POCAMLA negated on the presumption of innocence and the principle of public finance, encroached on the prosecutorial province delineated to the 3rd respondent and therefore it was in contravention of the constitution. The court noted that POCAMLA created no board for the 4th respondent, and it appeared that the 5th respondent looked unto nobody for policy formulation and oversight in governance. That fell short of the constitutional dictate for transparency in governance.

[179] Ibid.
[180] Ibid.

e) Kioko Mike Sonko Gidion v Director of Public Prosecution [2021] eKLR [181]

Highlight: Whether the High Court had jurisdiction to hear an application to substitute cash bail with a security bond in an ongoing trial

The case involves an application for bail and bond to the High Court with regard to an ongoing case at the lower courts. That led to the question of supervisory jurisdiction of the High Court. The applicant, an accused in Milimani Chief Magistrates Court Anti-Corruption Criminal Case No. 31 of 2019, No.32 of 2019 and No.1 of 2020 moved the court for an order to allow him to substitute the cash bail of Kshs. 15,000,000 deposited in CM ACC 1 of 2020 with a security bond in terms of the order of the same court dated September 11, 2019. The application was expressed to be made under Article 165(3) (a) of the Constitution, Sections 124 and 126 of the Criminal Procedure Code and all other enabling provisions of the law. The application was vehemently opposed. The respondent submitted that the jurisdiction to hear the application did not lie with the High Court but with the trial court.

The court held that invoking the supervisory jurisdiction of the High Court was an abuse of the court process. That was because in the first instance bail and bond were within the jurisdiction of the trial court and would only get to the High Court on appeal.

[181] Ibid.

V. Recent developments

Legislative Amendments

Recent developments include the Anti-Corruption Laws (Amendment) Bill 2025[182] was initiated by the EACC to enhance its mandate in the fight against corruption as a government agency; the Attorney General initiated the review of the Victims Protection (Amendment) Bill 2024[183] which seeks to introduce the provision and protection of whistleblowers; and the Anti-Money Laundering Laws (Amendment) Bill 2025[184] initiated by a member of parliament for more stringent measures to prevent corruption and money laundering in various sectors.

In reference to the Anti-Money Laundering Laws (Amendment) Bill 2025, the same has been passed into law[185], giving effect to the several laws being amended including the Public Benefits Organizations Act which has been amended to give additional oversight and monitoring powers to the Public Benefits Regulatory Authority for CSOs that are at risk of terrorism financing[186]. Another relevant and related development have been the introduction of the Virtual Assets Service Providers Bill 2025, which is an attempt to keep pace with emerging trends, such as the exploitation of digital platforms. The bill is currently pending approval by Parliament.

Other recent legislative developments include the Whistleblower Protection Bill 2024[187] which is currently being spearheaded by the Office of the Attorney General for its consideration by the Parliament. This prospective legislation proposes provisions on immunity of whistleblowers from civil or criminal liability where disclosures are made in good faith; protection of whistleblowers against reprisals and penalties for obstructing whistleblower disclosures among other provisions.

Similarly, the Public Participation Bill 2024[188] which aims to provide guidelines on how to conduct public participation by the MDAs. The Bill, spearheaded by the Office of the Attorney General, is equally undergoing stakeholder consultations to refine and broaden the draft Bill.

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[182] Anti-Corruption Laws (Amendment) Bill 2025. < https://statelaw.go.ke/wp-content/uploads/2025/01/13.1.25-ANTI-CORRUPTION-LAWS-AMENDMENT-BILL-2025.pdf>. Accessed 22 August 2025.

[183] Victims Protection (Amendment) Bill 2024, ' https://www.statelaw.go.ke/wp-content/uploads/2025/03/REVISED-DRAFT-Victim-Protection-Amendment-Bill-2024.pdf>. Accessed 22 August 2025.

[184] Anti-Money Laundering Laws (Amendment) Bill 2025. < https://www.parliament.go.ke/sites/default/files/2025-03/THE%20ANTI-MONEY%20LAUNDERING%20AND%20COMBATING%20OF%20TERRORISM%20FINANCING%20LAWS%20(AMENDMENT)%20BILL,2025.pdf>. Accessed 22 August 2025.

[185] https://www.pwc.com/ke/en/publications/aml-amendment-act.html. Accessed on 23 September 2025.

