# NATIONAL SURVEY ON THE STATE OF CORRUPTION IN KENYA.

## A REPORT TO:

## THE NATIONAL ANTI-CORRUPTION CAMPAIGN STEERING COMMITTEE.

Prepared

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# TABLE OF CONTENTS

TABLE OF CONTENTS .....2
INDEX OF TABLES .....4
INDEX OF FIGURES .....5
FORWARD.....7
EXECUTIVE SUMMARY .....9
SECTION ONE .....12
1.0.0 INTRODUCTION.....12
1.1.0 Background to the Study.....12
1.2.0 Study Objectives .....13
1.3.0 Specific Objectives.....13
SECTION TWO .....15
2.0.0 METHODOLOGY .....15
2.1.0 Desk Study .....15
2.2.0 Quantitative Study.....15
2.3.0 Sample Frame and Target .....15
2.3.1 Sample Size .....15
2.3.2 Sample Units.....16
2.3.3 Sampling Technique.....16
2.4.0 Sample Size Distribution:.....16
2.5.0 Implementation of the Survey .....17
2.5.1 Survey Instrument.....17
SECTION THREE.....18
3.1.0 FINDINGS OF THE SURVEY .....18
3.1.2 Characteristics of the study population .....18
3.2.0 Level of Satisfaction with the country's progress. .....19
3.2.1 Important Issues Facing the Country.....21
3.2.2 Understanding of Corruption.....23
3.2.3 Incidences that would be considered as corruption.....24
3.2.4 Is Corruption a Major Issue. .....25
3.2.5 Corruption at Community Level. .....27
3.2.6 What Constitutes Corruption.....29
3.26 Where is Corruption Most Practiced.....30
3.2.7 Is There Corruption in Religious Institutions.....32
3.2.8 Types of Corruption Practiced in Religious Institutions. .....34
3.2.9 Rating Public Officials on Corruption.....34
3.3.0 Incidences of Corruption Witnessed. .....39
3.4.0 Reporting Cases of Corruption. .....40
3.5.0 Reasons for Not Reporting Corruption Cases. .....41
3.6.0 Payment of Bribes .....42
3.7.0 How Amount Is Agreed On.....42
3.8.0 Participation In Corruption.....43
3.10.0 Circumstances Where Corruption Is Justified.....45
3.11.0 Is There Positive Corruption .....45
3.12.0 Examples of Positive Corruption .....46
3.13.0 Attitudes To Corruption. .....47
3.14.0 Government Commitment In The Fight Against Corruption.....47

3.15.0 What the Government Needs to do to Show Commitment. ..... 51
3.16.0 Whether the war against corruption be won..... 52
3.17.0 What Should Individuals Do To Fight Corruption ..... 54
3.18.0 Effectiveness Of Institutions In Fighting Corruption ..... 54
3.19.0 Local Leadership Of The Fight Against Corruption..... 60
3.20.0 National Leadership In The Fight Against Corruption..... 60
3.21.0 Where Would You Report Corruption Cases. ..... 63
3.22.0 Reactions To Various Scenarios On Corruption. ..... 65
3.23.0 Agreement With Statements On Corruption. ..... 65
3.24.0 Structures That Abet Corruption..... 66
3.25.0 Opinion On Harambees. ..... 68
3.26.0 Normal And Strange Behaviors ..... 69
3.27.0 Lessons learnt from the anticorruption campaigns ..... 72
3.28.0 Sources Of Information On Anti-corruption Campaigns ..... 74
3.29.0 Frequency Of Coverage Over The Three Years ..... 74
3.30.0 Content of Articles ..... 75
3.31.0 Inclination to corruption ..... 76
3.32.0 Consequences of Corruption. ..... 77
SECTION FOUR ..... 78
4.0.0 IMPLICATION OF THE STUDY IN THE FIGHT AGAINST CORRUPTION..... 78
4.1.0 CONCLUSION. ..... 80

Appendix One: Terms Of Reference For The Baseline Survey On The Status Of Corruption In Kenya..... 81
Appendix Two: References ..... 84
Appendix Three: Other Useful variables ..... 85

# INDEX OF TABLES

Table 1: Sample Size Distribution ---------- 12
Table 2: Social demographic characteristics of respondents ---------- 14

Table 3: Incidences considered as acts of corruption ---------- 20
Table 4: Payment of bribes ---------- 38
Table 5: Attitude to corruption ---------- 43
Table 6: Reactions to various scenarios on corruption ---------- 60
Table 7: Agreement with statements on corruption ---------- 60
Table 8: Consequences of corruption ---------- 73

# INDEX OF FIGURES

Fig.1 Level of Satisfaction with progress of country ---------- 15
Fig .2 Level of satisfaction with economic performance of the country ---------- 15
Fig. 3 Satisfaction with the general progress of the country by districts ---------- 16
Fig. 4 Most important issue facing the country ---------- 17
Fig. 5 Most important issue facing the country by districts ---------- 18
Fig. 6 Understanding of the term corruption ---------- 20
Fig. 7 Perceived magnitude of corruption ---------- 21
Fig. 8 Perceived magnitude of corruption in country by districts ---------- 22
Fig. 9 Perceived level of corruption at the local community level ---------- 23
Fig. 10 Perceived level of corruption at the local community by districts ---------- 24
Fig. 11 What constitutes corruption ---------- 25
Fig. 12 Where corruption is practiced most ---------- 26
Fig. 13 Where corruption is practiced most by districts ---------- 27
Fig. 14 Corruption in religious institutions ---------- 28
Fig. 15 Corruption in religious institutions by districts ---------- 29
Fig. 16 Type of corruption practiced in religious institutions ---------- 30
Fig. 17 Rating of public officials ---------- 30
Fig. 18 Rating of public official by districts ---------- 32
Fig. 19 Rating of members of parliament by districts ---------- 33
Fig. 20 Rating of judges / magistrates by districts ---------- 34
Fig. 21 Incidences of corruption witnessed over the last 3 months ---------- 35
Fig. 22 Reporting cases of corruption ---------- 36
Fig. 23 Why respondents do not report cases of corruption ---------- 37
Fig. 24 How exchange of bribes is done ---------- 38
Fig. 25 Whether participated in corruption in the last three months ---------- 39
Fig. 26 Whether participated in corruption in the last three months by districts ---------- 40
Fig. 27 Circumstances where corruption is justified ---------- 41
Fig. 28 Existence of positive corruption ---------- 41
Fig. 29 Example of positive corruption ---------- 42
Fig. 30 Perceived perception of the govt. commitment in the fight against corruption ---- 45
Fig. 31 Perceived perception of the govt. commitment in the fight against corruption by districts 46
Fig. 32 Proposed actions for the govt. to show commitment in the fight against corruption 47
Fig. 33 Confidence on the war against corruption ---------- 47
Fig. 34 Confidence on the war against corruption by districts ---------- 48
Fig. 35 Individual initiative to fight corruption ---------- 49
Fig. 36 Perceived effectiveness of institutions to fight corruption ---------- 49
Fig. 37 Perceived effectiveness of police in fighting corruption by districts ---------- 51
Fig. 38 Perceived effectiveness of judiciary in fighting corruption by districts – ---------- 52
Fig. 39 Perceived effectiveness of NGOs in fighting corruption by districts ---------- 53
Fig. 40 Perceived effectiveness of MPs in fighting corruption by districts ---------- 54
Fig. 41 Most effective individual in the fight against corruption at local level ---------- 55
Fig. 42 Most effective individual in the fight against corruption at national level ---------- 55
Fig. 43 Perceived commitment of leadership at the local level to fight corruption ---------- 56
Fig. 44 Who would be most effective in fighting corruption in your community ---------- 57
Fig. 45 Preference on where to report corruption cases ---------- 58
Fig. 46 Preference on where to report corruption cases by district ---------- 59
Fig. 47 Existence of structures that abet corruption ---------- 61
Fig. 48 Perceived procedures that abet corruption ---------- 61
Fig. 49 Existence of structures that abet corruption by district ---------- 62
Fig. 50 Opinion on Harambees ---------- 63
Fig. 51 Attitude- What is normal, what is strange ---------- 64
Fig. 52 Awareness of corruption campaigns by district ---------- 65
Fig. 53 Perceived effectiveness on corruption campaigns by district ---------- 66
Fig. 54 Opinion on lessons learnt from the anti-corruption campaigns ---------- 67
Fig. 55 Awareness of the 'Say No to Corruption Campaign' by districts ---------- 68
Fig. 56Average space of stories on corruption ---------- 69
Fig. 57 Tones of stories on corruption ---------- 70

Fig. 58 Content of stories covered by the media ---------- 70
Fig. 59 Most reliable source of information on corruption ---------- 71
Fig. 60 Perception of most inclined to corruption ---------- 72

# FORWARD

Over the last few years, the issue of corruption has attracted renewed interest, both among academics and policymakers. One reason for the fresh scrutiny is the fact that corruption – whether incidental, systematic or systemic, and whether endemic or planned – has profound damaging political, social and economic effects, and consequences at different levels.

In Kenya, corruption has taken a centre stage as a major issue of concern. Several perception surveys have confirmed high prevalence of corruption in almost all the sectors of the economy. The Annual Survey on Perceptions of Corruption in Kenya (2002) by the Anti-Corruption Police Unit, found the awareness and knowledge of corruption in Kenya to be very high. Eighty seven percent (87%) of the respondents were able to comprehensively define corruption and more than 96% were able to spell out the causes of corruption.

However, given the dearth of varied scientific knowledge among Kenyan citizens relevant to corruption and advocacy and with the challenge of translating the observed high levels of knowledge on corruption into corresponding action against corruption, the National Anti-Corruption Campaign Steering Committee (NACCSC) undertook the National Baseline Survey on the state of corruption in Kenya to gather empirical data that would:-

- provide necessary information for the planning and implementation of the National Anti-Corruption Campaign activities
- inform the formulation of policies and decision making
- help in establishing levels of information gaps among Kenyan citizens on broader underpinning issues of corruption
- provide knowledge on the many facets of corruption, its dynamics and what we can do about it
- inform the design, production and distribution of Communication and Advocacy materials and,
- enhance levels of citizens ownership of our campaign process and activities
- help stakeholders to appreciate how they are viewed by Kenyans as far as corruption is concerned
- provide data for analytical interpretation of the corruption levels and trends

The study which was designed to determine the knowledge levels, attitudes, practices and behaviour of Kenyans towards Corruption used face to face structured interview to collect data. The sampling frame for the survey was developed from the 1999 National Population and Housing Census. The study covered all the districts in Kenya. A representative sample of five thousand (5000) respondents of age 18 years and above was scientifically selected.

The findings of the study indicate that Kenyans still see corruption as a major problem in Kenya. The results also agree to a great extent with other studies done on corruption in the country. A number of stakeholders have featured in the study, some as perpetuators of corruption and some as strategic partners in the war against corruption. The findings of this survey has also provided useful information for those involved in the war against corruption. National Anti-Corruption Campaign Steering Committee invites every able and interested Kenyan, be it institution or individual, to make good use of this information for the good of the people of Kenya.

In conclusion, I wish to sincerely thank all those who participated in this survey, and in particular, the respondents who willingly and tirelessly provided responses to our questionnaires. Our gratitude also goes to the Provincial Administration, the Researchers and all the Kenyans who contributed in one way or the other to the success of the survey.

While the report remains a production of NACCSC, those who may wish to make reference to the same may do so by acknowledging the source.

Polycarp Omolo Ochilo

Director, National Anti-Corruption Campaign Steering Committee

# EXECUTIVE SUMMARY

- Kenya has had to bear the consequences of corruption, past and present including increase in poverty levels, poor governance, poor or lack of provision of basic services. The dilapidated infrastructure, poor health facilities and high inflation rates are attributable to the state of corruption in the past and present governments.

- Accusations have been labeled against the previous governments for paying lip service to the fight against corruption. The unwillingness of the previous governments to effectively address this issue has been attributed to the fact that the key functionaries of the regimes were themselves the beneficiaries of corruption.

- The ascension of the NARC government to power in 2002 was on the platform of a major surgery on governance issues and the pledge on zero tolerance to corruption. However, there is a general feeling that the government has, at worst, reneged on its pledge on corruption and at best performed well below average on the fight against corruption. The argument is that the corruption networks of the past regimes have remained in place and that corruption has thrived under the current regime as it did in previous ones.

- The establishment of structures and institutions by the government as well as the enactment of laws to fight corruption has been seen in some quarters as a genuine attempt by the government to fight the vice and a demonstration of its unswerving commitment to root out the vice.

- The formation of the National Anti-Corruption Campaign Steering Committee (NACCSC) by the government was out of the realization that the fight against corruption can only be won by a concerted effort that involves not only the establishment of more punitive laws but also a change in attitude among the general population.

- NACCSC is putting in place an education campaign that would allow as many Kenyans as possible to understand what corruption is and join in the fight against the vice. The national study was designed to help put in perspective the understanding, attitude and perception of Kenyans on corruption and to help the institution put in place interventions which would lead to a majority of Kenyans shunning corruption and joining in the fight against the vice.

- The national survey was conducted in all the country's provinces and involved both desk research and the collection data from 5,000 Kenyans selected in a scientific process that provided all Kenyans of 18 years and above an equal opportunity of being represented in the survey. Data was collected using a structured questionnaire that was administered face to face by trained researchers.

**The findings of the study are as follows**

- More Kenyans are not satisfied with the progress the country has made since the last general elections. 59.9% indicate their dissatisfaction compared to 38.8% who say they are satisfied with the country's progress.

- Corruption is seen as the single most important issue facing the country now. It had the highest mention (26.7%) of Kenyans. Corruption is commonly understood as the use of position, money or force to acquire or influence the acquisition of property or service.

- Corruption is seen as a major issue by an overwhelming majority of Kenyans (96%). 2.6% however do not feel it is a major issue. Still, a large percentage (57.3%) say that corruption is a problem in their local communities as it is in the rest of the country. However, 39% feel that even though it is a problem at the local level, it is not to the magnitude it is practised at the national level.

- Most of the corruption is practiced in police stations followed by government offices and law courts.

- Corruption permeates even the religious institutions with 50.3% of Kenyans saying that it is practiced. The most common form of corruption in the religious institutions is the non-accountability of funds received by the institutions' leadership.

- In terms of rating of public officials on corruption, the police come out worst followed by government procurement officers, cabinet ministers and members of parliament.

- The most common form of corruption witnessed by the public is bribery mainly involving the police. Land grabbing and favoritism in police recruitment are also mentioned significantly.

- Even though they witness a number of corruption cases, 59.8% did not report the cases to the relevant authorities. The reason given for this includes the belief that they know the culprits will not be prosecuted (40.6%). 26.5% say that they fear that doing so would only create problems for themselves.

- The most common reason for payment of bribes is to avoid arrest. The amounts for this range from 100 to 1,000 shillings. Bribing to secure a job is the most expensive, attracting bribes in excess of 50,000 shillings. The amount to be paid in the form of bribes is mostly specified by the receiver. Interestingly, there are cases where the amount is known to both the giver and receiver and thus do not need to be negotiated or disputed.

- Most Kenyans say that they have never participated in an act of corruption while only 53.3% saying that corruption would never be justifiable under any circumstances. Those who say corruption can be justified in certain circumstances mention payment of bribes to get employment (10.5%) and to avoid prosecution (9.7%) as some of the times when corruption can be justified.

- 82.5% of Kenyans do not feel that there is positive corruption compared to 17.4% who say corruption can be positive and give an example of paying to secure employment or to secure freedom or avoid arrest.

- Most Kenyans agree that corruption hurts the country's economy; reduces citizens' confidence in the government; and that a successful campaign against the vice must

start by eliminating it from the top first. However, they say they would rather pay a bribe than pay a fine.

- The government's commitment to fighting corruption is seen as total by only 9.9% with 63.4% saying the government is only slightly committed to the war. 23.7% see no commitment at all. Prosecuting those mentioned in corruption is the surest way for the government to demonstrate its commitment.

- 71.1% believe that the fight against corruption in Kenya can be won. 22.5% feel that the war cannot be won.

- The best action that an individual wishing to help in the fight against corruption should take is to report corruption cases to the relevant authorities (29.3%); refuse to accept bribes (17.8%) and refuse to give bribes (18.9%).

- The police is graded as the most ineffective as an institution in the fight against corruption. 88% feel that the force ineffective with only 10% saying it is effective. Religious leaders are mentioned by 27.4% of Kenyans as the most suitable to take leadership of the anti-corruption crusade at the local level. Councilors are given the least endorsement to take local leadership of the anti-graft campaign.

- National leadership of the war against corruption should be in the hands of the president. 73.2% of Kenyans feel the president is best suited to lead the war. Parliament comes a distant second with just 6.7% of the mentions.

- Most people would prefer reporting cases of corruption to the CID (27.2%) and KACCA is mentioned by 16.5%.

- 23.6% of Kenyans would not have a problem with their Member of Parliament or councilor who engages in corruption and uses the proceeds for the development of the community.

- Acquiring vital documents such as passports, birth certificates and business permits involve systems that are designed to abet corruption.

- 62.4% of Kenyans would find it strange that a company executive employs staff that is exclusively from outside his ethnic group.

- The lesson learnt by most people from the anti-corruption campaign is that reporting cases of corruption helps in the fight against the vice. The most reliable source of information on corruption is radio. 50.2% of Kenyans refer to radio as their source.

- Most Kenyans feel that the older people are more inclined to engage in corruption than the youth and that it is more likely to encounter corruption in the public than in the private sector.

# SECTION ONE

## 1.0.0 INTRODUCTION

### 1.1.0 Background to the Study

Corruption has been cited as one of the leading impediments to Kenya's socio-economic development. Under the previous regimes, the level of corruption multiplied to an extent that international bilateral and multilateral financial institutions on several occasions, blacklisted Kenya. Indeed, Kenya lost out in several donor support programs that were conditional upon the Government fulfilling key anti-corruption measures.

Realizing that the fight against corruption perhaps posed the greatest threat to economic and social progress, the NARC government placed the fight against the vice top of its agenda. It initiated a series of legislative and other reforms aimed at making it easier to prosecute corruption cases while at the same time making it expensive to participate in the vice. The creation of an anti-corruption department directly under the President and the constitution of the Kenya Anti-Corruption Authority were seen as important steps in the campaign against corruption. In spite of these measures, cases of corruption continued to be reported by the media, some linking people in authority with the vice. Surveys conducted in the country have indicated that people's perception on corruption and the commitment of the government in fighting the vice have not changed much.

The dangers of corruption cannot be over-emphasized. In the political realm, corruption can seriously undermine democracy and good governance. Corruption in elections and in legislative bodies reduces accountability and representation in policy making; in the judiciary, it negates the rule of law; and in public administration, it results in the unequal provision of services. More generally, corruption weakens government institutions by disregarding official procedures, siphoning off the resources needed for development, and selecting or promoting officials without regard to performance. At the same time, corruption undermines the legitimacy of government and such democratic values as trust and tolerance.

Corruption also undermines economic development. In the private sector, corruption increases the cost of doing business through bribes, the management cost of negotiating with officials, and the risk of breached agreements on detection. Although some claim corruption reduces costs by cutting red tape, an emerging consensus holds that the availability of bribes induces officials to contravene new rules and delays. Corruption can also shield companies with connections from fair competition, thus allowing inefficient firms to survive.

Corruption also generates economic distortions in the public sector by pulling public investment away from education and into projects where bribes and kickbacks are more plentiful. Corruption also lowers compliance with construction, environmental, or other regulations; it reduces the quality of government services; and increases budgetary pressures on government.

