

Anti-corruption Authorities Initiative: Survey on the Effectiveness of Anticorruption

Background Information

1. Please enter country name in the space below

KENYA

2. Name of the agency

ETHICS AND ANTI-CORRUPTION COMMISSION

3. Date of establishment (please include any predecessors if relevant)

Ethics and Anti-Corruption Commission – 2011. There are predecessors since 1997

4. Contact Information

Box 61130-00200 Nairobi, Kenya. Telephone contacts
+2542717468, +2542717318

5. Website

www.eacc.go.ke

Legal Framework

6. What are the main anti-corruption laws in your country? (please include year of entry into force)

1. **The Constitution 2010**: Chapter Six sets out the requirements of leadership and integrity expected of all public and state officers.
2. **Ethics and Anti-Corruption Commission Act, 2011**: It mainly establishes the EACC, and provides for its functions and powers. Enacted pursuant to Article 79 of the Constitution.
3. **Leadership and Integrity Act, 2012**: This Act provides for the procedures and mechanisms of administering the constitutional requirements on leadership and integrity under Chapter Six of the Constitution.
4. **Anti-Corruption and Economic Crimes Act, 2003**: This Act establishes offences of corruption and economic crimes, provides for their investigation and penalties.
5. **Public Officer Ethics Act, 2003**: The Act was enacted to provide for ethical requirements of public officers, including wealth declaration requirements.

7. Does your Government have a single or primary anti-corruption strategy? When was it last updated?

The National Anti-Corruption Policy is in the process of formulation.

8. Does your country have right to information legislation?

Yes No

9. Does your country have conflict of interest legislation?

Yes No

10. Does your country have a financial disclosure system to help prevent conflicts of interest?

Yes No

11. Does your country have statutory or constitutional provisions granting immunity from criminal prosecution to elected or appointed officials?

Yes No

12. Is your agency protected from political interference by law?

Yes No

Institutional Framework

13. What functions does your agency perform?

Please check all that apply

Research Prevention Investigatio Prosecution Forensic Auditing Policy

14. Is there one agency in charge of coordinating AC efforts across agencies?

Yes No

If yes, please specify:

15. Does your agency have the ability to share information or data with

(a) Other agencies within your Government, and

Yes No

(b) Government partners from other countries?

Yes No

16. Please enter the current size of permanent staff. Do you have secondees? If so, are they counted separately?

385. Some of the staff are seconded by the Public Service Commission, but are not counted separately because the law states that they shall be regarded as staff of the agency.

17. Number of prosecutors (if applicable)

N/A

18. Number of investigators including legal advisors (if applicable)

83

19. Number of support staff (if applicable)

62

20. Are staff positions permanent? Or subject to periodic renewal? What percentage of each?

Only Directors and above are on contract, and any employee who has attained 50 years in age. The rest are permanent and pensionable. Those on contract are less than 5% of total staff complement.

21. Does your agency keep records on its investigative activity? If it does not, go to question 22. If yes, please show the information you have on the following

a. Number of complaints received

Over 19,000 complaints were received and processed in the last five (5) years

b. Number of investigations conducted

8,548 cases were assessed to be within the Commission mandate hence taken up for investigation.

c. Number of investigations completed

493 investigations were completed in the same period

d. Number of cases recommended for prosecution

243 cases were recommended for prosecution, in the same period

e. Number of cases prosecuted by –i) Your agency ii) DPP, AG, or other separate office

170 cases are in court, but prosecution is conducted by the ODPP

f. Number of convictions

Statistics not available

22. Please state the number of learning activities and outreach events organized by your agency (if applicable)

In last one year, over 50 events/activities have been organized and carried out in different parts of the country.

23. Please state the value of assets recovered by your agency (if applicable)

In Excess of Kshs. 10 (ten) billion

24. Please enter the names of other agencies with similar functions as this ACA

None

25. Does your agency have a system to monitor performance of staff?

Yes No

26. Are human resource management actions, i.e., recruitment, promotion, and termination based on staff integrity and professionalism?

Yes No

27. Are new vacancies for your own agency announced publically?

Yes No

28. Are the results of these recruitment processes announced publically by your agency?

Yes No

29. Who appoints the head of your agency?

President, with approval of Parliament.

30. Who has the authority to remove the head of the ACA?

President, on the recommendation of a Tribunal

31. To whom does the head of your agency report to?

President and Parliament

32. Is there any term limit for the head of the ACA?

- Yes No

If yes, please specify: One term of six years non renewable

33. Is the agency subject to judicial review?

- Yes No

34. Is the agency subject to expenditure reviews?

- Yes No

35. Does your agency measure "performance"?

- Yes No

If yes, against which indicators?

- Number of investigations conducted
 - Number of investigations concluded
 - Ratio of number of investigations/staff
 - Percentage of total budget allocated to outreach activities and communication.
 - Number of outreach activities delivered
- Others, please specify

36. In practice is your agency protected from political interference?

- Yes No

37. Does your agency keep a comprehensive skill list of its staff?

- Yes No

38. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?

- Yes No

39. What training has your agency received from foreign organizations or international agencies in the past year?

Fraud Detection and investigation
Use of anti-money laundering instruments in investigation of corruption
Advocacy skills

40. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistleblowing)?

- Yes No

41. Does your agency have a communication strategy?

- Yes No

42. Does your agency have a comprehensive corporate plan?

- Yes No

43. Is there a strategy for formulating a partnership with outside agencies to fight corruption?

- Yes No

44. Is there a strategy for dealing with the media?

- Yes No

45. In practice does your agency has sufficient powers to carry out its mandate?

- Yes No

46. Has your agency requests for additional powers or authorities pending in the parliament or before the executive?

- Yes No

Resource Mobilization

47. Does your agency have budgetary autonomy?

- Yes No

48. What is the annual budget of your agency?

Varies from year to year, on average Kshs. 1.5 billion.

49. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)

<input type="radio"/>	Number of staff
<input type="radio"/>	Number of investigations
<input type="radio"/>	Budget is constitutionally mandated
<input type="radio"/>	Other, please specify Past expenditure trends

50. Is there any receive any financing from donors?

- Yes No

51. Does your agency use a computerized system to handle cases?

- Yes No

If yes, was it developed especially for your agency or was it purchased off-the-shelf? Are you willing to recommend to others? What is its name and where did you obtain?

The agency has an Investigation Management System called Intercore. The system was purchased from an international system developer and then customized to suit the requirements of the agency.

Social Framework

52. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?

- Yes No

53. Does your agency or government provide a hotline to report corruption?

- Yes No

54. Does your agency produce regular public reports of its activities? Annually? More frequently? Less?

- Yes No

Innovation

55. Does your agency use any IT tools to

- a. Facilitate reporting of corruption and fraud by citizens (like www.Ipaidabribe.org)
- b. Share information with citizens about its own activities
- c. Share and/or obtain information for its own investigations
- d. Other – please explain

Yes, to all the above

56. Does your agency use social media to raise awareness on corruption among the public?

- Yes No