[186] https://www.pwc.com/ke/en/assets/pdf/aml-cft-laws-amendment-act-2025.pdf Accessed on 23 September 2025.

[187] https://www.statelaw.go.ke/wp-content/uploads/2024/07/WHISTLEBLOWER-PROTECTION-BILL-2024.pdf. Accessed on 23 September 2025.

[188] https://parliamentaryaffairs.go.ke/sites/default/files/Public%20Participation%20Bill%202024.pdf. Accessed on 23 September 2025.

Institutional developments

The EACC launched a Practical Guide for Corruption risk assessment and management by Public and Private entities in May 2025 to provide a structured framework for identifying and managing corruption risk exposures in entities, including the private sector[189]. This guide was created to strengthen institutional capacities in conducting corruption risk assessments and ensuring they put in place mechanisms to combat corruption within the institutions.

[189] Ethics and Anti-Corruption Commission, 'A Practical Guide for Corruption Risk Assessment and Management by Public and Private Entities' (2025), https://eacc.go.ke/en/default/wp-content/uploads/2025/05/EACC-CRA-GUIDELINE-.pdf. Accessed 22 August 2025.

VI. Recommendations

To strengthen the implementation of the UNCAC Chapters II and V in Kenya, it is crucial to enhance law enforcement efforts, ensure adequate resourcing and safeguard the political independence of key institutions, improve financial transparency, bolster anti-money laundering mechanisms and strengthen civic engagement. Therefore, we recommend the following measures:

Legal Reforms:

1. **Enhance whistleblower protection** by implementing clearly defined, confidential reporting procedures supported by robust legal safeguards against retaliation.
2. **Amend the Anti-Corruption and Economic Crimes Act (ACECA)** to introduce a statutory timeframe for the resolution of corruption cases in court.
3. **Amend the LIA** to provide for the automatic suspension of public officials charged with corruption, pending the determination of their cases.
4. **Enact a legal provision to bar individuals facing active corruption charges** from being candidates to elective positions or to holding public office until they are cleared.
5. **Develop a clear national policy on the re-use of recovered assets** to protect them from misappropriation and ensure their reinvestment into anti-corruption efforts and essential public services

Institutional strengthening:

6. **Strengthen the institutional capacity of the EACC** and other enforcement agencies by increasing public funding and enhancing access to modern investigative tools, including comprehensive training programs for personnel.
7. **Advocate for legal reforms to expand the authority of the EACC** and streamline its cooperation with other state agencies. These reforms should also address legal ambiguities, eliminate mandate overlaps, and simplify investigation and enforcement procedures.
8. **Establish a centralized anti-corruption database** and facilitate regular information-sharing sessions to promote cooperation and coordination among all anti-corruption agencies.
9. **Recruit additional judges for the Anti-Corruption and Economic Crimes Division (AECD) of the High Court** to ensure timely case resolution, ideally within one year, as recommended by stakeholders.
10. **Safeguard judicial independence**, particularly of the AECD, by protecting it from political or other undue influence, and promote public awareness of its critical role in upholding the rule of law.

11. **Strengthen inter-agency collaboration** by establishing structured working relationships between the AECD and other anti-corruption bodies to promote mutual learning and coordinated enforcement.

12. **Increase financial support to the Judiciary** in alignment with its constitutional mandate to ensure timely and accessible justice. Ensure full operationalization and exchequer autonomy through the Judiciary Fund, and invest in specialized training, infrastructure, and digital systems.

13. **Operationalize the Criminal Asset Recovery** Fund fully and ensure its autonomous management to support the sustainability of asset recovery efforts.

14. **Streamline overlapping mandates among asset recovery agencies** to avoid duplication, enhance efficiency, and ensure focused enforcement.

15. **Protect civic space and anti-corruption actors** such as the CSOs, Human rights defenders, and journalists by the state from intimidation, arbitrary arrests and violence, including by investigating, prosecuting and holding the perpetrators accountable. In parallel, the State should also institutionalize structured collaboration with anti-corruption actors through formal engagement platforms to jointly advance transparency, civic participation and accountability.