The Government is thus justified in placing utmost emphasis in the fight against corruption. Indeed, it has claimed success in key areas attributed to the new anti-corruption measures. these have been noted in areas such as the increased collection of revenues by Government

departments, improved tax collection, a decrease in losses from public works, growth in custom receipts, enhanced investor confidence, increase in regional and international aid as well as resumption of donor funding.

Like in other countries, the aim of the government of Kenya's initiative against corruption is to raise awareness of the prevalence of corruption in the country, identify strategies to combat it and build the capacity of anti-corruption institutions. The introduction of a multi-faceted campaign against corruption that will involve education for behaviour change as well as putting in place mechanisms for preventing and identifying the vice, is paramount if success in other sectors is to be achieved.

The strategy of the government's anti-corruption campaign is grounded on the overall quest for a corruption free and prosperous nation in which national development is driven by values of integrity, equity and commitment to justice. To provide a firm foundation for anti-corruption reform programmes and initiatives, the government recognizes the need for the campaign to be informed by objective research and a good understanding of the socio-political, cultural and economic contexts of corruption. It is in this context that the National Anti-Corruption Steering Committee commissioned a national study to document perception about corruption and general attitude of the society towards corrupt behavior.

The study was intended to qualify and quantify corruption in the country to enable the government through the National Anti-Corruption Campaign Steering Committee to come up with appropriate intervention strategies. This baseline study will also help stakeholders appreciate the view on corruption from the eyes and ears of a representative sample of Kenyans. It is envisaged that the results of this study will inform the National Anti-Corruption Campaign Steering Committee in its strategy to inform and educate Kenyans on corruption by incorporating the voices of the citizens on ethics and corruption issues.

## 1.2.0 Study Objectives

The overall objective of the survey was to document popular perceptions about corruption and general attitude of the society towards corrupt behavior. The survey sought to adduce information on the nature, manifestations, magnitude and consequence of corruption. It strived to document how Kenyans perceive corruption, the fight against the vice and possible strategies for combating the vice.

It is envisaged that an understanding of these issues will help the National Anti-Corruption Steering Committee to identify the information gaps and understand the perceptions and level of understanding of corruptions and the actions being taken to fight the vice. The results of the survey will help formulate policy and a strategy for the anti-corruption campaign.

## 1.3.0 Specific Objectives

- Specifically, the study involved the conducting of a national survey on corruption to obtain information on:

    1. Perception of Kenyans on corruption
    2. Understanding of Kenyans on what constitutes corruption
    3. Attitude towards corruption
    4. Attitude of Kenyans towards corrupt individuals and institutions
    5. Understanding of Kenyans on anti-corruption campaigns
    6. Perceptions and attitude of Kenyans on anti-corruption efforts

7. Suggestion on strategies for combating corruption in the country
8. Media use and preferences.

- It is expected that these baseline indicators will be used to put in place approaches and strategies for combating the vice. The information will help in putting in place effective communication and other intervention programs to fight corruption in the country. The survey mainstreams issues of gender and the results are disaggregated by age, gender, economic status, and location.

# SECTION TWO

## 2.0.0 METHODOLOGY

The survey used a combination of research methodologies to meet the stated study objectives. Combinations of qualitative, as well as quantitative methods were used in the study.

### 2.1.0 Desk Study

The desk study involved identifying and analyzing secondary data on corruption that have been researched on by other institutions and individuals. The information captured in the desk study was instrumental in the formulation of the study instrument for this study. Sources of information on corruption included research organizations and other agencies such as Transparency International as well as other Government and international agencies.

### 2.2.0 Quantitative Study

The quantitative study heavily drew from the desk study. This process involved administering questionnaires to a carefully selected sample of Kenyans. The process of drawing samples was conducted as scientifically as possible to give every Kenyan a chance of being represented in the study. The views collected are therefore deemed to be representative of the views of all Kenyans**.**

### 2.3.0 Sample Frame and Target

The sampling frame for the survey was developed from the 1999 National Population and Housing Census. The survey covered all the districts of the country and thus provides a clear picture on the state of corruption in the country. The data collected is illustrated using the GIS[1] to provide a visual understanding of the vice. The survey covered respondents from 18 years and above, both male and female in proportions that reflect the national demographics.

### 2.3.1 Sample Size

Five thousand Kenyans of eighteen years and above drawn in a nationally representative sample were interviewed in the study. The sample was distributed proportionally in all the districts of the country. The interviews were conducted face-to-face using structured questionnaires.

[1] Geographical Information System (GIS) was used to give a clear illustration of the incidences of corruption and, used alongside other available information such as the available infrastructure, to give clear pointers to some contributing factors to corruption.

### 2.3.2 Sample Units

For the purpose of demographic and geographical optimization, the survey covered all the districts in the country. The districts were thus the sample units.

### 2.3.3 Sampling Technique

Due to the heterogeneous nature of the survey target and existence of several factors that may occasion difference in opinion, a multi-staged and multi-phased sampling technique was used. This involved the development or use of strata based on geo-political difference. However the strata were not developed along demographic lines - e.g. Age, Sex, Education level. These were allowed to emerge naturally at analysis stage.

#### Strata I

This defined the geo-political boundaries i.e. provinces. However, because there is much diversity even within provinces, it was decided that all the districts form the next phase of geo-political strata.

#### Strata II
**(Sample Units)**

Once at the district level another geo-political phase was defined. This new phase was based on the selection of divisions. Since it was not economically feasible to conduct the survey in all the divisions and as the intra-division data difference may not be significant, administrative divisions were sampled from the respective districts. Within each district two divisions were chosen. To capture equitable rural and urban participation, one rural division was taken and one randomly picked the urban division similarly picked.

#### Strata III

This involved the confirmation of the randomly picked divisions as sampling points. Because the survey intended to reach the locations, purposefully selected points capturing all corners of divisions were selected to form the final sub-sampling points. Within the sub-sample points, random samples were drawn from the households. As indicated earlier, the demographic allocation was not pre-determined and was allowed to emerge naturally to vindicate the whole sampling process.

### 2.4.0 Sample Size Distribution:

The sample was proportionately divided first at the provincial level based on the population within each province. The following table shows the distribution of the sample in all the provinces based on the provincial population figures. See table 1 overleaf.

*Table1: Provincial Proportionate Sample Size Distribution (Frame - 1999 Kenya National Population Census. -Population (eighteen years and above)*

| Province | Actual Population | Population % | Actual Sample |
|---|---|---|---|
| Nairobi | 1368188 | 7.9 | 389 |
| Central | 1972391 | 13.9 | 675 |
| Coast | 1045152 | 8.6 | 425 |
| Eastern | 1768336 | 15.8 | 779 |
| North Eastern | 314228 | 3.3 | 162 |
| Nyanza | 2047324 | 15.3 | 731 |
| Rift Valley | 3276416 | 24.4 | 1195 |
| Western | 1480968 | 11.7 | 589 |
| **Total** | **13273003** | **100** | **4945** |

b) Within the provinces, all the districts were allocated sample sizes based on their provincial sample size.

c) Within the districts, the sum of the population of the two randomly selected divisions formed the basis of sample size distribution per division. Each division's population size as a ration of the total population of the two divisions was applied as a function of the sample of the district. The resultant sample sizes represent all the division in each district.

### 2.5.0 Implementation of the Survey

### 2.5.1 Survey Instrument

The instrument for the quantitative phase of the survey was a questionnaire with both closed and open-ended questions, which was administered face to face. The questionnaire contained both numeric and category questions and had both multiple and dichotomous responses. The questionnaire responded to the objectives as set out in the proposal. As indicated earlier, the questionnaire was a product of the study objectives as well as the desk phase of the survey.

# SECTION THREE

## 3.1.0 FINDINGS OF THE SURVEY

### 3.1.2 Characteristics of the study population

This section provides information on the demographic characteristics of the people interviewed in the survey. The analysis focused on age, level of education, occupation of household head and respondent, religion, income status, employment status, level of urbanization, social class and sex. Table 2 below summarizes the findings of the socio-demographic characteristics of the study followed by a brief discussion of these findings.

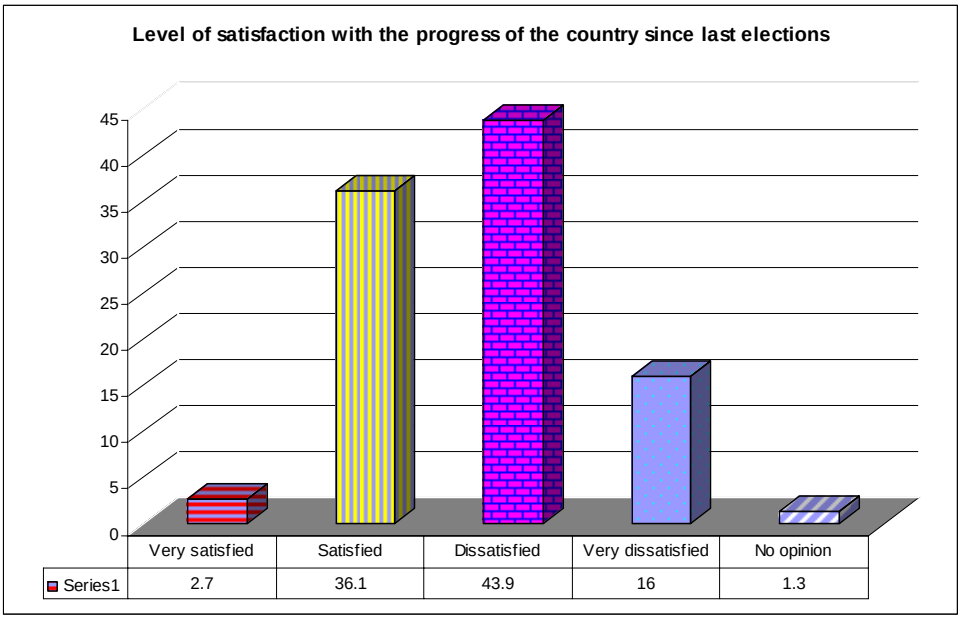
*Table 2: Socio-demographic characteristics of respondents*

| Characteristic | Proportion (Percent) | Characteristic | Proportion (Percent) |
|---|---|---|---|
| **Sex** | | **Monthly income (Kshs.)** | |
| Male | 54 | Below 2500 | 9 |
| Female | 43 | 2501-5000 | 15 |
| | | 5001-7500 | 13 |
| **Age group** | | 7501-10000 | 13 |
| 18-24 | 27 | 10001-15000 | 13 |
| 25-29 | 20 | 15001-20000 | 10 |
| 30-34 | 16 | 20001-25000 | 6 |
| 35-39 | 12 | 25001-30000 | 5 |
| 40-44 | 9 | 30001-35000 | 3 |
| 45-49 | 9 | 35001-40000 | 3 |
| 50+ | 8 | 40001-45000 | 2 |
| | | 45001-50000 | 1 |
| | | Over 50000 | 2 |
| | | Not sure | 5 |
| | | | |
| **Education level** | | **Religion** | |
| No formal education | 4 | Christian | 87 |
| Primary education | 15 | Budhist | 1 |
| Post primary education | 10 | Muslim | 11 |
| Secondary education | 32 | Others | 1 |
| Non university education/post secondary education | 31 | Traditionalist | 1 |
| University education and above | 8 | | |
| | | | |

### 3.2.0 Level of Satisfaction with the country's progress.

A larger percentage of Kenyans feel dissatisfied with the progress of the country since the last general elections in 2002. Only 2.7% say they are very satisfied with 36.1% saying they are satisfied. 43.9% say they are dissatisfied while 16% are very dissatisfied with the country's progress.

*Fig.1 Level of satisfaction with the progress of the country since the last elections*




Specifically asked about the level of their satisfaction with the economic performance of the country over the same period, the level of dissatisfaction increases with only 2% saying they are very satisfied. 27.5% are satisfied while 47.2% are dissatisfied. 21.5% are very dissatisfied with the economic progress of the country.

*Fig.2 Level of satisfaction with the economic performane of the country since the last general elections*

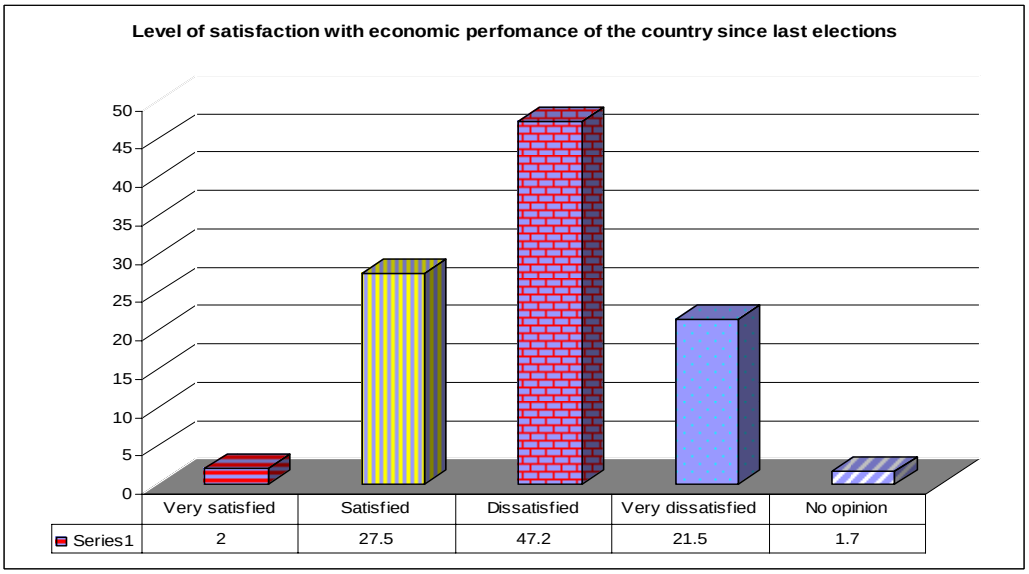
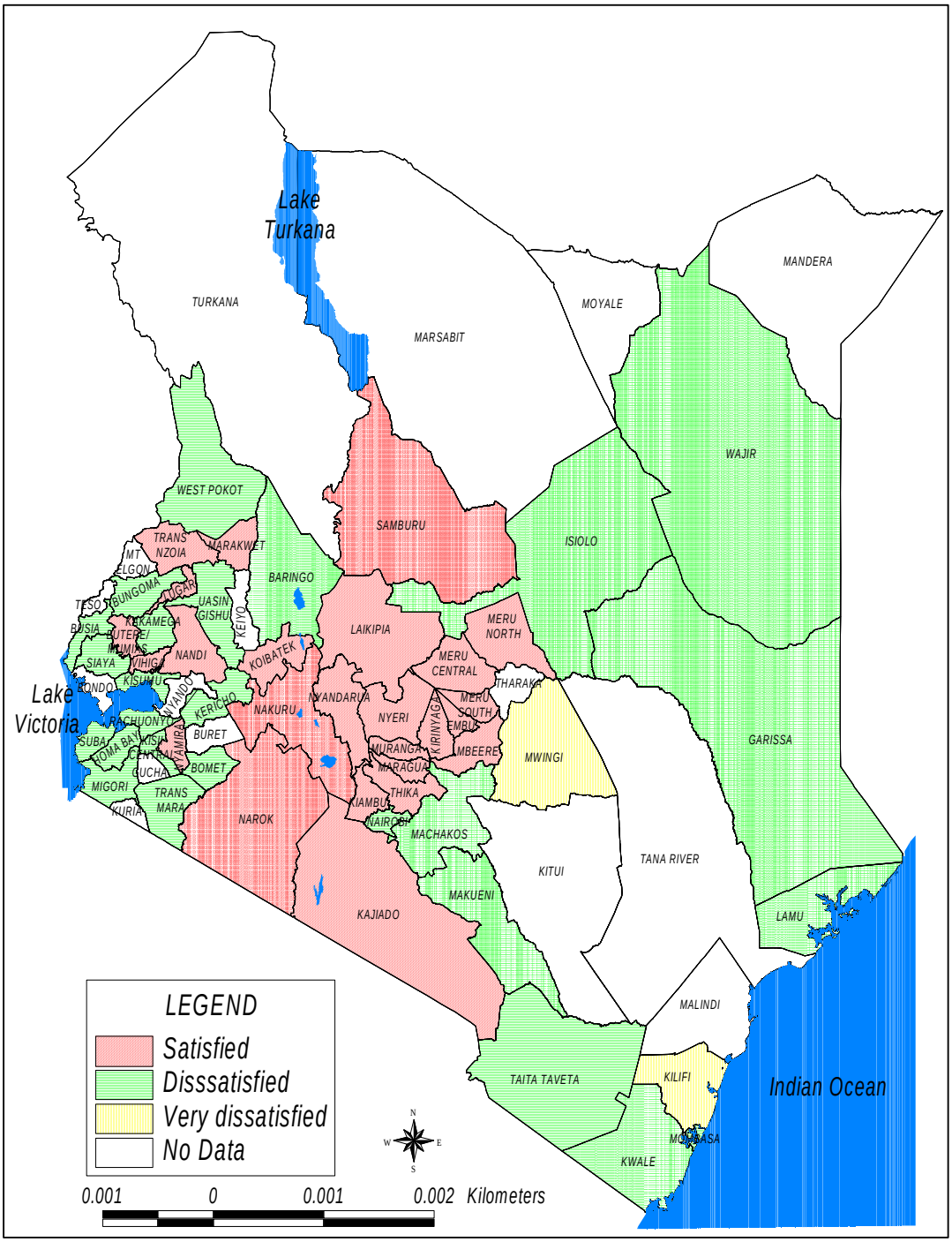


*Fig.3 Level of satisfaction with the general progress of Kenya since the last general elections by districts*




SATISFIED:

**Kiambu, Nyeri, Kirinyaga, Samburu, Kajiado, Thika, Koibatek, Embu, Narok, Laikipia, Nandi, Lugari, Nakuru, Murang'a, Butere/ Mumias, Trans Nzoia, Maragua, Marakwet, Nyandarua, Mbeere, Meru Central, Meru North, Meru South, Vihiga, Nyamira.**

DISSATISFIED:

**Mombasa, Migori, Makueni, West Pokot, Nairobi, Machakos, Lamu, Kwale, Kisumu, Kisii Central, Wajir, Rachuonyo, Kericho, Siaya, Suba, Taita Taveta, Kakamega, Isiolo, Homa Bay, Garissa, Trans Mara, Busia, Bungoma, Uasin Gishu, Bomet, Baringo.**

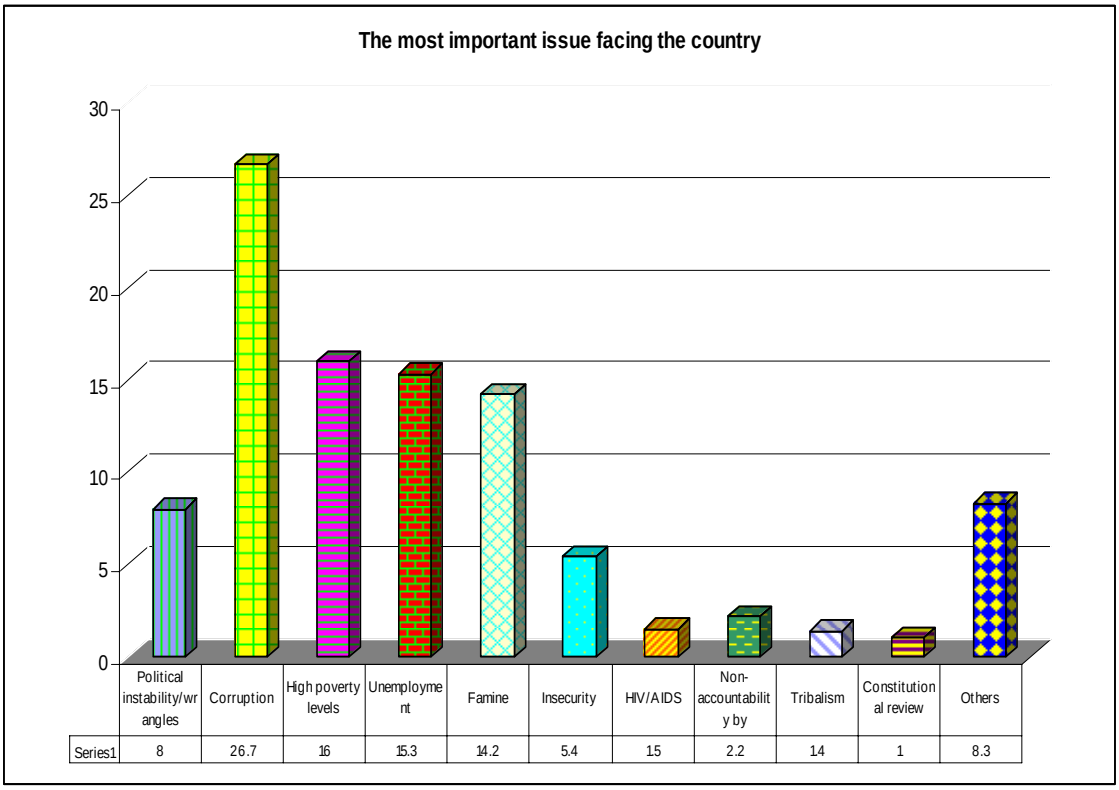
VERY DISSATISFIED:

**Mwingi, Kilifi.**

### 3.2.1 Important Issues Facing the Country.

Most Kenyans feel corruption is the most important issue that the country needs to deal with. 26.7% mention corruption when asked what they feel is the most important issue facing the country. This is followed by 16% who mention high poverty levels; 15.3% mention unemployment and 14.2% mention famine as the most important issues facing the country at the moment.

