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

13. What functions does your agency perform?

Please check all that apply

- Research  - Prevention  - Investigation  - 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 have 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)

   - Number of staff
   - Number of investigations
   - Budget is constitutionally mandated
   - 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


- 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