VII. Annex

7.1 Data and case information

1. Assets Recovery case updates[190]
2. Asset Recovery Agency case digest[191]
3. EACC Quarterly reports published on the website[192]
4. Case load Statistics Report 2025 – received via email by the Judiciary, accessible in a Google drive here: Case Load Statistics Report 2025, https://drive.google.com/file/d/1OehdKRAU2wTQfJVziGVdWCEiJUlyOZEs/view?usp=sharing, accessed on 17 October 2025.
5. Anti-Corruption Criminal Case 22 of 2019 Republic v. Ferdinand Waititu & Others

7.2 Bibliography

Constitution & Laws of Kenya

Access to Information Act 2016. https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2016/No._31_of_2016.pdf. Accessed 22 August 2025.

Anti-Corruption and Economic Crimes Act (2003). https://new.kenyalaw.org/akn/ke/act/2003/3/eng@2023-12-11. Accessed 22 August 2025.

Bribery Act 2016. http://kenyalaw.org:8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/B/Bribery%20Act%20-%20No.%2047%20of%202016/docs/BriberyAct47of2016.pdf. Accessed 22 August 2025.

Bribery Act (Revised Edition 2022). http://kenyalaw.org:8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/B/Bribery%20Act%20-%20No.%2047%20of%202016/docs/BriberyAct47of2016.pdf. Accessed 22 August 2025.

Constitution of Kenya (2010). https://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf. Accessed 22 August 2025.

Director of Public Prosecutions Act 2013. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/O/Office%20of%20the%20Director%20of%20Public%20Prosecutions%20Act%20-%20No.%202%20of%202013/docs/OfficeoftheDirectorofPublicProsecutionsAct2of2013.pdf. Accessed 22 August 2025.

[190] https://assetsrecovery.go.ke/case/.
[191] https://assetsrecovery.go.ke/wp-content/uploads/2023/07/ARA-Case-Digest-Booklet-Volume-I.pdf.
[192] https://eacc.go.ke/en/default/Downloads/.

Ethics and Anti-Corruption Commission Act (2011) https://eacc.go.ke/en/default/wp-content/uploads/2018/06/eacc.pdf. Accessed 22 August 2025.

Election Campaign Financing Act 2013. https://www.iebc.or.ke/uploads/resources/SrIlWeBWMH.pdf. Accessed 18 July 2025.

Leadership and Integrity Act (2012). https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/LeadershipandIntegrityActNo19of2012.pdf. Accessed 22 August 2025.

Mutual Legal Assistance Act 2011. https://new.kenyalaw.org/akn/ke/act/2011/36/eng@2017-12-31. Accessed 26 September 2025.

Political Parties Act 2011. https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PoliticalPartiesAct.pdf. Accessed 25 August 2025.

Proceeds of Crime and Anti-Money Laundering Act 2009. https://www.pckamunya.co.ke/wp-content/uploads/2018/07/Proceeds-of-Crime-and-Anti-Money-Laundering-Act.pdf. Accessed 18 July 2025.

Conflict of Interest Act (2025) https://new.kenyalaw.org/akn/ke/act/2025/11. Accessed 22 August 2025.

Public Audit Act 2015. http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2015/PublicAuditAct34of2015.pdf. Accessed 18 July 2025.

Public Finance Management Act 2012. https://www.worldbank.org/content/dam/Worldbank/document/Africa/Kenya/Kenay%20Devolution/Public%20Finance%20Management%20Act%20%282012%29.pdf. Accessed 18 July 2025.

Public Participation Bill 2024. https://parliamentaryaffairs.go.ke/sites/default/files/Public%20Participation%20Bill%202024.pdf. Accessed 26 September 2025.

Public Procurement and Asset Disposal Act 2003. https://ppra.go.ke/ppda/. Accessed 22 August 2025.

The Companies (Beneficial Ownership Information) Regulations 2020. https://new.kenyalaw.org/akn/ke/act/ln/2020/12/eng@2023-10-19. Accessed 23 September 2025.

The Virtual Asset Service Providers Bill 2020. https://parliament.go.ke/sites/default/files/2025-04/THE%20VIRTUAL%20ASSET%20SERVICE%20PROVIDERS%20BILL,%202025%20(2).pdf. Accessed 22 August 2025.

United Nations Convention against Corruption (UNCAC) (2004). https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf. Accessed 26 September 2025.

Witness Protection Act 2006. https://wpa.go.ke/wp-content/uploads/2021/04/WITNESS-PROTECTION-ACT-AND-SUBSIDIARY-LEGISLATION-REVISED-EDITION-2020.pdf. Accessed 22 August 2025.