*Fig.4 Most important issue facing the country*

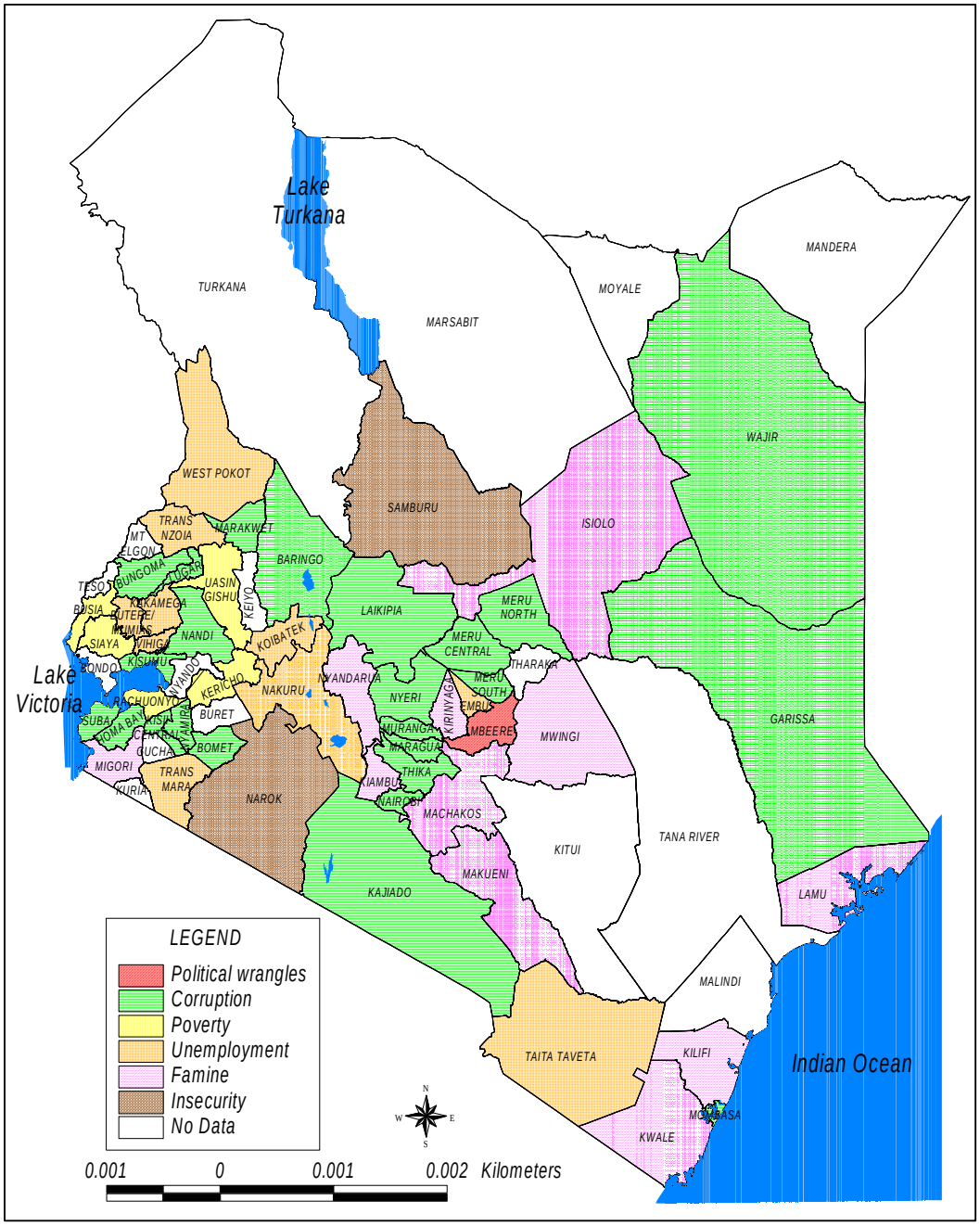



Other important issues mentioned significantly include insecurity at 5.4%; political instability/wrangles, 8%; non-accountability by leaders, 2.2%; HIV/AIDS, 1.5%; Tribalism, 1.4%; and Constitutional review, 1%. Others mentioned include Ignorance, increasing cases of rape, lack of civic education, delay in getting services in courts, drug trafficking, squatter problems, mercenaries, poor infrastructure, misuse of donor funds, inflation, high taxation, poor healthcare system and disarmament process.

Differences are noted across gender in some areas. More males (56.9%) than females (43.1%) see corruption as the major issue in the country. Political instability/wrangles is mentioned by more males (61%) than females (39%) as the major problem. However issues such as poverty is mentioned as a the major problem by more females (50.5%) than males (49.5%).

Corruption as the major problem facing the country at the moment is mentioned mainly by Kenyans in the 18-24 age group. Of those who mentioned corruption as the foremost problem, 26.7% were in this age group; 19.5% in the 25-29 age group; 16% in the 30-34 age group; 13% in the 35-39 group. 9.8%, 8.3%, and 6.8% are in the 40-44, 45-49 and 50+ age groups respectively. There is no major difference between urban and rural residents in the mention of corruption as a major problem in the country.

*Fig.5 Most important issue facing the country by the districts*




POLITICAL WRANGLES:
Mbeere

CORRUPTION:
Nyeri, Kajiado, Kisii Central, Homa Bay, Garissa, Nyamira, Thika, Nandi, Laikipia, Nairobi, Lugari, Murang'a, Wajir, Bungoma, Bomet, Maragua, Marakwet, Baringo, Suba, Meru Central, Meru North, Meru South, Kisumu, Mombasa.

POVERTY :
Busia, Uasin Gishu, Rachuonyo, Kericho, Siaya.

UNEMPLOYMENT:
Nakuru, Embu, Trans Mara, Koibatek, Kakamega, Trans Nzoia, Butere/ Mumias, Vihiga, West Pokot, Taita Taveta.

FAMINE:
Kiambu, Kilifi, , Kirinyaga, Isiolo, Kwale, Lamu, Mwingi, Machakos, Makueni, Migori, Nyandarua.

INSECURITY :
Narok, Samburu.

### 3.2.2 Understanding of Corruption

Corruption is commonly defined as "the abuse of public office for private gain."[2] The Anti-Corruption and Economic Crimes Act, 2003 describes corruption as a benefit, that is, an inducement or reward for, or otherwise on account of an agent, the receipt or expectation of which would tend to influence an agent to show favour or disfavour. Such benefits and inducements may manifest themselves in the form of bribery; fraud; embezzlement or misappropriation of public funds; abuse of office; breach of trust; or an offence involving dishonesty.

The understanding and perceptions on corruption varies, from the occasional acceptance of bribes, commonly referred to as petty corruption, to systematic corruption where bribery is an accepted way of 'doing business' and large scale looting of a country's resources with prime examples in Kenya being the Goldenberg and Anglo-leasing scams[3]. Further literature review indicates that socio-economic condition, political-institutional infrastructure, cultural heritage and other factors influence the way in which corruption is perceived and addressed. Whilst corruption seems easily identifiable, the varying perspectives make it particularly difficult to define and develop appropriate remedies.[4] Other issues that constitute acts of corruption include mal-administration; incapacity and inefficiency (especially in relation to the use of public resources). Most actors agree on the key components of corruption and that for corruption to take place the following conditions pertain:

- There is an offer and /or receipt of a benefit
- The benefit must not be legally due]
- It must be for a person holding office and
- The purpose for which the benefit is given and/or received must be to influence a person in the exercise of his/her power to do something or not do something.

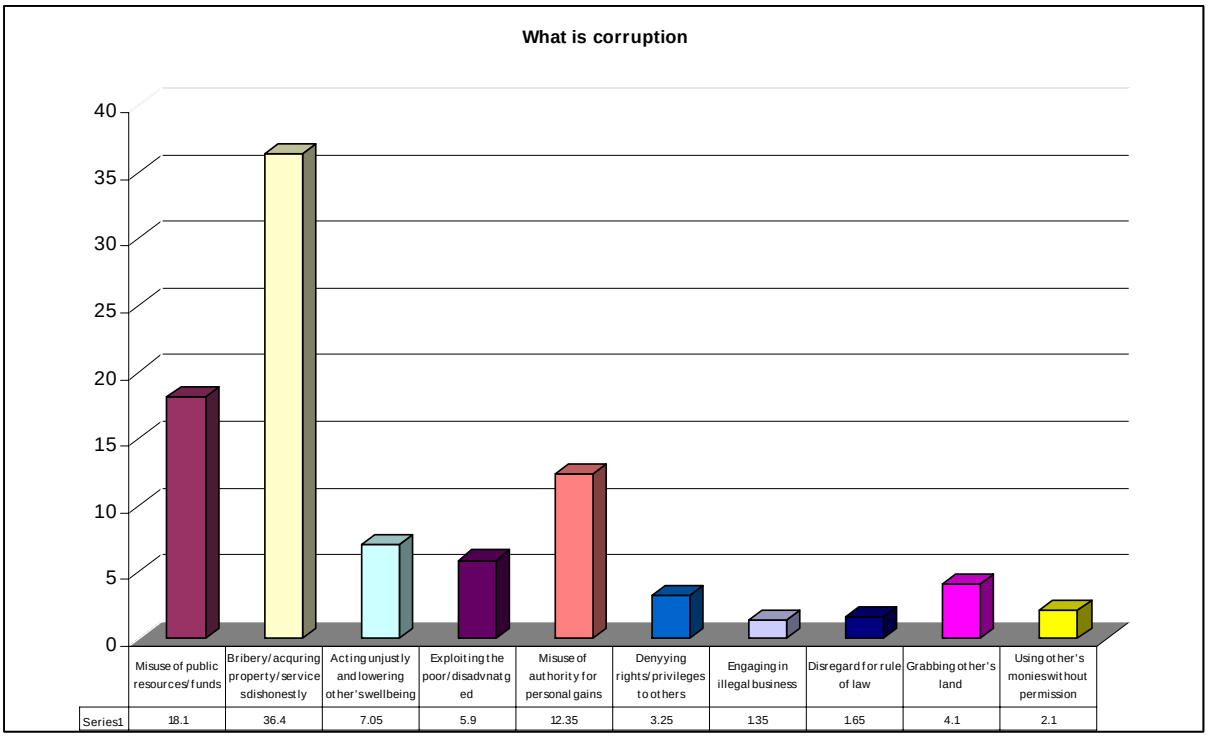
Most Kenyans interviewed in the survey associate the term corruption with the use position, money or force to acquire or influence the acquisition of property or service. This perception cuts across all the respondents in the urban and rural areas. It is generally perceived with a negative connotation by most of the respondents interviewed. Bribery/acquiring property or services dishonestly is mentioned by most Kenyans (36.4%) when asked what their understanding of corruption is. 18.1% understand corruption as misuse of public funds; 12.35% as misuse of authority for personal gains.

5.9% of Kenyans describe corruption as the exploitation of the poor or disadvantaged members of society; 7.05% see corruption as an unjust act that lowers the wellbeing others. Land grabbing, disregard for the rule of law and using others' monies without their authority is how 4.1%, 1.65% and 2.1% respectively of Kenyans understand corruption.

What cuts across the responses is the concept of misuse of positions, personal gains and hurting others in the process. There is also the matter of denial of rights and privileges to others.

[2] The Quality of Growth – World Bank report 2000.
[3] The Culture of Corruption in Kenya, a presentation by Mwalimu Mati, Director of Transparency International Kenya
[4] The Public Service Anti-Corruption Strategy Report, South Africa 1992.

*Fig.6 Understanding of the term' corruption'*




### 3.2.3 Incidences that would be considered as corruption

Bribing a public officer to short-circuit a process, gain unfair advantage or to disregard the law is most mentioned as an example of an incident that can be considered as corruption. The following table summarizes the responses to the question.

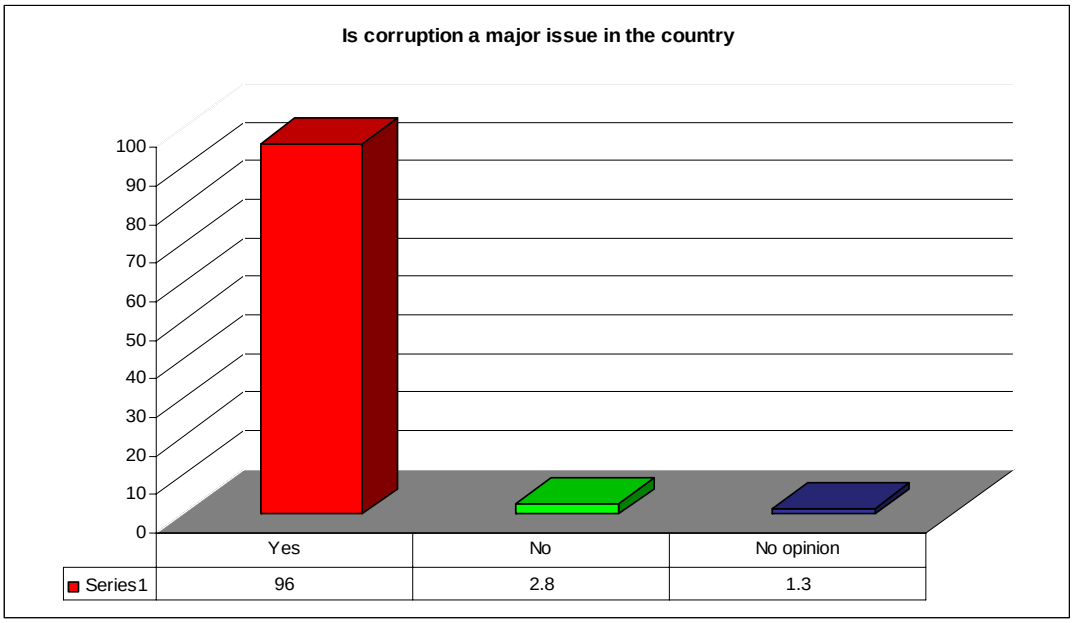
*Table 3: Incidences considered as acts of corruption*

| | |
|---|---|
| Matatu crew offering bribe to traffic police officer | 7.4 |
| Land grabbing by people in authority | 5 |
| Misuse of public funds/resources | 9.5 |
| Misuse of power by those in authority | 3.8 |
| Govt officer soliciting for bribe to do his/her job | 3.1 |
| Arrest of citizens by policemen without valid reason | 2.9 |
| Bribing to get employment | 7.5 |
| Bribing public officers to short-circuit a process/disregard law | 11.8 |
| Sale or diversion of relief food/govt medicine | 2.6 |
| Engaging in tribalism | 3.5 |
| Bribing to get admission into college/university | 1.9 |
| Goldenberg/Anglo-leasing deals | 2.2 |
| Nepotism by those in positions | 3.6 |
| Absconding duty to attend to personal matter | 0.9 |
| Allocating national resources only to politically correct areas | 0.7 |
| Faking/forging testimonials to gain advantage | 0.6 |
| Paying more to obtain faster/better services | 1.6 |
| Bribery of any kind | 10.6 |
| Making false claims | 0.3 |
| MPs awarding themselves huge salaries | 0.4 |

### 3.2.4 Is Corruption a Major Issue.

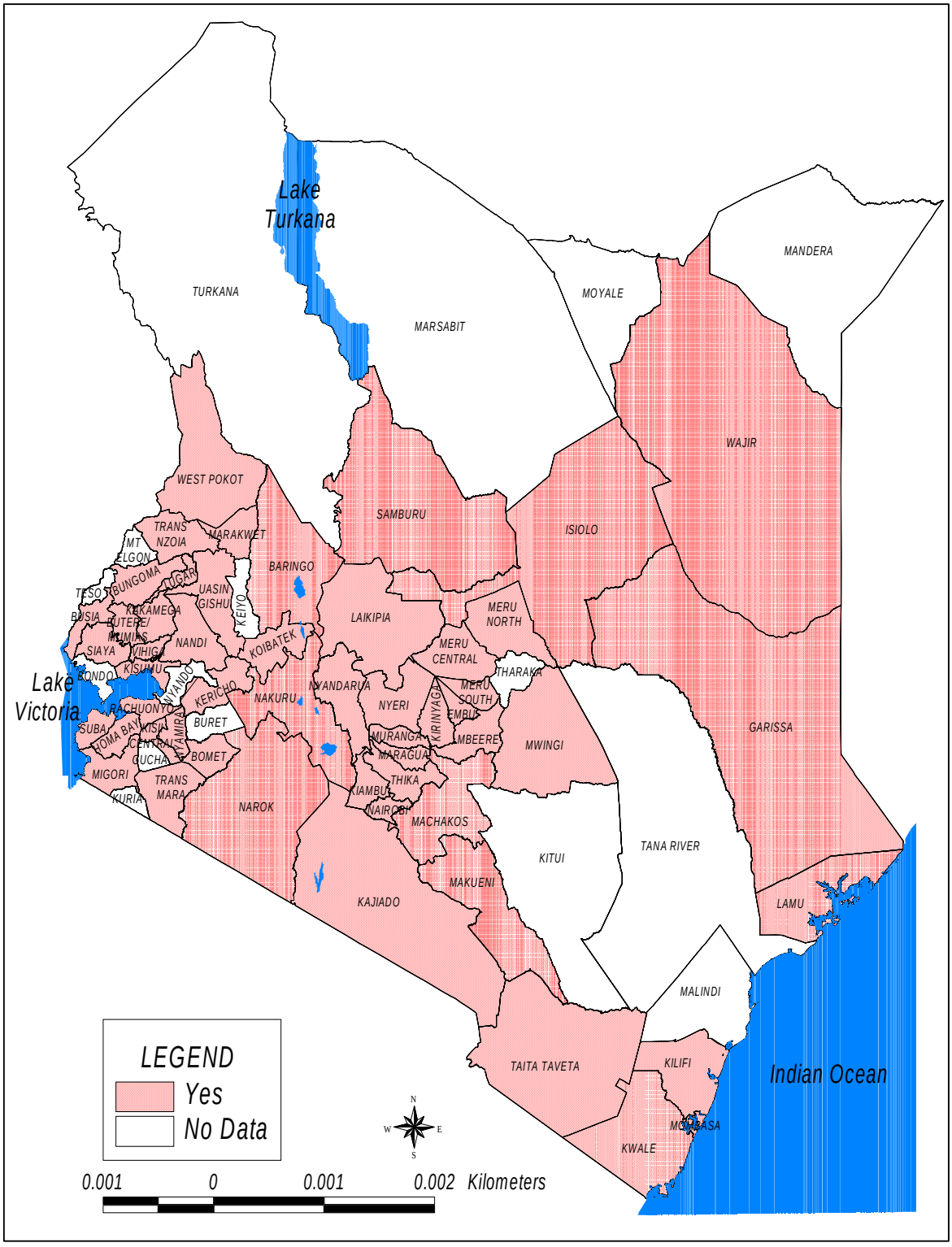
Kenyans are unanimous that corruption is a major issue in the country. An overwhelming 96% of the country say it is, compared to 2.8% who say that it is not a major issue and 1.3% who have no opinion on the issue.

