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Kenya: Corruption within the government and the police force (2002 - August 2006)
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During the December 2002 election campaign, Kenya's current president, Mwai Kibaki, pledged to fight corruption (BBG 19 July 2004; *East African Standard* 6 July 2004; BBC 21 July 2004; *ibid.* 25 June 2004; *ibid.* 17 April 2003). This response addresses the current situation in the government and the police force, including the measures taken to combat corruption since the National Rainbow Coalition (NARC) came to power in December 2002.

Measures taken

The most important of the numerous legislative measures taken by the NARC are the 2003 adoption of the *Anti-Corruption and Economic Crimes Act 2003* (KACC 24 April 2006, 3; *East African Standard* 8 Dec. 2003; *ibid.* 14 March 2004) and the *Public Officers Ethics Act 2003* (BBC 17 April 2003; *Mail and Guardian* 17 April 2003; *East African Standard* 8 Dec. 2003; KACC 24 April 2006, 2), and the 2005 adoption of the *Public Procurement and Disposal Act* (*ibid.*, 3; US March 2006, 388). The first outlines the operational framework of the Kenya Anti-Corruption Commission (KACC) (*East African Standard* 8 Dec. 2003; KACC 24 April 2006, 2), the second requires public servants and elected officials to declare their assets (*ibid.*; BBC 17 April 2003; *Mail and Guardian* 17 April 2003), and the third sets out the rules for transparency governing how contracts for the delivery of goods and public services are awarded (US March 2006, 388).

In addition to these legislative measures, some anti-corruption agencies have been established since 2003, including the KACC (*Eastern African Standard* 22 July 2004; *ibid.* 8 Dec. 2003), the Office of the Permanent Secretary - Governance and Ethics (*East African Standard* 22 July 2004), and the National Anti-Corruption Campaign Steering Committee (KBC 22 July 2004; see also BBC 21 July 2004).

A lawyer and member of the Institute of Certified Public Secretaries of Kenya (CPSK), acting on behalf of the KACC at a 24 and 25 April 2005 conference organized by the Commonwealth Secretariat in cooperation with Chatham House, pointed to the firing of a number of magistrates as part of the anti-corruption measures taken by Mwai Kibaki and his government (KACC 24 April 2006, 2). He indicated that 50 percent of Court of Appeal judges, 50 percent of High Court judges and half of all magistrates were removed from their duties (*ibid.*, 2).

Current situation

Corroborating sources indicate that the measures taken by the government, which some observers have deemed ineffective (IPS 6 June 2006; OneWorld.net n.d.; see also UN 31 May 2006), have failed to end corruption within the Kenyan government (TI 2006; *East African Standard* 11 July 2006; *ibid.* 6 July 2006; IPS 6 June 2006; *The Nation* 6 July 2006; OneWorld.net n.d.; *Esprit et Vie* n.d.). Some observers have even reported that the level of corruption has risen since Kibaki and his coalition came to power in December 2002 (Radio Netherlands 8 Feb. 2005). Numerous sources cite the results of various opinion polls indicating that most Kenyans believe that corruption is still pervasive in government institutions (TI 2006; *Kenya Times* 6 July 2006; *East African Standard* 11 July 2006; *The Nation* 6 July 2006). The *Kenya Times*, referring to the results of a 2005 KACC survey (the Research Directorate was unable to obtain a copy of the survey), notes that the public perceives magistrates, lawyers, police and civic leaders as those who are most corrupt in the country (6 July 2006; see also *The Nation* 21 July 2006). The Kenyan newspaper, referring to the results of the same study, explains that citizens pay bribes to government officials "to provide identity cards, passports, ... forms and other essential services" (6 July 2006). The *Kenya Times* also reports that the results of the survey confirm the results of earlier ones (6 July 2006).

Respondents to a November and December 2005 survey of 2,405 citizens from all walks of life conducted by the Kenya chapter of Transparency International (TI) ranked Kenya's police force as the most corrupt among Kenyan institutions (TI 2006). The same survey ranked the judiciary and municipal and provincial administrations among the seven most corrupt institutions out of a total of 33 organizations targeted by the study (*ibid.*).

A World Organization Against Torture (Organisation mondiale contre la torture, OMCT) report published in collaboration with four Kenyan non-governmental human rights advocacy organizations states that there exists in

Kenya a "connection between torture and corruption, especially on the part of the police" (June 2005, 41). The report explains that suspects are often subjected to "torture" if they refuse to bribe the police (OMCT June 2005, 41). The report also indicates that some people are forced to pay to secure their release from police custody or to avoid going to prison, even if they were arrested on "mere suspicion" (ibid., 41).

Various sources report on numerous financial scandals implicating high-ranking government officials, including cabinet ministers (UN 31 May 2006; *Africa Confidential* 12 May 2006, 7; ibid. 17 Feb. 2006, 1; ibid. 18 Nov. 2005, 8; *The Nation* 21 July 2006; OneWorld.net n.d.; see also *Africa Confidential* 17 March 2006, 4). A number of officials quit or were fired because of the scandals (UN 31 May 2006; *Africa Confidential* 12 May 2006, 7; ibid. 17 March. 2006, 4; ibid. 17 Feb. 2006, 1). Some observers note that corruption has caused huge financial losses to Kenya, with losses estimated at several million, or possibly as much as a billion, dollars (BBC 19 July 2006; Radio Netherlands 8 Feb. 2005; see also *Kenya Times* 6 July 2006). Main bilateral and multinational donor agencies have suggested that the Kenyan government is not doing enough to stop corruption (UN 31 May 2006; *Africa Confidential* 18 Nov. 2005, 8).

However, during the conference organized by the Commonwealth Secretariat and Chatham House, the KACC Representative indicated that, given the anti-corruption measures already in place, Kenya is on the path to correcting the situation and that it is unlikely that the political elite will "roll back these gains" (KACC 24 April 2006, 11).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Internet sites, including: AllAfrica, Amnesty International, European Country of Origin Information Network (ECOI), Human Rights Watch (HRW), Transparency International.

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