Whistleblower Protection Bill 2024. https://www.statelaw.go.ke/wp-content/uploads/2024/07/WHISTLEBLOWER-PROTECTION-BILL-2024.pdf. Accessed 22 August 2025.

Kenyan Case Laws

Assets Recovery Agency v Abdi Mohamed Ali & another [2020] KEHC 3231. https://assetsrecovery.go.ke/cases/assets-recovery-agency-v-abdi-mohamed-ali-another-2020-eklr/. Accessed 26 September 2025.

Ethics and Anti-Corruption Commission v Ferdinand Waititu & Others, ACEC Suit No. E020 of 2022. https://eacc.go.ke/en/default/wp-content/uploads/2024/07/NBI-HC-Anti-Corruption-Suit-No.-E020-of-2022-EACC-v.-Ferdinand-Waititu-Others.pdf. Accessed 26 September 2025.

Katiba Institute & 3 others v IEBC & 3 others; LSK & another (Interested Parties) [2022] eKLR. http://kenyalaw.org/caselaw/cases/view/233076/. Accessed 18 July 2025.

International Instruments or Organizations

African Union Convention on Preventing and Combating Corruption (2003). https://au.int/sites/default/files/treaties/36382-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf. Accessed 18 July 2025.

Basel Institute on Governance, *FRACCK agreement with Kenya illustrates that partnership is essential when the disposal of confiscated assets should benefit development* (2019). https://baselgovernance.org/news/fracck-agreement-kenya-illustrates-partnership-essential-when-disposal-confiscated-assets. Accessed 18 July 2025.

CIVICUS (March 2025), Deadly Crackdown Follows 2024 Mass Protests, Surge in Femicides Sparte More Protests, https://monitor.civicus.org/explore/deadly-crackdown-follows-2024-mass-protests-surge-in-femicides-sparks-more-protests/. Accessed on 22nd September 2025.

ESAAMLG, *Member Countries Information Portal* (2025). https://www.esaamlg.org/index.php/countries. Accessed 23 September 2025.

Global Financial Integrity, Grey-listing of Kenya by FATF calls for urgent reforms to combat financial crime (March 2024), Include a reference in a footnote, for example, this one: https://gfintegrity.org/press-release/grey-listing-of-kenya-by-financial-action-task-force-calls-for-urgent-reforms-to-combat-financial-crime/. Accessed on 3 October 2025.

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

UNCAC Coalition, *UNCAC Review Status Tracker* (2025). https://uncaccoalition.org/uncacreviewstatustracker/. Accessed 22 August 2025.

United Nations Convention against Corruption (UNCAC) (2004). https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf. Accessed 26 September 2025.

UNODC, *Country Review Report of The Republic of Kenya – Review of the implementation by Kenya of Chapters II and V of the United Nations Convention against Corruption* (2019). https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_07_08_Kenya_Final_Country_Report_English.pdf. Accessed 1 May 2025.

Policies, Reports & Institutional Publications

EACC, *Court Convicts Former Samburu Governor in a Precedent-Setting Judgement* (2024). https://eacc.go.ke/en/default/court-convicts-former-samburu-governor-in-a-precedent-setting-judgement/. Accessed 18 July 2025.

EACC, *Kenya Leadership Integrity Forum (KLIF)* https://eacc.go.ke/en/default/klif/. Accessed 18 July 2025.

EACC, *National Anti-Corruption Policy* (2018) https://eacc.go.ke/en/default/wp-content/uploads/2020/10/ANTI-CORRUPTION-POLICY-2020.pdf. Accessed 18 July 2025.

EACC, *The National Anti-Corruption Plan* https://eacc.go.ke/en/default/document/the-national-anti-corruption-plan/. Accessed 18 July 2025.

EACC, *National Survey Report – 2023.* https://eacc.go.ke/en/default/wp-content/uploads/2024/03/EACC-NATIONAL-SURVEY-REPORT-2023.pdf. Accessed 22 August 2025.

EACC, *Practical Guide for Corruption Risk Assessment and Management by Public and Private Entities* (2025). https://eacc.go.ke/en/default/wp-content/uploads/2025/05/EACC-CRA-GUIDELINE-.pdf. Accessed 22 August 2025.