*Fig.7 Perception on the magnitude of corruption in the country*




There is no major difference on opinion on the issue across gender, age, or location.

*Fig.8 Perceived magnitude of corruption in the country by districts*




YES:

**Kiambu, Nyeri, Kirinyaga, Samburu, Kajiado, Thika, Koibatek, Embu, Narok, Laikipia, Nandi, Lugari, Nakuru, Murang'a, Butere/ Mumias, Trans Nzoia, Maragua, Marakwet, Nyandarua, Mbeere, Meru Central, Meru North, Meru South, Vihiga, Nyamira, Mombasa, Migori, Makueni, West Pokot, Nairobi, Machakos, Lamu, Kwale, Kisumu, Kisii Central, Wajir, Rachuonyo, Kericho, Siaya, Suba, Taita Taveta, Kakamega, Isiolo, Homa Bay, Garissa, Trans Mara, Busia, Bungoma, Uasin Gishu, Bomet, Baringo, Mwingi, Kilifi.**

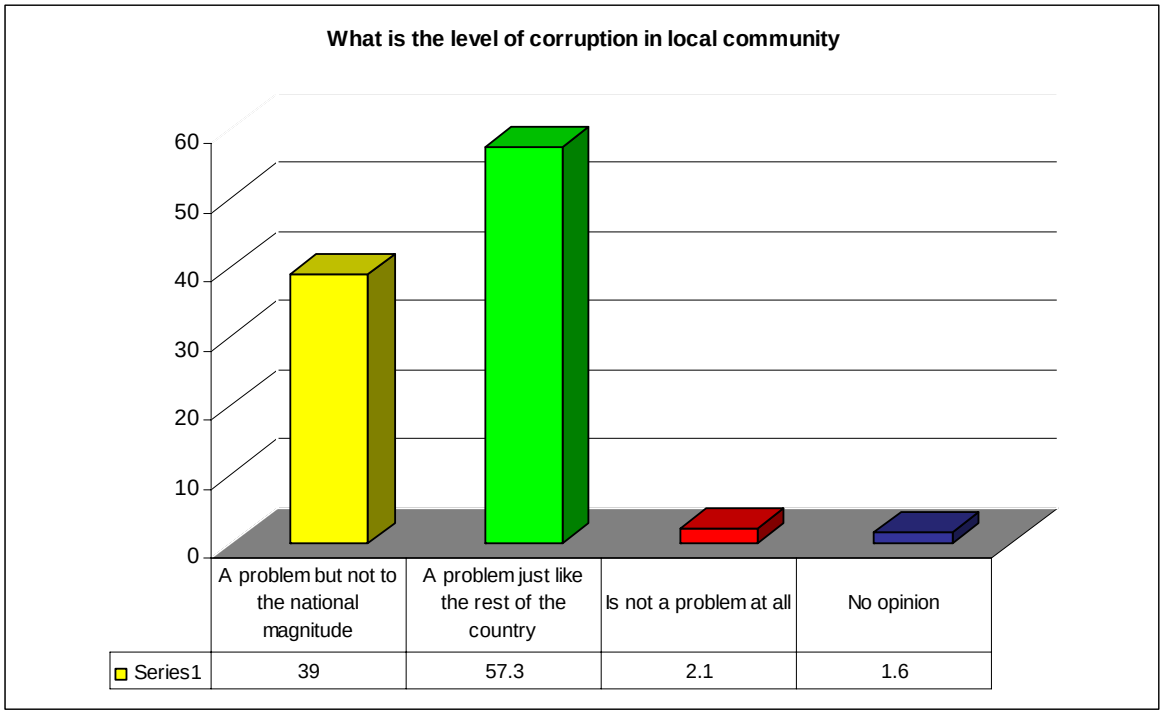
### 3.2.5 Corruption at Community Level.

The NARC government's agenda of fighting corruption was necessitated by the realization that the vice had permeated the entire society and that a concerted effort targeting all sectors would be necessary to eliminate it. The Kenya National Anti-Corruption Conference held in July 2003 to review progress made thus far in the fight against corruption and to develop strategies for intensifying the campaign noted that the problem of corruption had such deep roots that the war had to be waged on all fronts. The Permanent Secretary in the Ministry of Justice and Constitutional Affairs noted that the *"degeneration of ethics and integrity has affected all sectors of the Kenyan society. It is mainly because of the extent of corruption that Kenya nose-diced from rapid economic growth in the 1970s to stagnation and poverty in 1990s."*[5]

The Director of Transparency International – Kenya, Mwalimu Mati argues that "it is no longer possible to engage in a conversation with a Kenyan, almost any Kenyan, about the state of the nation without the topic of corruption coming up. When the topic does arise, the opinions offered in regards to it are almost always strong ones. The lack of transparency in the conduct of national affairs in Kenya as in all other countries where it happens undermines economic development mainly through the misallocation of resources on a macro-scale. He contends that corruption has been ignored for many generations. *"Not many people would like to talk about this subject, openly and transparently."*

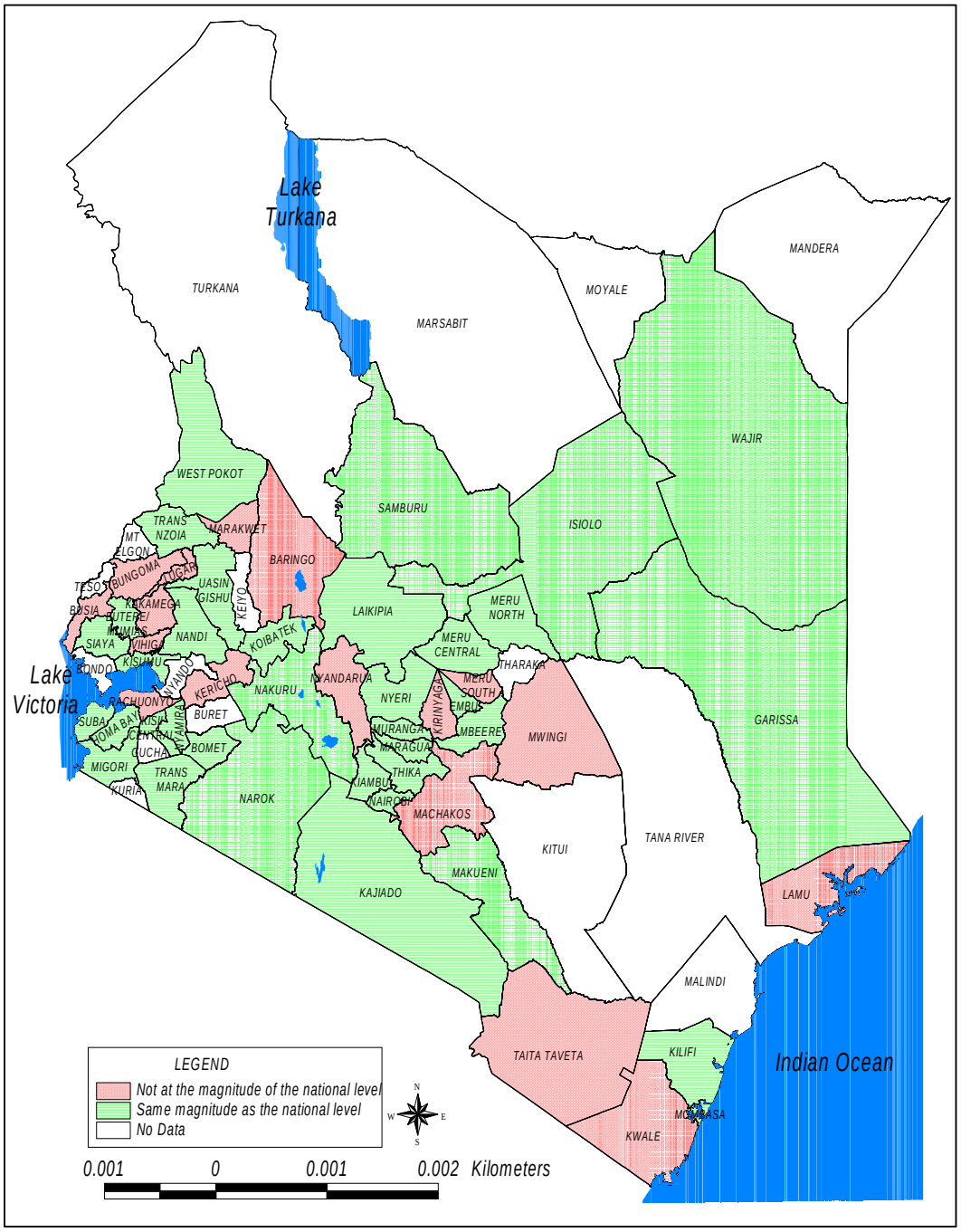
39% of Kenyans downplay the level of corruption at their local levels saying that even though it is a problem at the local level, it is not to the extent that it is at the national level. 57.3% however say that the level of corruption at the national and local levels is similar. 2.1% say corruption is not a problem at all at their community level.

*Fig.9 Perceived level of corruption at the local community level*




[5] Mwalimu Mati, Transparency International Kenya (presentation report on "The Culture of Corruption in Kenya), March 2002.

*Fig.10 Perceived levels of corruption at the community level by districts*




NOT AT THE NATIONAL LEVEL MAGNITUDE:

**Kakamega, Mwingi, Kirinyaga, Rachuonyo, Taita Taveta, Busia,, Meru South, Bungoma, Kwale, Baringo, Lamu, Lugari, Machakos, Marakwet, Vihiga, Kericho, Nyandarua.**

SAME AS NATIONAL LEVEL MAGNITUDE:

**Makueni, Laikipia, Mbeere, Meru Central, Meru North, Koibatek, Migori, Mombasa, Kisumu, Kisii Central, Murang'a, Kilifi, Nairobi, Nakuru, Nandi, Narok, Nyamira, Kiambu, Nyeri, Kajiado, Samburu, Siaya, Suba, Isiolo, Homa Bay, Garissa, Embu, Thika, Trans Mara, Trans Nzoia, Butere/ Mumias, Uasin Gishu, Bomet, Wajir, West Pokot, Maragua.**

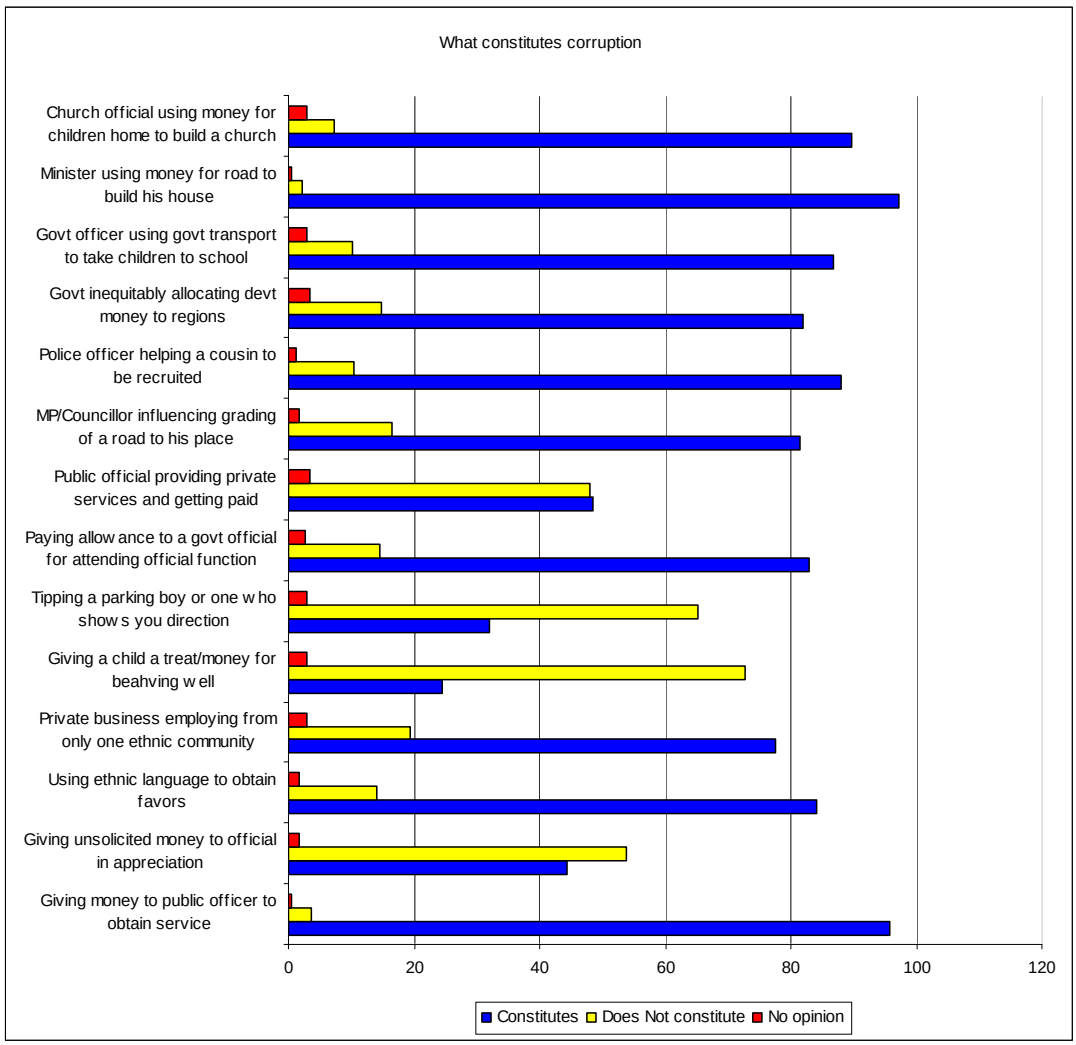
### 3.2.6 What Constitutes Corruption

Kenyans have varying responses on what they would consider to constitute corruption. In a number of cases however, there is near unanimity on scenarios that would be considered to be corrupt. Opinion was divided in the middle on the scenario where a government officer uses his time to undertake an assignment and get paid for it. 48.6% say that such an act would constitute corruption. 47.9% however feel that this should not be considered as corruption. Those who take the position that such an act does not constitute corruption argue that a public official is free to use his free time as he pleases and there is nothing wrong in working to obtain some extra money. On the other hand, those who take the opposite view argue that a public official, knowing that he can earn extra money by working in his free time would not want to accomplish his task during official hours.

Even though most Kenyans feel that giving a child a treat for behaving well does not constitute corruption, there is a growing feeling that it is such acts that cement the mentality of corruption in the psyche of people. In his presentation at the Kenya National Anti-Corruption Conference of July 2003, the Permanent Secretary in the Ministry of Justice and Constitutional Affairs pointed out that *"parents need to inculcate sound moral values among children from tender age in order to ensure that as they grow up, they have positive attitude towards honesty and hard-work."*

The following figure presents opinions of Kenyans on what does and does not constitute corruption.

*Fig.11 What constitutes corruption*

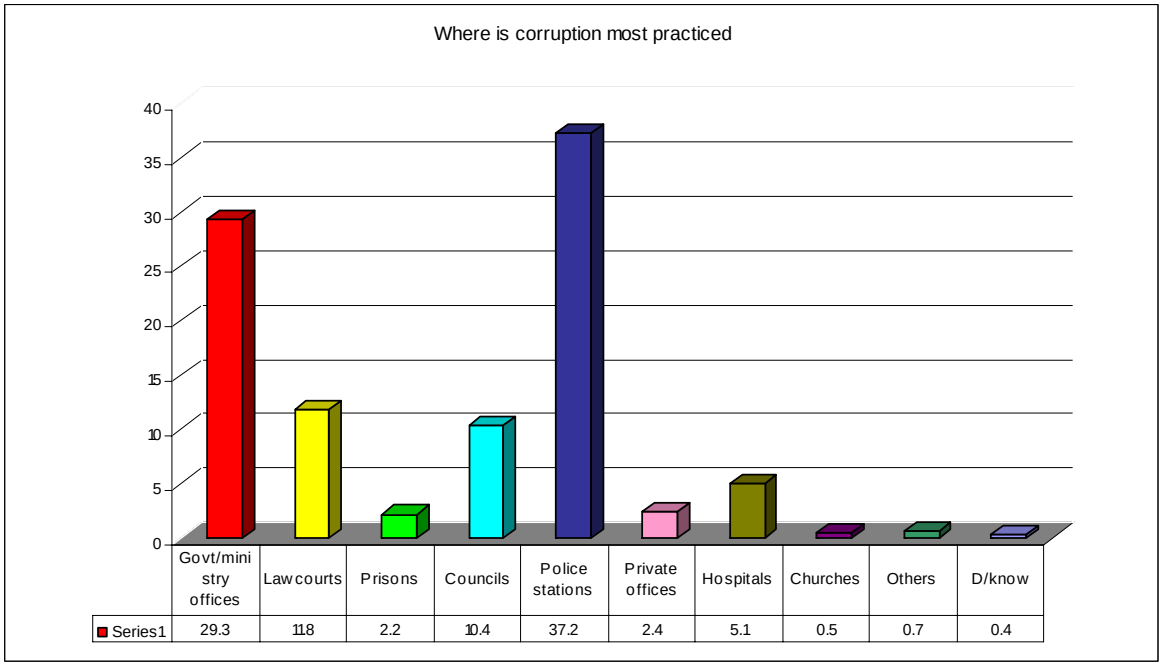


## 3.26 Where is Corruption Most Practiced

Even though Kenyans are unanimous that corruption has permeated the entire spectrum of the society, there are specific locations where Kenyans see as the areas where most of the corruption takes place.

Police Stations is mentioned by most Kenyans, (37.2%) as the place where most corruption occurs. This is followed by government offices (29.3%), Law courts (11.8%), Council offices (10.4%), Hospitals (5.1%), Private offices (2.4%), Prisons (2.2%).

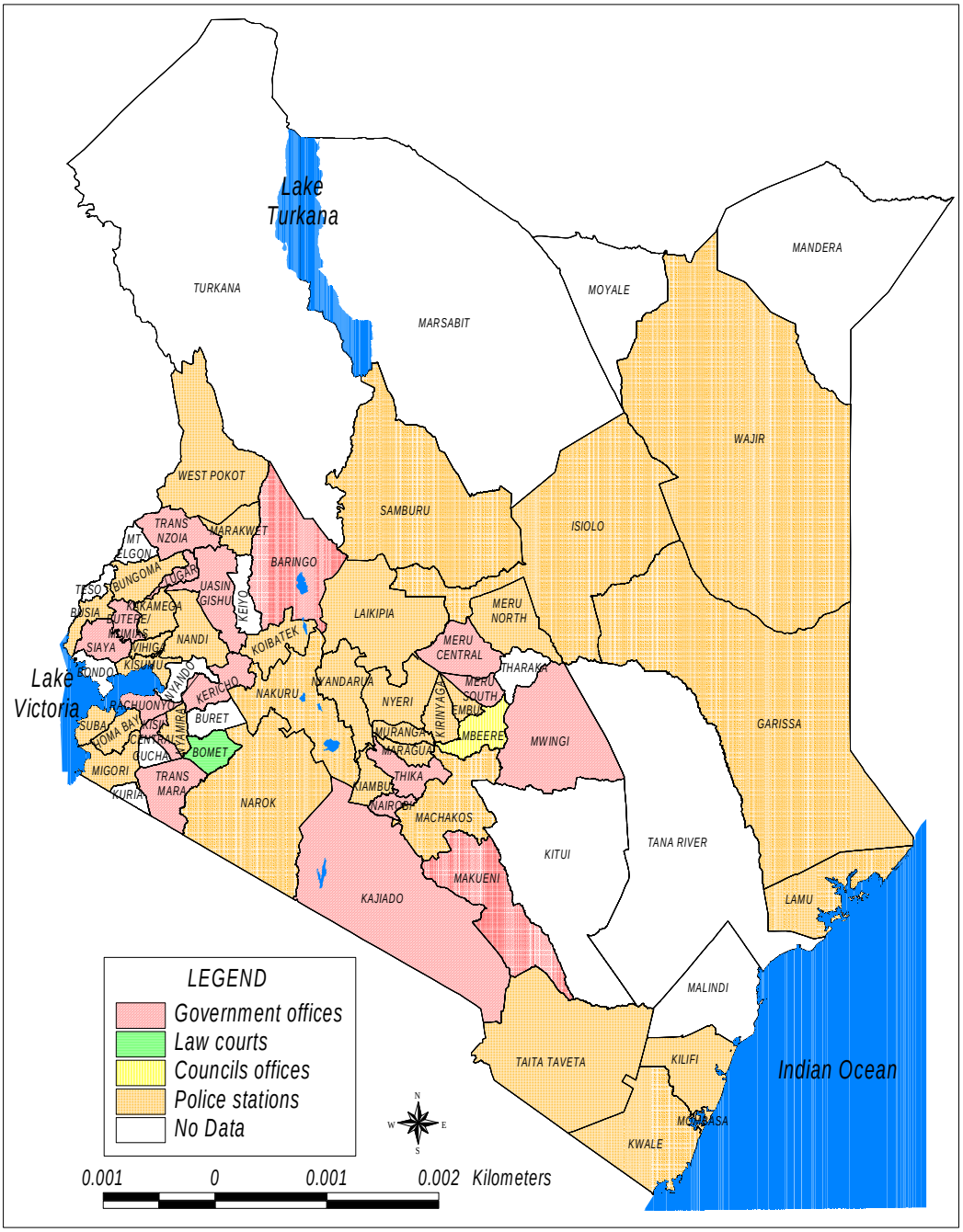
*Fig.12 Where corruption is practiced most*




In a survey conducted by the Kenya Anti-Corruption Commission (KACC)[6], in 2005 and published in June 2006, police stations is mentioned by most Kenyans (54.2%) as the place where most corruption occurs followed by Government offices mentioned by 42.4%.

[6] National Corruption Perception Survey; Kenya Anti-Corruption Commission (KACC), June 2006

*Fig.13 Sectors where corruption is practiced most by district*




GOVT. / MINISTRY OFFICES:
**Kericho, Rachuonyo, Kajiado, Kisii Central, Nairobi, Thika, Mwingi, Trans Mara, Butere/ Mumias, Trans Nzoia, Meru South, Lugari, Meru Central, Makueni, Uasin Gishu, Siaya, Baringo.**

LAW COURTS:
**Bomet.**

COUNCIL OFFICES:
**Mbeere.**

POLICE STATIONS:
**Kakamega, Kirinyaga, Taita Taveta, Busia,, Bungoma, Kwale, Lamu, Machakos, Marakwet, Vihiga, Nyandarua.**
**Laikipia, Meru North, K[illegible]tek, Migori, Mombasa, Kisumu, Murang'a, Kilifi, Nakuru, Nandi, Narok, Nyamira, Kiambu, Nyeri, Samburu, Suba, Isiolo, Homa Bay, Garissa, Embu, Wajir, West Pokot, Maragua.**

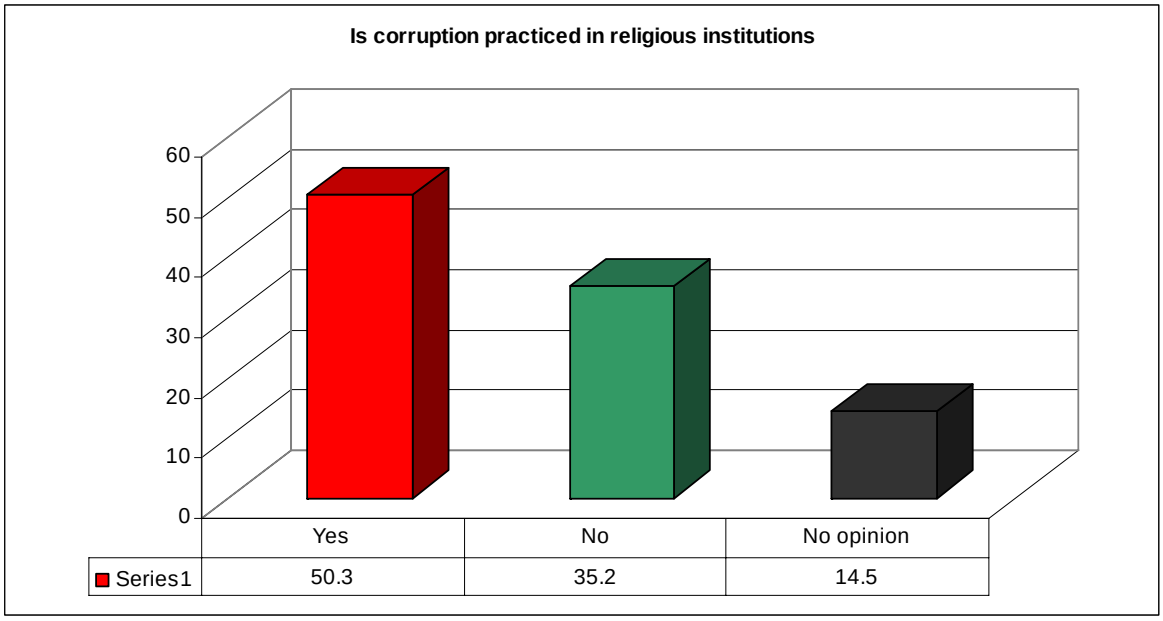
### 3.2.7 Is There Corruption in Religious Institutions

While it has been acknowledged that corruption is rampant in various institutions, religious institutions have been thought to be relatively free of the vice. However asked if they thought corruption is practices in religious institutions, slightly over half of Kenyans answer in the affirmative.

50.3% of Kenyans believe that corruption is practiced in religious institutions. 35.2% say that religious institutions are free from corruption while 14.5% do not have opinion on the issue. It is worth pointing the large number of Kenyans (14.5%) who prefer not to respond to the question. Interestingly most of the non-responses are recorded in the Muslim dominated areas especially Kwale district.

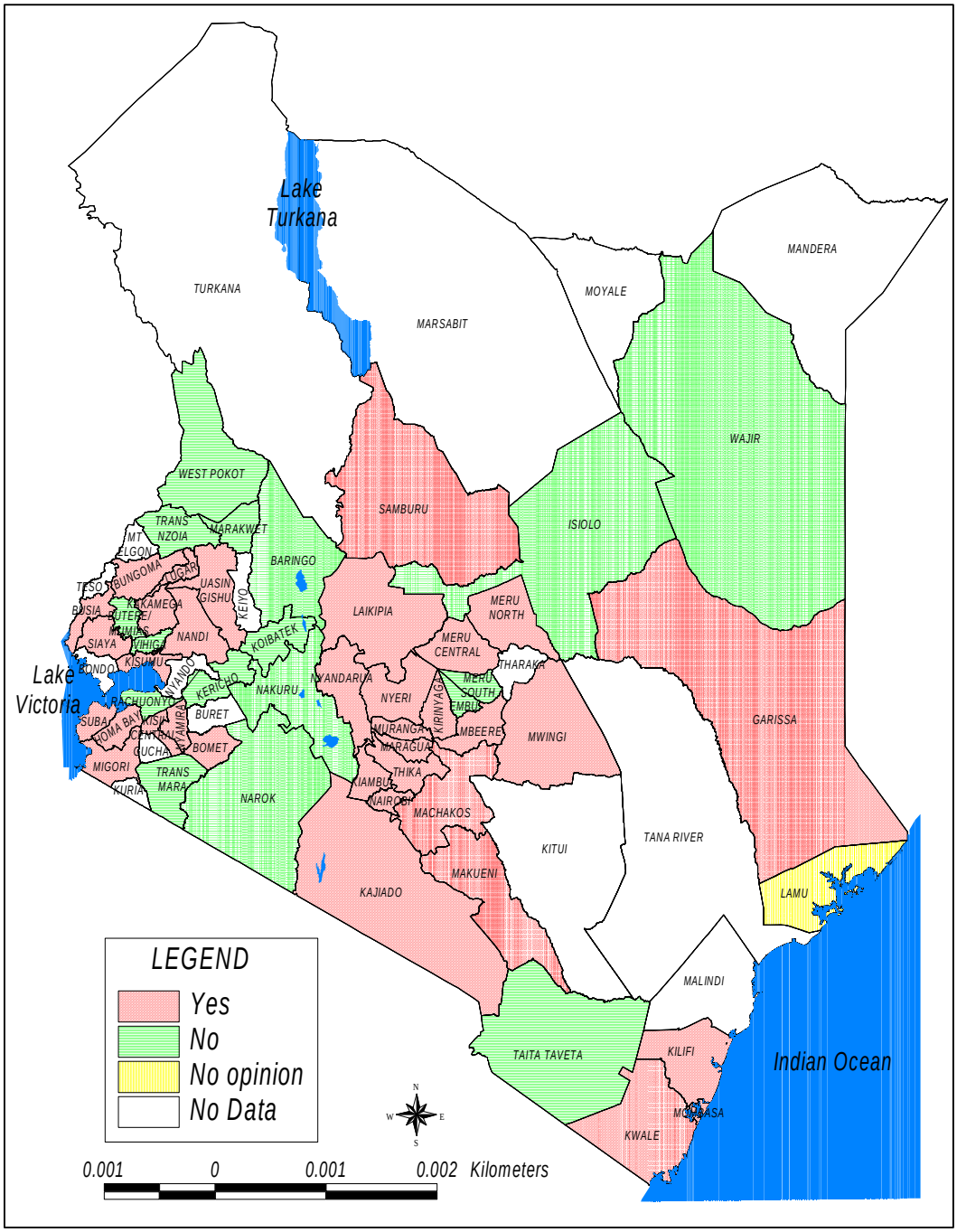
Analyzed by gender, it is evident that more males (57.8%) than females (42.2%) believe that corruption go on in the religious institutions. The question of whether faithfuls prefer to turn a blind eye to corruption in the institutions obviously comes up.

*Fig.14 Corruption in religious institutions*




Asked what kind of corruption goes on in the religious institutions, the most mentioned form of corruption is non-accountability of funds by those in charge of the institutions(19.2%); Providing help only to those who are favored (3.3%); Leadership wrangles/sticking to leadership positions (3.3%); Nepotism/electing close associates to positions ( 3%); Paying for prayers and blessings (3%). Other mentions are for sexual harassment (1.5%), land grabbing (1.4%), bribing to get admissions to religious institutions (0.7%), and holding *harambee*s for personal matters (0.1%).

*Fig.15 Corruption in religious institutions by districts*



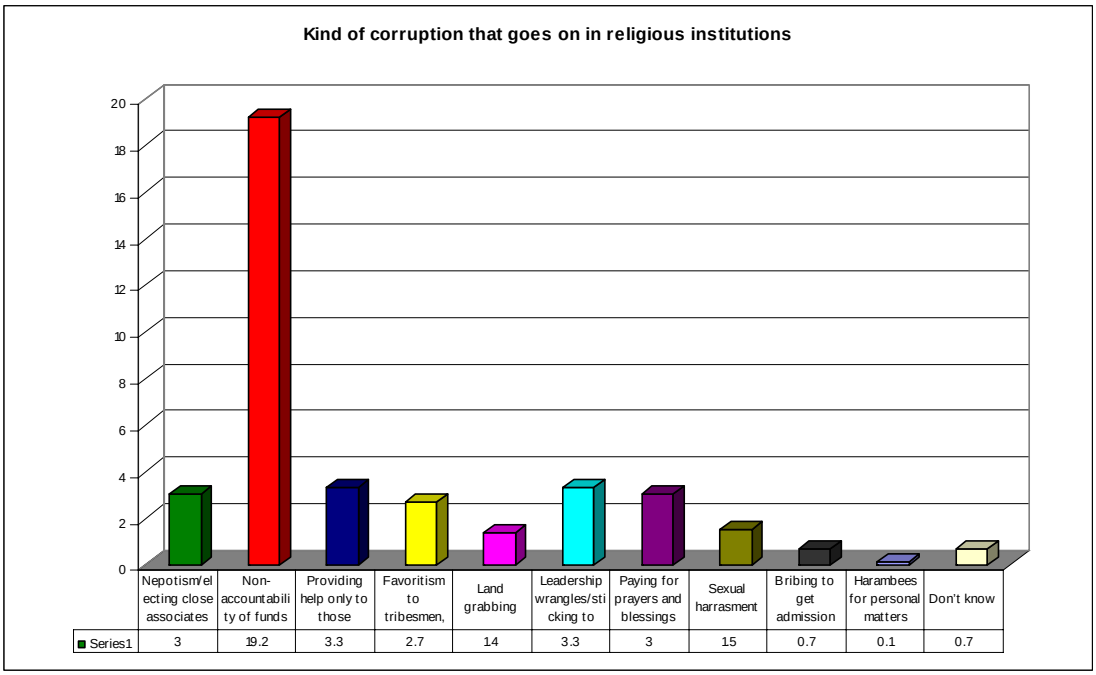

YES:
**Kajiado, Kisii Central, Nairobi, Thika, Mwingi, Lugari, Meru Central, Makueni, Uasin Gishu, Siaya, Bomet., Mbeere, Kakamega, Kirinyaga, Busia,, Bungoma, Kwale, Machakos, Nyandarua. Laikipia, Meru North, Migori, Mombasa, Kisumu, Murang'a, Kilifi, Nandi, Nyamira, Kiambu, Nyeri, Samburu, Suba, Homa Bay, Garissa, Maragua.**

NO:
**Narok, Rachuonyo, Nakuru, Meru South, Marakwet, Taita Taveta, West Pokot, Koibatek, Kericho, Isiolo, Trans Mara, Trans Nzoia, Embu, Butere/ Mumias, Vihiga, Wajir, Baringo.**

NO OPINION:
**Lamu.**

### 3.2.8 Types of Corruption Practiced in Religious Institutions.

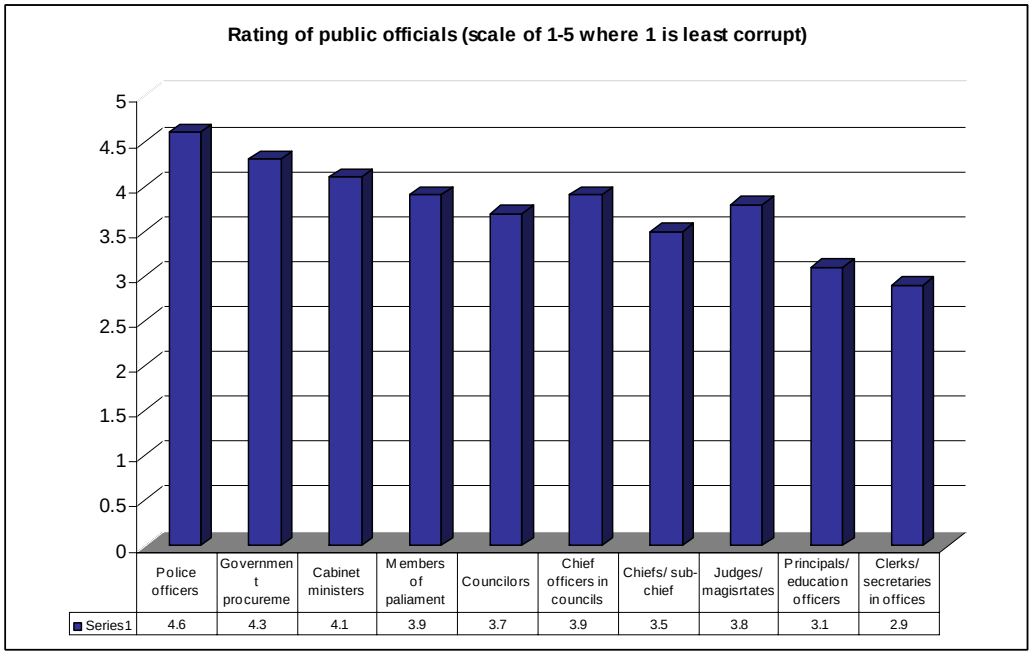
*Fig.16 Types of corruption in religious institutions by districs*




### 3.2.9 Rating Public Officials on Corruption

When rated on a scale of 1-5 where 1 is least corrupt, police officers come on top as the most corrupt public officials scoring a mean of 4.6. Government procurement officers with a mean score of 4.3 closely follow. Government Ministers score 4.1; MPs, 3.9 and Councilors 3.7. The public officers considered least corrupt by Kenyans are clerks and secretaries in government offices with a mean score of 2.9.

*Fig.17 Rating of public officials*



The scores more or less corroborate the findings of the Kenya Bribery Index 2006[7] which rank the police, state corporations, local authorities, the judiciary, councils and government ministries in the top ten offenders in as far as corruption is concerned.

Interesting to note is that more rural residents (52.6%) than urban residents (47.4%) think that members of parliament are very corrupt (score of 5) while more urban residents (52.7%) than rural residents (47.3%) give councilors a score of 5.

[7] The Kenya Bribery Index 2006; Transparency International Kenya.