Kenya Leadership Integrity Forum (KLIF), *Kenya Integrity Plan 2023 – 2028* (2024). https://eacc.go.ke/en/default/wp-content/uploads/2025/02/Kenya-Integrity-Plan-2023-2028.pdf. Accessed 18 July 2025.

Transparency International Kenya (2025), *Rubber Meets the Road: An Assessment on the Impact of Anti-Corruption Laws and Institutions in Kenya.* https://tikenya.org/wp-content/uploads/2025/03/Rubber-Meets-the-Road-An-Assessment-on-the-Impact-of-Anti-Corruption-Laws-and-Institutions-in-Kenya.pdf. Accessed 22 August 2025.

Transparency International Kenya (2019), *The Verdict: An Analysis of Interpretation of Chapter 6 Constitution of Kenya 2010 By Kenyan Courts*. https://tikenya.org/wp-content/uploads/2023/05/T.I.K-The-Verdictanalysis-of-interpretation-of-chapter-six-by-kenyan-Courts-21012020-1.pdf. Accessed 6 August 2025.

Transparency International Kenya (2022), *What's the truth on ODPP's withdrawal of graft cases?* https://tikenya.org/2022/10/25/whats-the-truth-on-oddps-withdrawal-of-graft-cases/. Accessed 22 August 2025.

Transparency International Kenya (2022), *High Court Ruling Spells Clarity in the Regulation of Campaign Financing in Kenya*. https://tikenya.org/wp-content/uploads/2023/05/High-Court-Ruling-on-Campaign-Financing.pdf. Accessed 18 July 2025.

Transparency International Kenya (2021), *Joint Civil Society Statement on the Election Campaign Financing Standoff*. https://tikenya.org/wp-content/uploads/2023/05/JOINT-CIVIL-SOCIETY-STATEMENT-ON-THE-ELECTION-CAMPAIGN-FINANCING-STANDOFF.pdf. Accessed 26 September 2025.

Office of the Auditor General, *Public Debt Audit Reports*. https://www.oagkenya.go.ke/public-debt-audit-reports/. Accessed 22 August 2025.

Office of the Auditor General, *Special Audit Report*. https://www.oagkenya.go.ke/special-audit-report/. Accessed 18 July 2025.

Office of the Auditor General, *Citizen Accountability Audit Framework*. https://www.oagkenya.go.ke/special-audit-report/. Accessed 18 July 2025.

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

Media, Civil Society & Commentary

Andayi, George M., and Benson Kiiru. "Effects of the Public Procurement and Disposal Act of 2015 on the Financial Management of the State Corporations in Kenya: A Case Study of Agriculture and Food Authority." *The International Journal of Humanities & Social Studies* 8, no. 1 (2020). doi:10.24940/theijhss/2020/v8/i1/hs2001-052. Accessed 26 September 2025.

Arise News, 21st June 2024, Kenya's Parliament Approves Controversial Finance Billd Despite Public Outcry, https://www.arise.tv/kenyas-parliament-approves-controversial-finance-bill-despite-public-outcry/. Accessed on 22 September 2025.

Benson, Katie. "Money laundering and the anti-money laundering regime." *Lawyers and the Proceeds of Crime*, 2020, 15-31. doi:10.4324/9781315179735-2.

Bnyinkwa, Benard B. "A Critical Analysis of the Enforcement of the Public Procurement and Assets Disposal Act No. 33 of 2015 and Its Regulations." *SSRN Electronic Journal*, 2017. doi:10.2139/ssrn.3070331.

Cheruiyot, Kipkoech. "The Fight Against Corruption and Economic Crimes in Kenya: The Plight of EACC and Its Lack of Prosecutorial Powers." *SSRN Electronic Journal*, 2021. doi:10.2139/ssrn.4120443.

Constance Gikonyo, *Kenya Has Tightened Its Laws to Stop Money Laundering: Why Banks Are the Focus* (2024). https://theconversation.com/kenya-has-tightened-its-laws-to-stop-money-laundering-why-banks-are-the-focus-226062. Accessed 22 August 2025.

Daily Nation, *History Repeats Itself with DPP 'Impunity' on Cases* (Sept 2024). https://nation.africa/kenya/blogs-opinion/blogs/history-repeats-itself-with-dpp-impunity-on-cases-4746864. Accessed 18 July 2025.