*Fig.18 Rating of public officials by districts*

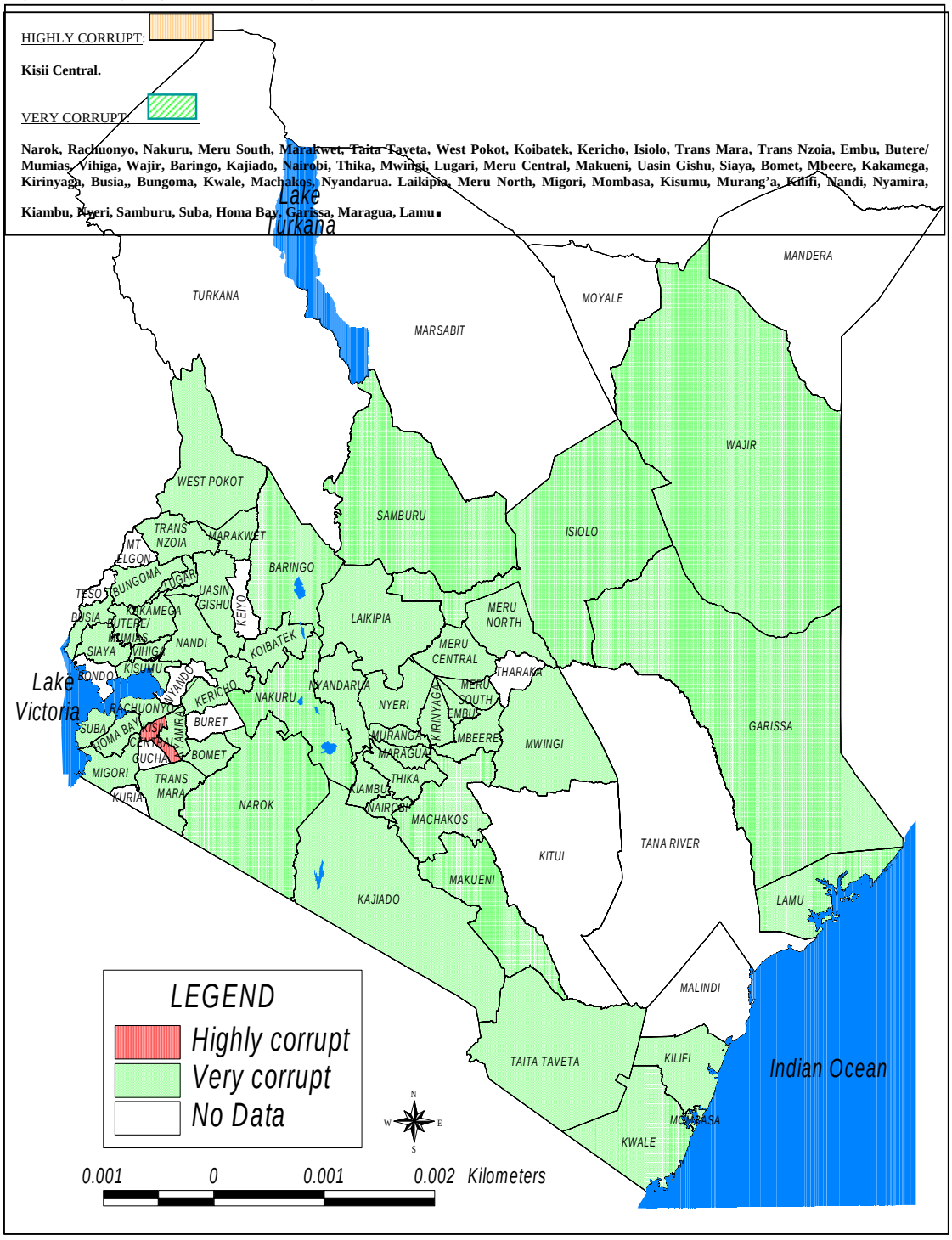
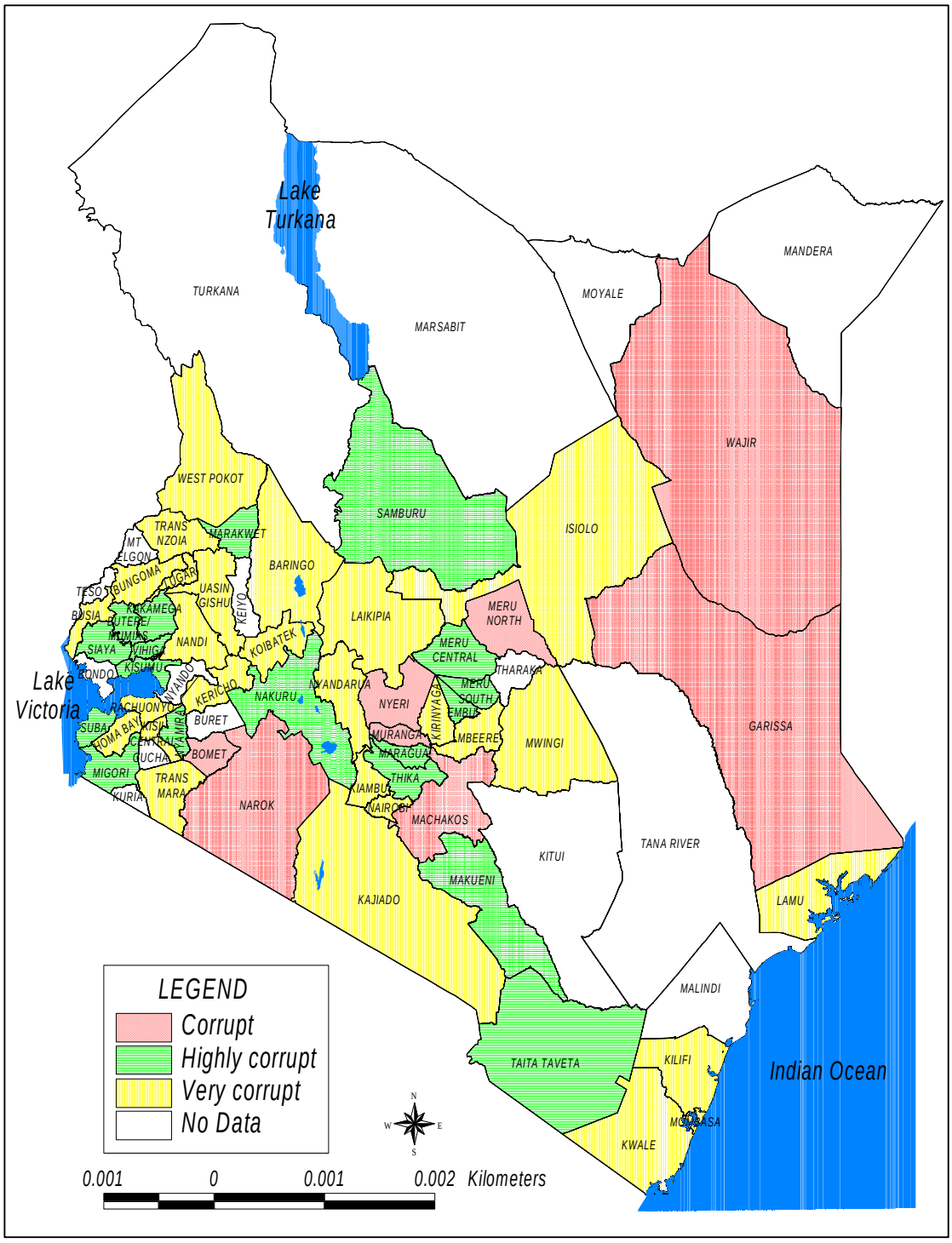


*Fig.19 Rating of members of parliament by districts*

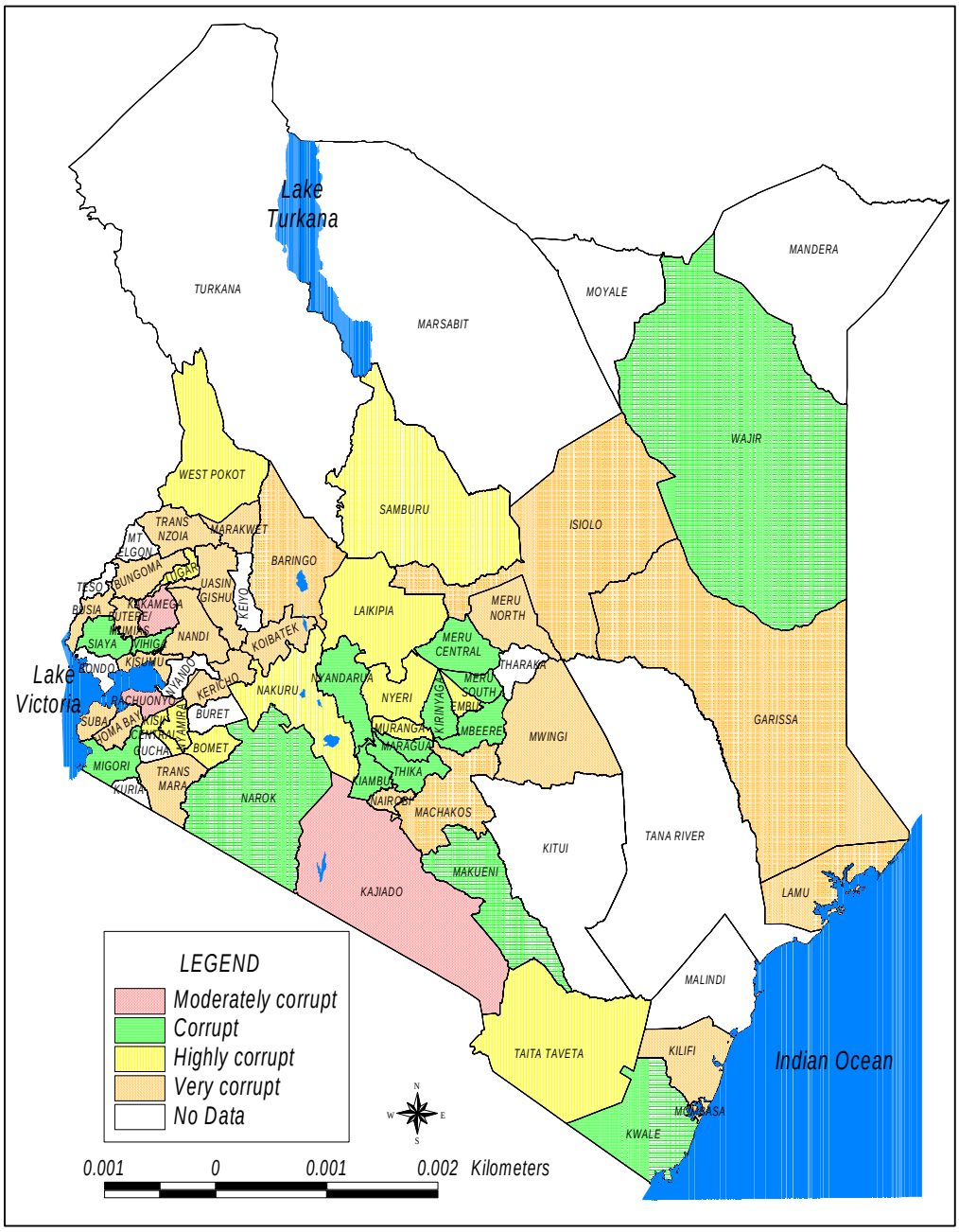



CORRUPT:
Meru North, Wajir, Nyeri, Garissa, Bomet, Machakos, Narok, Murang'a.

HIGHLY CORRUPT:
Marakwet, Thika, Butere/ Mumias, Embu, Taita Taveta, Makueni, Kisumu, Suba, Maragua, Siaya, Meru Central, Nyamira, Samburu, Migori, Nakuru, Meru South, Vihiga, Kakamega.

VERY CORRUPT:
Rachuonyo, West Pokot, Koibatek, Kericho, Isiolo, Trans Mara, Trans Nzoia, Baringo, Kajiado, Nairobi, Mwingi, Lugari, Uasin Gishu, Mbeere, Kirinyaga, Busia,, Bungoma, Kwale, Nyandarua. Laikipia, Mombasa, Kilifi, Nandi, Kiambu, Homa Bay, Lamu, Kisii Central.

*Fig.20 Rating of judges/magistrates by districs*




MODERATELY CORRUPT:
**Kakamega, Kajiado, Rachuonyo.**

CORRUPT:
**Narok, Kirinyaga, Siaya, Vihiga, Kwale, Thika, Meru Central, Meru South, Migori, Wajir, Mbeere, Makueni, Maragua, Kiambu, Nyandarua.**

HIGHLY CORRUPT:
**Lugari, Bomet, Nyeri, Embu, Taita Taveta, Laikipia, Samburu, West Pokot, Nyamira, Murang'a, Kisii Central.**

VERY CORRUPT:
**Bungoma, Baringo, Machakos, Kericho, Nakuru, Suba, Marakwet, Koibatek, Nandi, Homa Bay, Garissa.**
**Mwingi, Mombasa, Meru North, Lamu, Kisumu, Trans Mara, Kilifi, Isiolo, Nairobi, Butere/ Mumias, Uasin Gishu, Trans Nzoia, Busia.**

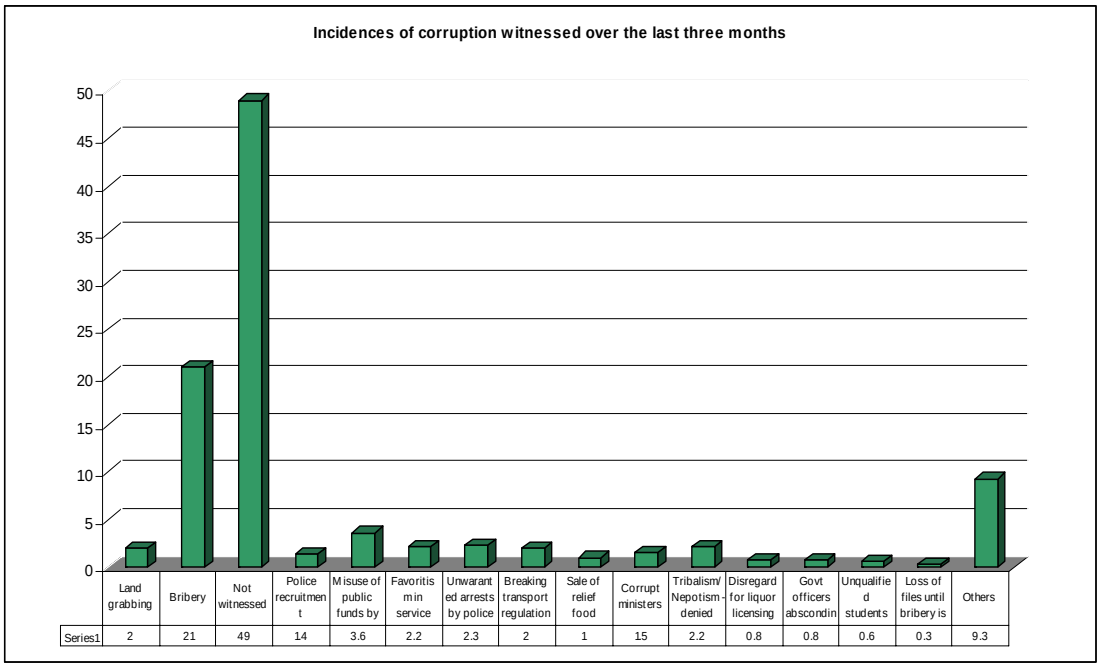
### 3.3.0 Incidences of Corruption Witnessed.

Even though Kenyans overwhelmingly agree that corruption is rampant in most institutions, a large number still do not want to be pinned down with questions asking if they have personally witnessed corruption incidences.

49% of Kenyans say they have not witnessed any form of corruption over the last three months. However, those who have witnessed corruption mention bribery mainly involving the police as the form of corruption they have witnessed (21%). Other forms witnessed are land grabbing (2%); police recruitment (1.4%); misuse of public funds (3.6%); favoritism in service delivery by public officers (2.2%); disregard for transport regulations (2%); and unwarranted arrests by police (2.3%).

Contrasted with their responses on why those who have witnessed corruption do not report them, it becomes clear that a large number of Kenyans still fear to be associated with corruption, not because they think its is bad but because they fear that such an association may lead to consequences that they are not ready to face. They therefore find it prudent to talk about the vice in the third party but are quite reluctant to admit witnessing or participating in it.

***Fig.21 Incidences of corruption witnessed over the last three months***



### 3.4.0 Reporting Cases of Corruption.

Only 7.3% of those who witnessed incidences of corruption reported the incident. 59.8% did not report the incident they witnessed. Asked their reason for not reporting, Kenyans gave various reasons. The highest percentage (40.6%) said that they knew the culprit would not be prosecuted even if they reported the incident. 31% said they could not prove guilt if asked to; 22.9% did not know where to report; 26.5% feared reporting would only create problems for themselves; 24.9% feared they would suffer the consequences; 8.6% felt the offence was petty; 24.9% feared reprisals; 10.8% thought they would be arrested if they reported; and 7.6% said they knew the culprit.

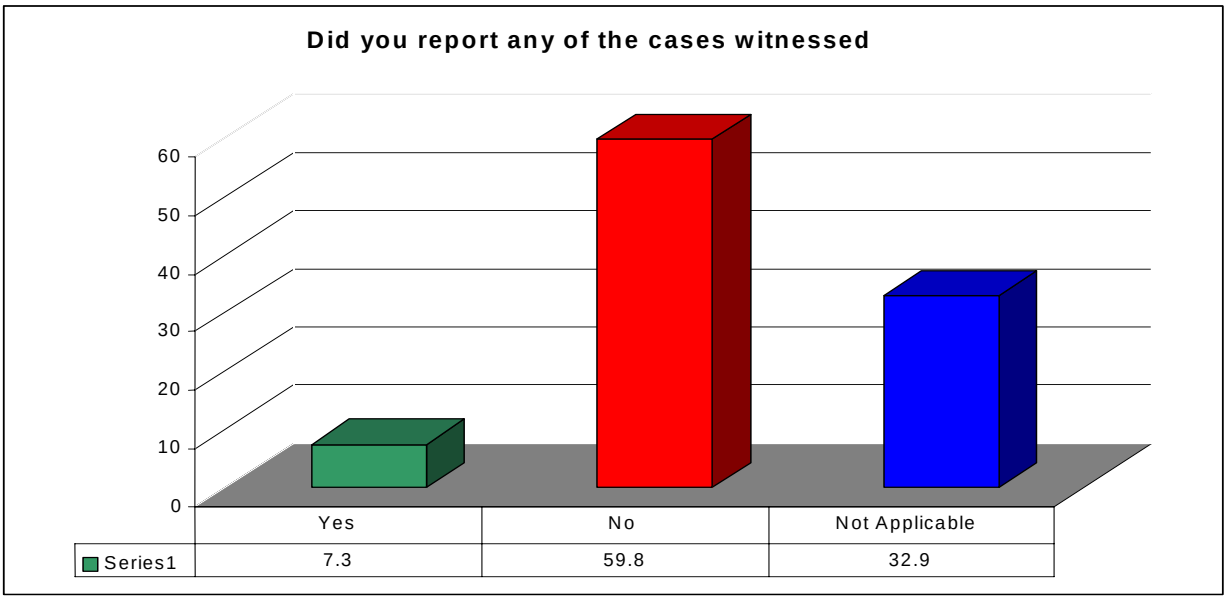


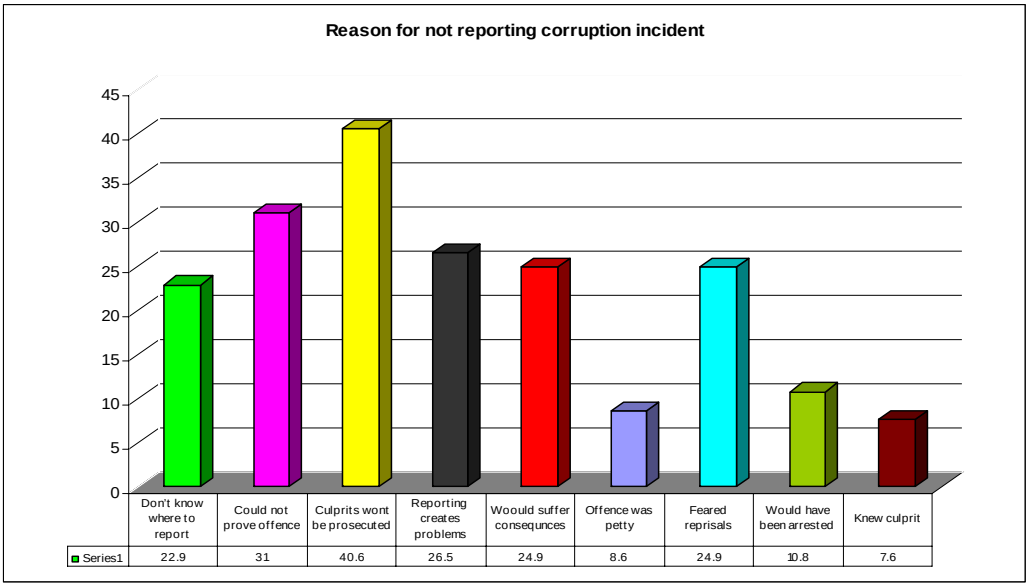

***Fig.22 Reporting cases of corruption***

The Kenya Bribery Index 2006 notes that reporting cases of corruption remains low with only 8.9% reporting corruption incidences to authorities with the rest preferring to either report it to other institutions such as the media or simply complain about it to friends and colleagues. Even though people largely know that police stations would be the most appropriate place to report incidences of corruption, they are still hesitant to do so and would rather report to the media. Most people do not want to be taken to the task of having to prove a crime and there is the perception that those who are involved in corruption have the money to bribe the police officers to 'fix' the person who is reporting.

### 3.5.0 Reasons for Not Reporting Corruption Cases.

About 8.9% say they did not report the incidences they witnessed because they considered them petty. Common bribery such as a policeman taking one hundred shillings to release somebody arrested on flimsy charges are considered too petty a corruption to bother reporting. This is unfortunate since this is the beginning of corruption and since these are the main forms of corruption that citizens are confronted with almost on a daily basis.

***Fig.23 Why respondents do not report cases of corruption***




There is also the 7.6% who did not report the incident witnessed because they knew the culprit. Even though they are unlikely to share in the proceeds of such corrupt transactions, many people still feel the sense of 'brotherhood' is too strong to report a person known to you for an act of corruption.

### 3.6.0 Payment of Bribes

Asked if they had paid any bribes to secure certain services, a large number of respondents say they have never paid bribes. The following table shows the number of people who have paid bribes and how much they paid to secure certain services. The highest number of bribe payers does so to avoid arrests. The amounts paid range between 100 and 1,000 shillings. The highest amount of bribes paid is for securing employment with payments in excess of 50,000 shillings.

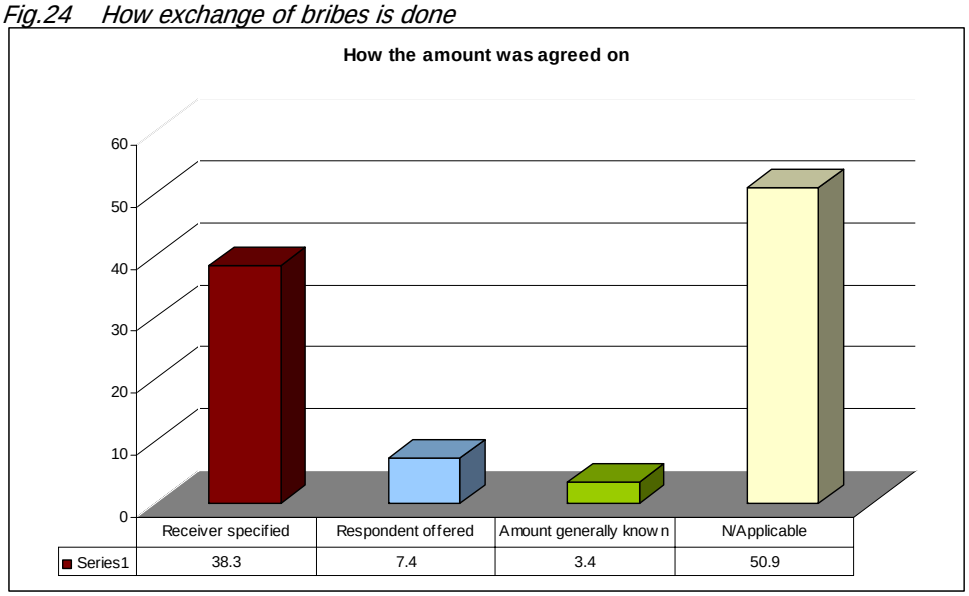
*Table 4: Estimates of bribes paid out for various services and goods*

| | Never paid | 100-1000 | 1000-5000 | 5000-10,000 | 10,000-20,000 | 20,000-30,000 | 30,000-50,000 | 50,000plus | Cant recall |
|---|---|---|---|---|---|---|---|---|---|
| Reason for Paying bribe | | | | | | | | | |
| Secure a contract | 96.4 | 0.4 | 0.7 | 0.3 | 0.1 | 0.1 | 0.1 | - | 1.6 |
| Get a driving license | 93.6 | 2.3 | 2.2 | 0.3 | - | - | - | - | 1.4 |
| Get a business license | 91.7 | 3.8 | 2.5 | 0.2 | - | - | - | - | 1.6 |
| Obtain other licenses | 96.7 | 1.1 | 0.5 | - | 0.1 | - | - | - | 1.3 |
| Get services/good from a public institution | 89.5 | 6.2 | 1.6 | 0.2 | 0.2 | - | 0.1 | - | 1.9 |
| To avoid arrest | 81.2 | 13.2 | 2.3 | 0.3 | - | - | - | - | 2.5 |
| Speed up service in public institution | 87.8 | 6.3 | 2.2 | 0.6 | 0.2 | 0.2 | 0.2 | 0.1 | 1.9 |
| Secure employment | 91.8 | 1.6 | 2.3 | 0.7 | 0.6 | 0.3 | 0.4 | 0.3 | 1.6 |
| Escape paying a higher fine | 95.6 | 1.2 | 0.8 | 0.2 | 0.1 | - | - | - | 1.1 |
| Obtain favorable court judgment | 97.1 | 0.5 | 0.5 | 0.2 | - | - | - | 0.1 | 1.0 |
| Secure approval | 97.4 | 0.8 | 0.6 | 0.1 | 0.1 | - | - | - | 0.8 |
| Other favors | - | 58.9 | 23.2 | 9.3 | 3.7 | 0.9 | 1.8 | - | 5.6 |
| | | | | | | | | | |

### 3.7.0 How Amount Is Agreed On

In most of the cases where bribe was paid, it was the receiver who specified the amount to be paid (38.3%). In 7.4% of the cases, it was the giver who offered the amount while in 3.4% of the cases, the amount to be paid was generally known.

*Fig.24 How exchange of bribes is done*



### 3.8.0 Participation In Corruption

73.2% say they have not participated in any act of corruption in the last three months. 21.4% say they have participated in corruption while 5.4% did not respond to the question.

***Fig.25 Whether participated in corruption in the last three months***

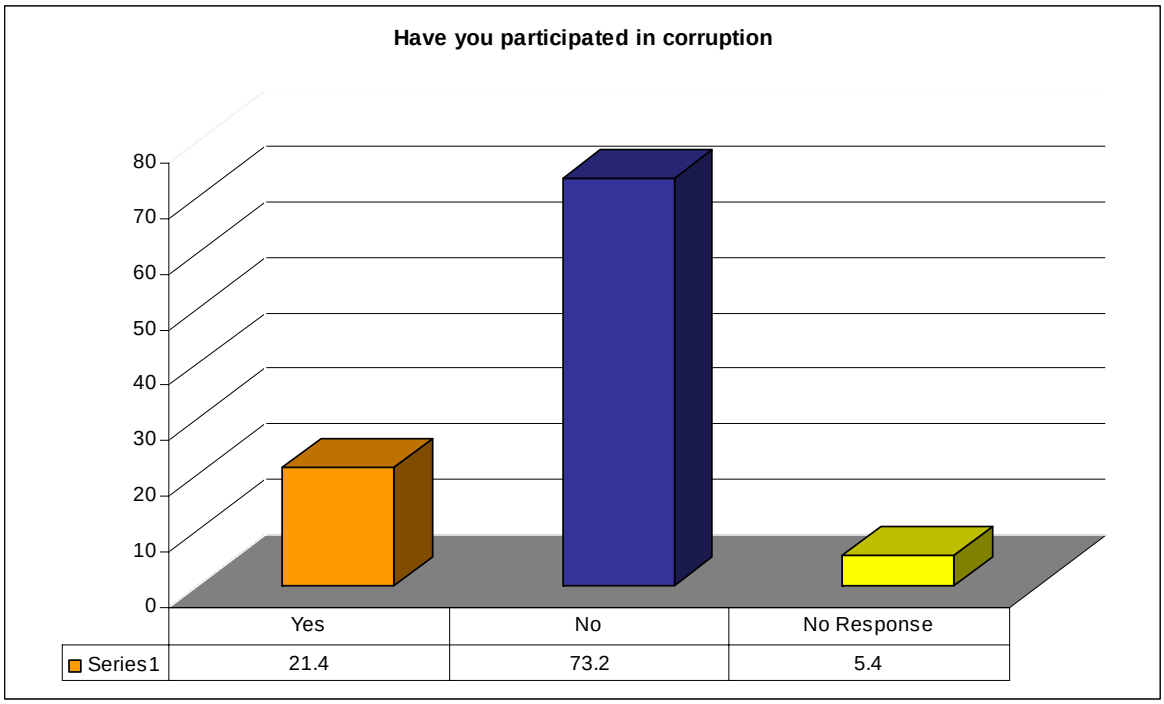
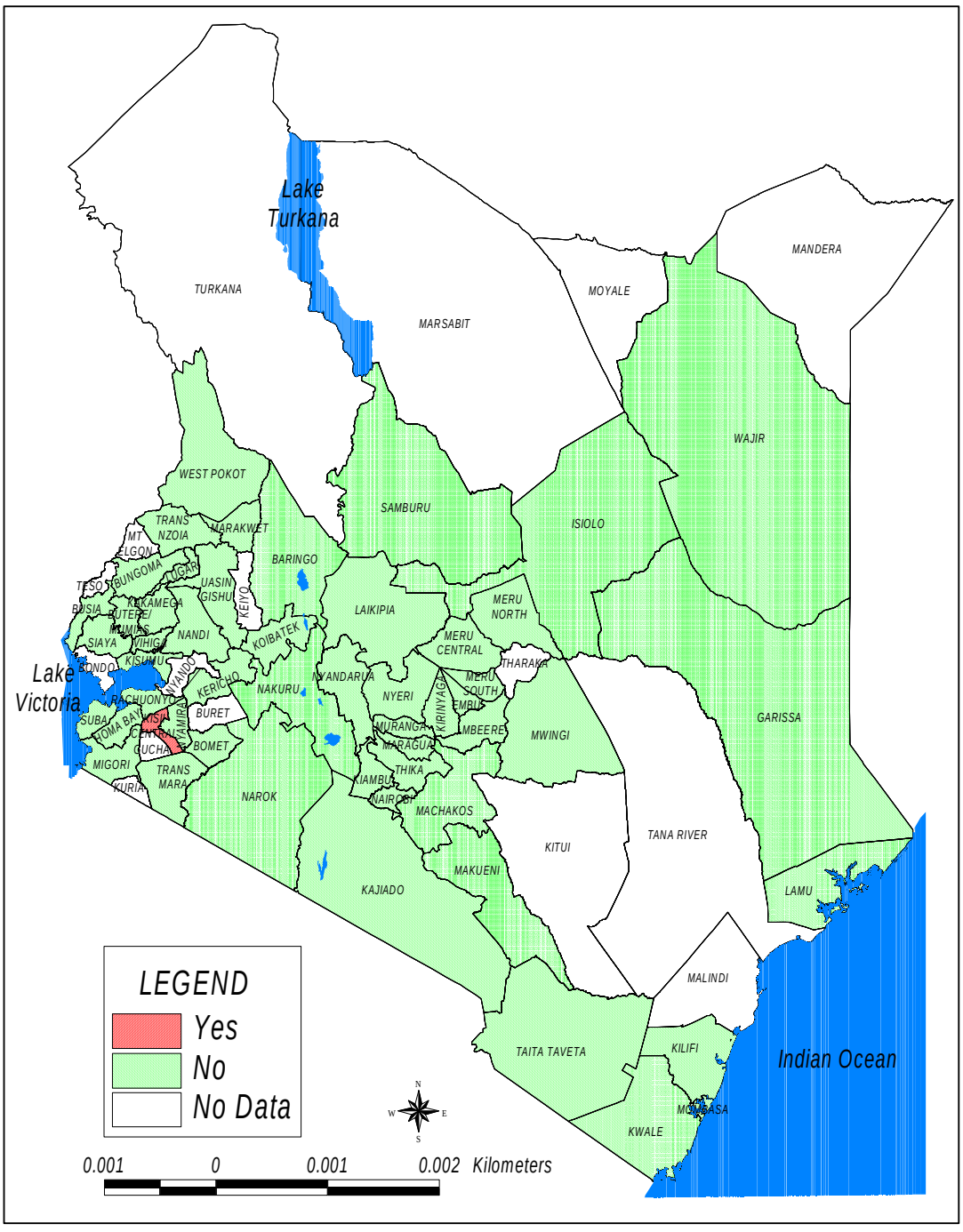


***Fig.26 Whether participated in corruption in the last three months by district***

**3.9.0**




YES:

**Kisii Central.**

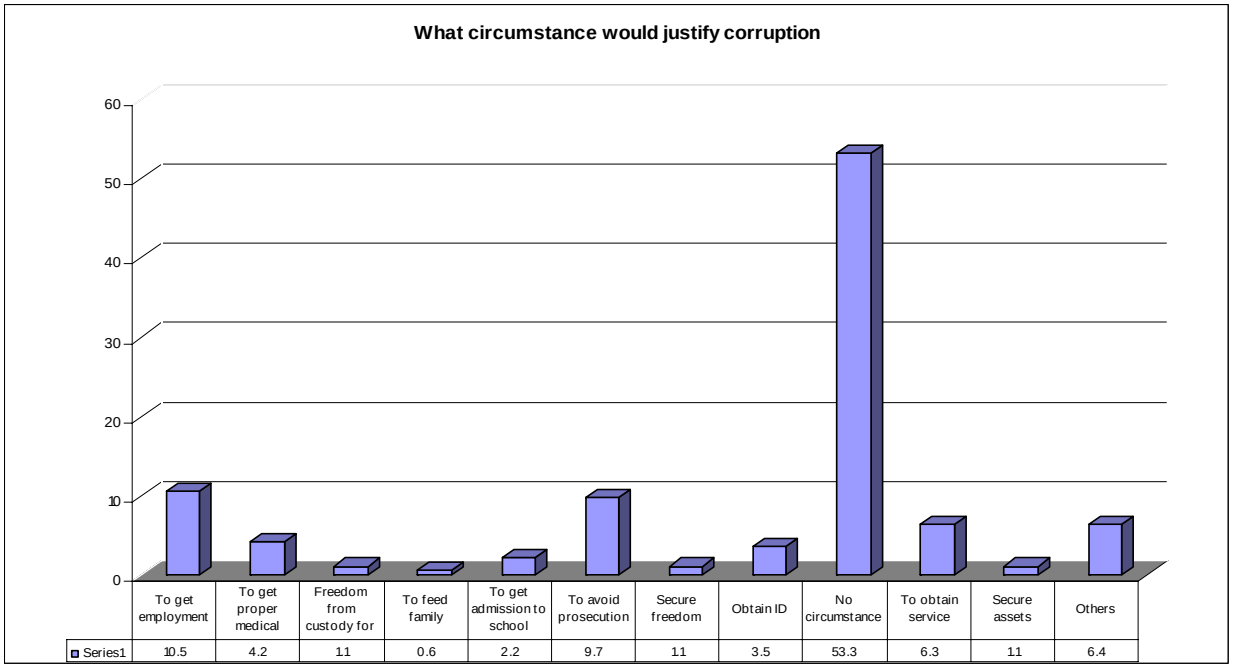
NO:

**Kakamega, Kajiado, Rachuonyo, Narok, Kirinyaga, Siaya, Kwale, Thika, Meru Central, Meru South, Migori, Wajir, Mbeere, Makueni, Maragua, Kiambu, Nyandarua, Lugari, Bomet, Nyeri, Embu, Taita Taveta, Laikipia, Samburu, West Pokot, Nyamira, Murang'a, Bungoma, Baringo, Machakos, Nakuru, Suba, Marakwet, Koibatek, Nandi, Homa Bay, Garissa, Mombasa, Meru North. Lamu. Kisumu. Kilifi. Nairobi. Butere/ Mumias. Trans Nzoia. Busia. Uasin Gishu. Vihiga. Isiolo. Kericho. Mwingi. Trans Mara.**

### 3.10.0 Circumstances Where Corruption Is Justified.

Asked to indicate under what circumstances they felt corruption can be justified, 53.3% said that corruption cannot be justified under any circumstances. 10.5% said they would pay a bribe to secure employment. 9.7% said corruption could be justified if it is paid to avoid prosecution. Other notable mentions include payment of a bribe to obtain medical services (4.2%); obtaining ID card (3.5%), and to gain admission to school (2.2%).

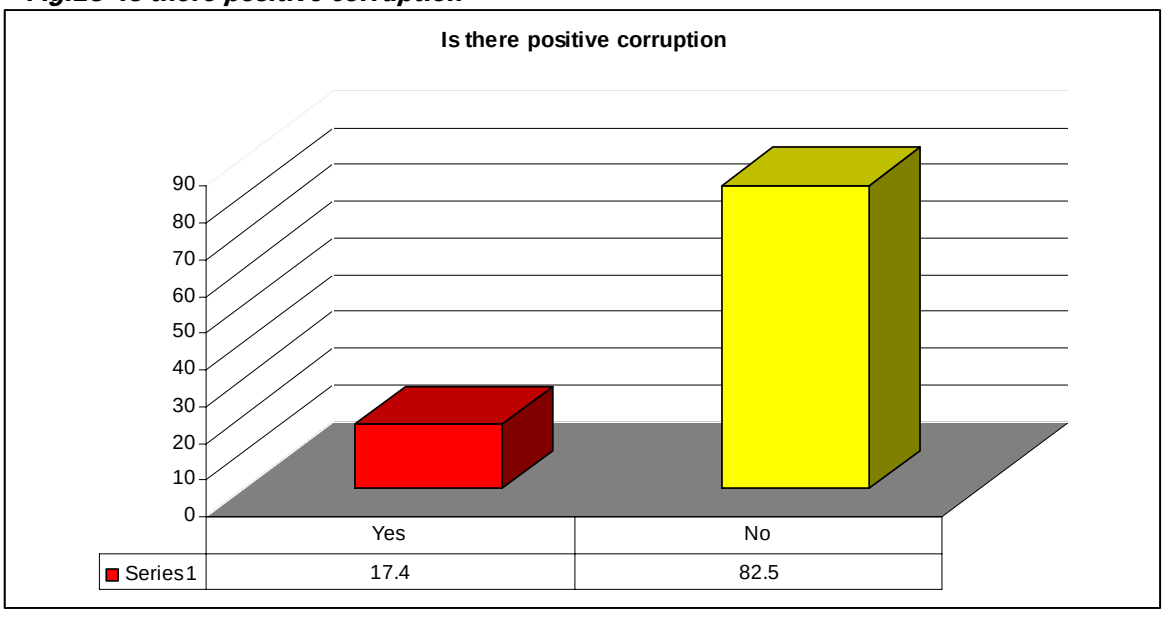
***Fig.27 Circumstances where corruption is justified***




### 3.11.0 Is There Positive Corruption

17.4% of Kenyans say that there is positive corruption while 82.5% say that there is no positive corruption.