Francis Kairu & Leonard Wanyama, *Transparency in Election Funding Lacking* (2022).
Halkano Wario, *IFFs and Money Laundering: Can Anti-Money Laundering Amendments Get Kenya off FATF's Grey List?* (2025). https://enactafrica.org/enact-observer/can-anti-money-laundering-amendments-get-kenya-off-fatf-s-grey-list. Accessed 23 September 2025.

Gakuo Mwangi O, 'Political Corruption, Party Financing and Democracy in Kenya' (2008) 46 The Journal of Modern African Studies 267.

Hopton, Doug. "Proceeds of Crime Act 2009 – Other Areas." *Money Laundering*, 2020, p. 71-78. doi:10.4324/9781003062226-8.

ICJ Kenya, *Strengthening Judicial Reforms in Kenya: The Anti-Corruption Court in Kenya* (2004).

Katiba Institute, *Lifestyle Audits and the Constitution* https://katibainstitute.org/lifestyle-audits-and-the-constitution/. Accessed 22 August 2025.

Kenya National Commission on Human Rights, *Statement on the Recent Surge of Abductions/Enforced Disappearances in Kenya* (2024).

Kenya National Commission on Human Rights, 30 December 2024, Statement on the Protests against Abductions and Enforced Disappearances in Kenya, https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1214/Statement-on-the-Protests-against-Abductions-and-Enforced-Disappearances-in-Kenya. Accessed on 22 September 2025.

Lugulu, Julie. "Tackling bribery in accessing Kenyan citizenship: towards implementing and enforcing anti-corruption measures." *Journal of Anti-Corruption Law* 7, no. 1 (2023). doi: 10.14426/jacl.v7i.1730.

NTV Kenya, *Defeating Justice: The Mismanagement of Corruption Cases by the ODPP* (2025) https://ntvkenya.co.ke/newsfeatures/defeatingjustice-the-mismanagement-of-corruption-cases-by-the-odpp/. Accessed 22 August 2025.

Maureen Njeri, *Govt Targets Saccos, Real Estate in War on Wash Wash* (2023) https://www.kenyans.co.ke/news/92666-6-companies-risk-losing-licenses-war-money-laundering. Accessed 23 September 2025.

Mutonyi J, 'Fighting Corruption: Is Kenya on the Right Track?' (2002) 3 Police Practice and Research 21.

Onyango G, 'Whistleblowing Behaviours and Anti-Corruption Approaches in Public Administration in Kenya' (2020) 9 Economic and Political Studies 230.

Onyango, Omboto J. "Economic Crimes: Factors Responsible for Rampant Fraud and Corruption in Kenya." *Advances in Social Sciences Research Journal* 5, no. 10 (2018). doi:10.14738/assrj.510.5291.

Osamba, Beatrice A., And Dr. Kori Moronge (Ph.D.). "Role Of Public Procurement and Asset Disposal Act (2015) On Service Delivery In County Governments of Kenya." *Strategic Journal of Business & Change Management* 6, no. 4 (2019). doi:10.61426/sjbcm.v6i4.1412.

Pamela Ager, *Disclosure of Beneficial Ownership of Companies in Kenya* (2020). https://www.oraro.co.ke/disclosure-of-beneficial-ownership-of-companies-in-kenya/. Accessed 23 September 2025.

People Daily Digital, January 17, 2022, "Tall order protecting witnesses and whistleblowers in Kenya. https://peopledaily.digital/news/tall-order-protecting-witnesses-and-whistle-blowers-in-kenya. Accessed on 9 October 2025.

The Star, September 27, 2024, "Kenyans made 249,434 information requests from public entities – Ombudsman". https://www.the-star.co.ke/news/2024-09-27-kenyans-made-249424-information-requests-from-public-entities-ombudsman. Accessed on 25 September 2025.

The Star, 26th June 2024, Ruto declines to sign Finance bill, sends it back to Parliament, https://www.the-star.co.ke/news/africa/2024-06-26-ruto-declines-to-sign-finance-bill-sends-it-back-to-parliament. Accessed on 22 September 2025.

Reuters, *Kenyan Deputy President Ousted, but Accountability for Corruption Remains Elusive* (Oct 2024). https://www.reuters.com/world/africa/kenyan-deputy-president-ousted-accountability-corruption-remains-elusive-2024-10-18/. Accessed 18 July 2025.