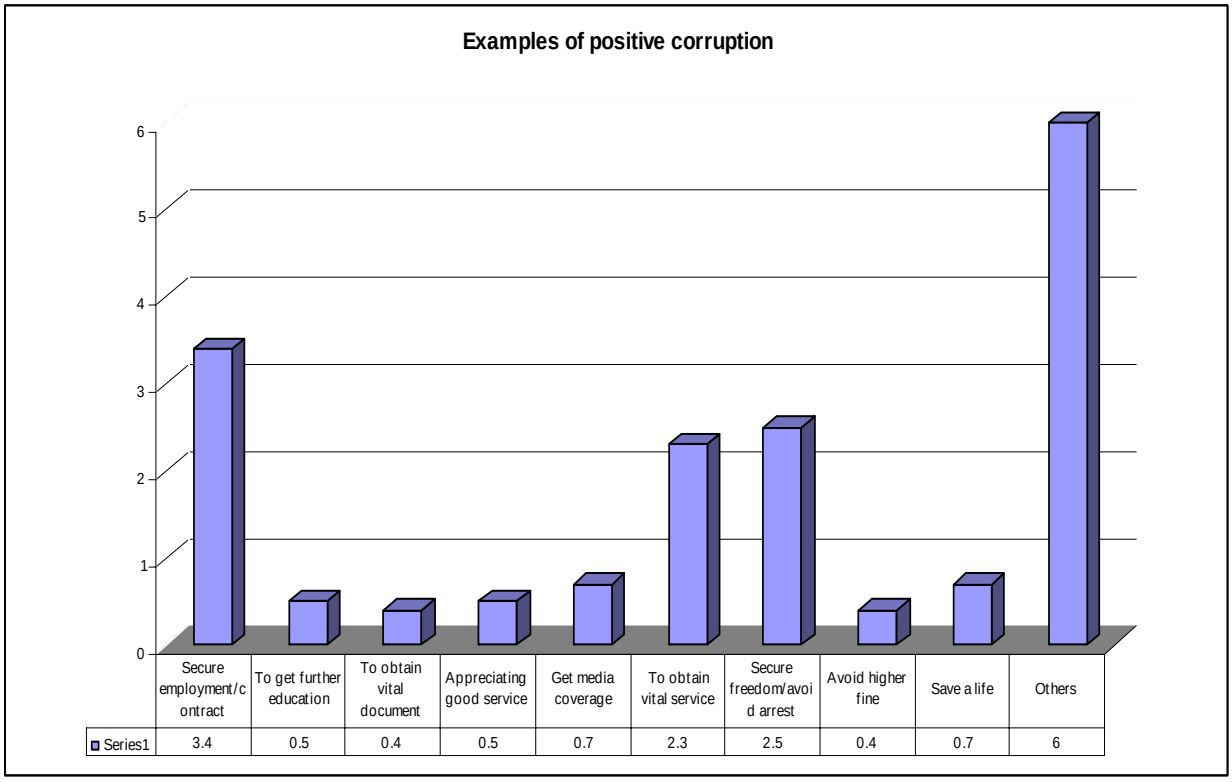
***Fig.28 Is there positive corruption***



### 3.12.0 Examples of Positive Corruption

Those who say there is positive corruption mention corruption to secure employment (3.4%) as the best example of positive corruption. Engaging in corruption to secure freedom or avoid arrest is seen by 2.5% of Kenyans as positive.

***Fig.29 Examples of positive corruption***



### 3.13.0 Attitudes To Corruption.

On average, Kenyans feel that paying higher salaries is not a solution to corruption in the country. 29.5% of Kenyans do not support the suggestion that the payment of higher salaries would check corruption. 71.2% wither agree or agree strongly that for the fight against corruption to succeed, it is important to end it at the top first. 74.6% feel that given the opportunity, most people would engage in corruption.

*Table 5: Attitudes towards corruption*

| | Not at all | Slightly agree | Somewhat agree | Agree | Agree strongly | Don't know/ No opinion |
|---|---|---|---|---|---|---|
| Giving a bribe is as wrong as receiving one | 4.6 | 3.9 | 7.6 | 31.3 | 52.3 | .3 |
| Many poor people practice corruption | 32.4 | 24.5 | 16.9 | 13.9 | 10.8 | 1.6 |
| Corruption reduces citizens confidence in government | 1.3 | 2 | 6.5 | 28 | 61.6 | .5 |
| Corruption hurts national economy | 1 | .9 | 2.8 | 25 | 69.9 | .4 |
| Corruption makes the rich richer and poor poorer | 2.1 | 2.5 | 5.6 | 22.6 | 66.6 | .6 |
| Corruption makes things move smoothly | 50.4 | 17.4 | 14.8 | 7.9 | 7.9 | 1.5 |
| High salaries will make ending corruption easier | 29.5 | 14.1 | 20.6 | 17.6 | 14.5 | 3.6 |
| More important to end corruption at the top first | 8 | 4.1 | 9.8 | 28.2 | 48.4 | 1.5 |
| Most businesses must pay bribes | 40.2 | 16.1 | 15.4 | 14.2 | 10.9 | 3.2 |
| All right for lowly paid civil servants to accept bribes | 63.4 | 12 | 10.5 | 6.7 | 5.9 | 1.5 |
| Vote buying is acceptable | 8.1 | 2.6 | 5.4 | 23.9 | 59.1 | .7 |
| Bribery is a common way of doing things | 28.4 | 15.3 | 20.4 | 20.2 | 14.2 | 1.6 |
| Given opportunity, most people would practice corruption | 9.4 | 11.3 | 18.8 | 32.3 | 25.4 | 2.7 |
| Most people would pay bribes rather than fines | 3.6 | 6.1 | 13.5 | 36.4 | 38.3 | 2.2 |
| Many rich people are corrupt | 1.8 | 3.9 | 10.1 | 30.1 | 52.6 | 1.4 |
| | | | | | | |

### 3.14.0 Government Commitment In The Fight Against Corruption

The desk study reveals that laws against corruption exist but loopholes and implementation create weak linkages in the fight against the vice.

The government set-up various task forces and commissions to investigate the root causes of the endemic corruption and to recommend appropriate action. These include the Goldenberg Commission, The Land Commission, The Task Force on Harambees, The Task Force on the Truth, Justice and Reconciliation Commission, and a task force appointed by the Chief Justice to investigate corruption in the Judiciary.

The enactment of The Anti-Corruption and Economics Crimes Act (2003) established an independent anti-corruption commission intended for investigation, prevention and public

education. The Act expands the definition of corruption and economic crimes to encompass, among other things, abuse of public office, manipulating government tenders and bids and grabbing of public land. It also creates special anti-corruption courts to expedite the hearing and determination of anti-corruption cases.

In addition, the Public Officers Ethics Act (2003) was created to enforce codes of conduct prescribing minimum ethical standards for the civil service. It is intended to promote honesty, professionalism and mediocracy as well as to reduce opportunities for corruption arising out of conflict on interest, contributions to Harambees and offering gifts.

The Act also requires that public officers declare their wealth. In addition, the government published the Privatization Bill 2003, Public Finance Bill 2003 and the Procurement Bill 2003 intended to improve the systems and procedures of financial accountability and fundamentally transform the manner in which government business is conducted.

John Kithome Tuta in his analysis of the Kenyan anti-corruption laws asserts that, in order for one to grasp the implications and effectiveness of the new legal and policy framework for fighting corruption, one has to understand the inter- relationship between the Anti Corruption and Economic Crimes Act (No 3 of 2003) and the Public Officer Ethics Act (No4 of 2003). The two pieces of legislation provides various mechanisms and mandates the establishment of institutions, which if fully operationalized would mostly probably contribute to a drastic reduction in the incidences of corruption in Kenya. He argues that the two Acts have some inherent weaknesses.[8]

[9]The Anti-Corruption and Economic Crimes Act provides that the Act shall apply to offences committed under the prevention of Corruption Act. Thus a person who committed a corruption offence under the prevention of corruption Act shall be liable to prosecution under the Anti-Corruption and Economic Crimes Act.

Under the Anti-Corruption and Economic Crimes Act, a Kenyan may be charged before Kenyan courts for corruption offences or economic crimes committed in a foreign country if the conduct in question would amount to corruption or economic crimes had they taken place in Kenya. [10]The president, alone, can abolish any public office or create a new one, while Article 25 makes, holding of public office subject to president's pleasure. The two articles tilt the balance of power in favor of the presidency and though the Constitution requires the president to observe the provisions of the Constitution, in exercise of these powers, in practice, this is not done.

These powers give the impression that the President is above the law, again an undesirable situation. Besides, since all senior judges, Chief Justice and the Public Prosecutor are appointed by the president, there is a feeling, among the public, that the Judiciary is answerable to presidency. This feeling has been reinforced by many instances when court decisions appear to be consistent with positions publicly expressed by the executive. In addition, senior ruling party politicians can and do openly engage in incidences, which clearly suggest incitement or threats to public order with no risk of prosecution. There have also been many instances when people with legal or constitutional protection have left office under circumstances that clearly show the presidency is not bound to legal niceties. The Constitution does not give Kenyans an instrument to stop misuse of public resources. Institutionalizing the use of public funds for political mileage makes it almost possible to stop the same for personal gain.

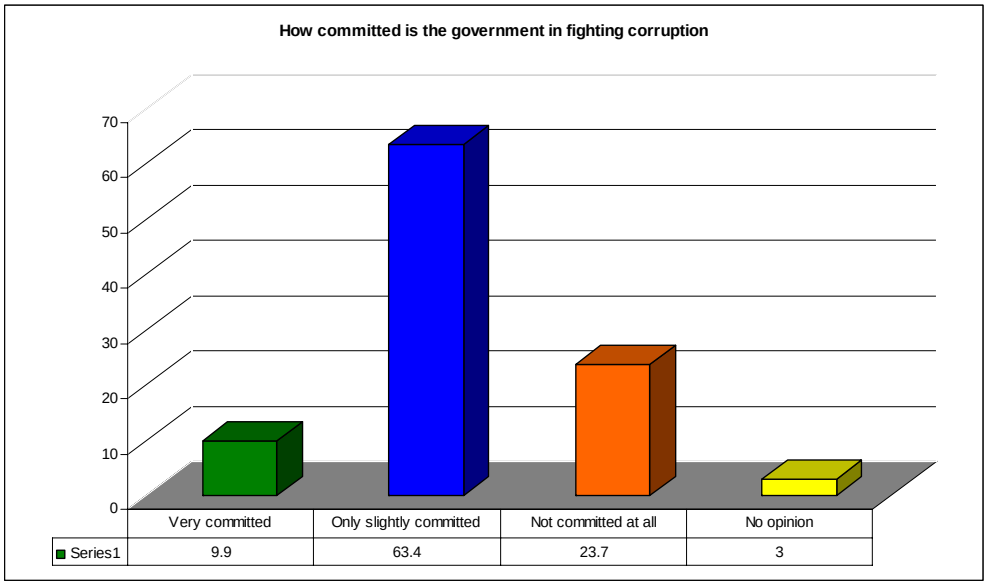
[8] John Kithome Tuta et all (Legal framework for control of corruption)-Control of corruption in Kenya, 2005
[9] Section 71,chapter 65.of the Kenyan laws now repealed).
[10] Article 24 of the constitution of Kenya.

Political influence is seen as one of the main factors that make corruption thrive. Provisions of Article 100 (3) and Section 5 (2) of cap 412 legalize use of public resources for political purposes, which could be classified as corruption. Projects are put in the budget to influence voting patterns especially during by-elections, and then suspended soon after the wrong results are realized. Projects can be moved to areas of politically influential people e.g. rural electrification and road repairs.[11] "The Civil Contingencies Fund gives Parliament authority to establish Civil Contingencies Funds for unforeseen needs. It is therefore not necessary to spend money on needs, which were not planned for."[12] Since unforeseen contingencies can be financed from this Fund. However, experience shows that most of the new needs do not fall under contingencies or emergencies.

Only 9.9% of Kenyans feel that the government is fully committed to the fight against corruption. 63.4% say the government is only slightly committed to the fight while 23.7% say the government has no commitment at all.

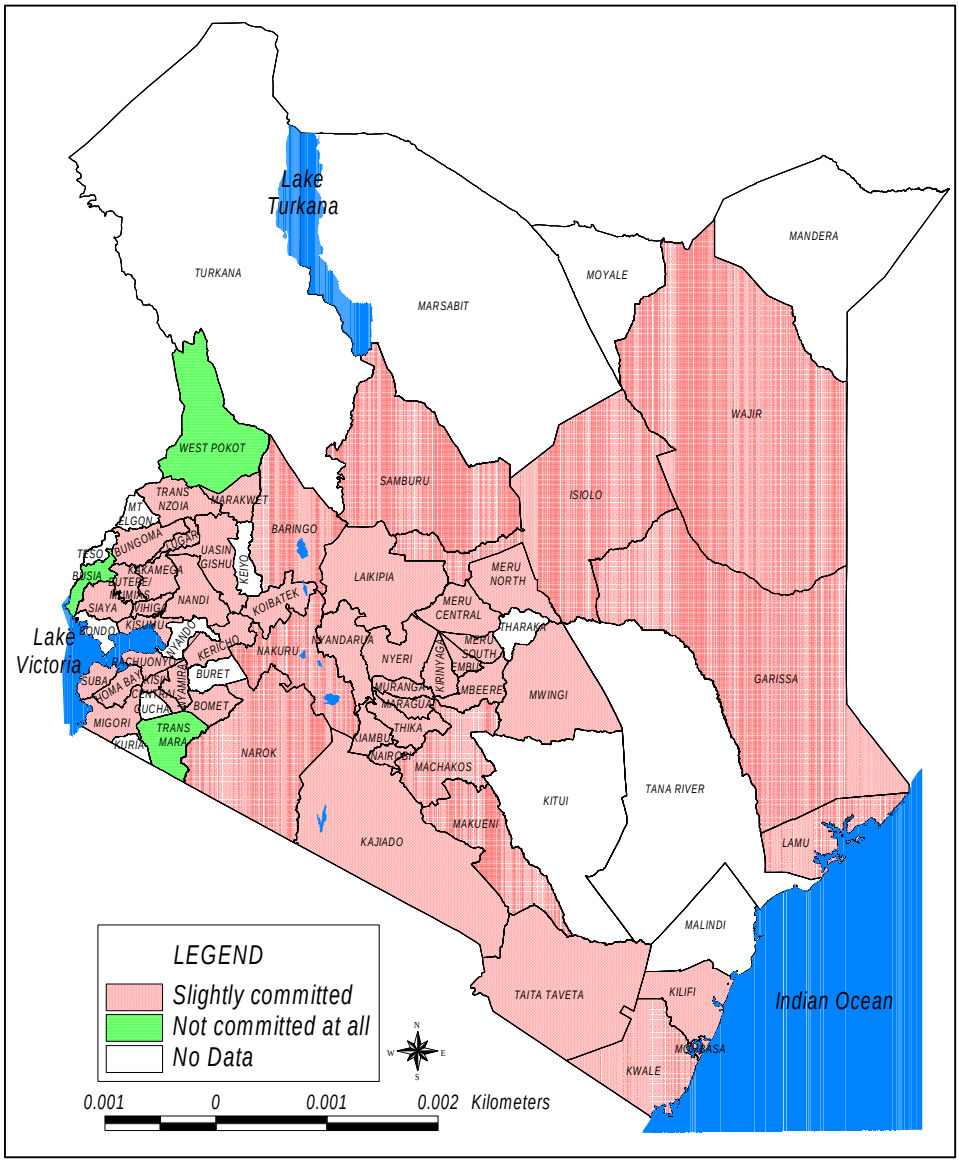
Asked what the government needs to do to demonstrate its commitment, most Kenyans say it should prosecute and jail named corrupt officials (44.6%). Other mentions include firing implicated officials (13.4%), increasing the level of awareness of the public on corruption (5.3%), setting up probe committees (4.1%), the government being more transparent to the public in its operations (4.5%), enactment of tough anti-corruption laws (3.9%), clearing Goldenberg and Anglo-leasing cases (1.3%), taking instant action on corruption cases (3.6%), repossessing stolen properties (2%), and appointing people with clean records to positions (1.6%).

***Fig.30 Perceived perception on the governments commitment in the fight against corruption***




[11] Article 100 (3), Section 5(2) of Cap 412 the Kenyan Constitution.
[12] Article 102,

***Fig.31 Perceived perception on the governments' commitment in the fight against corruption by district***

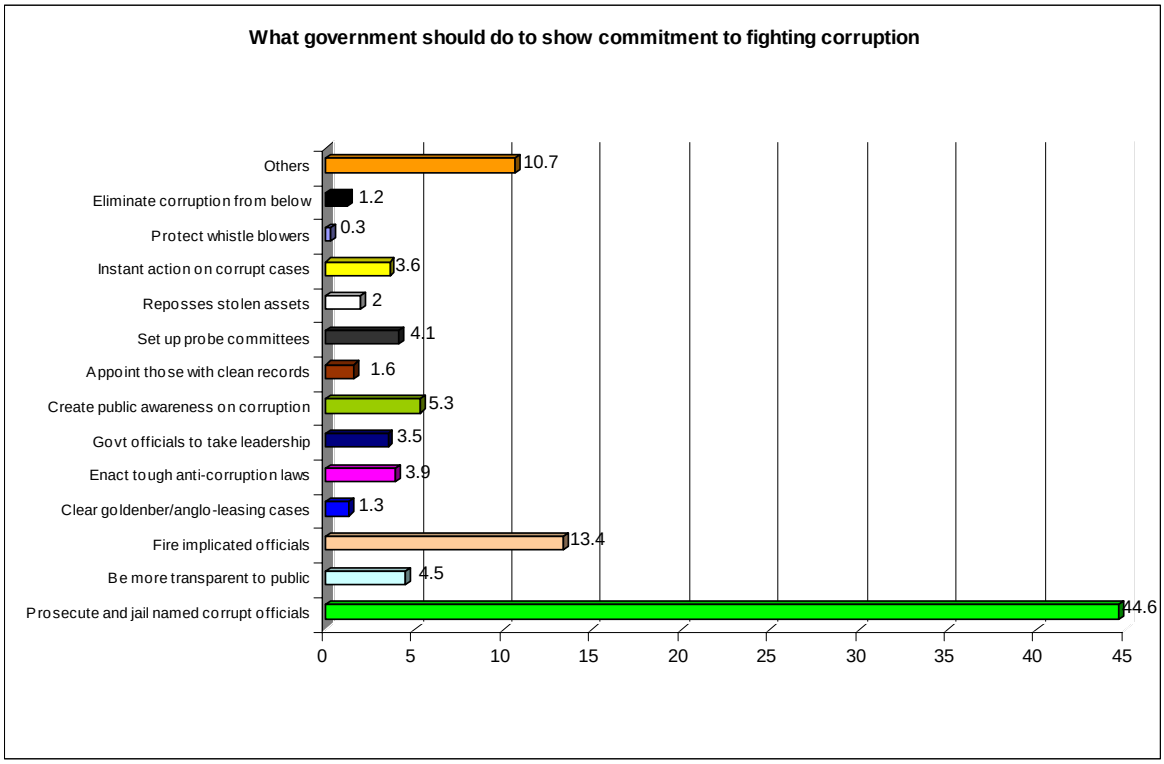



SLIGHTLY COMMITTED:
**Kisii Central, Kakamega, Kajiado, Rachuonyo, Narok, Kirinyaga, Siaya, Kwale, Thika, Meru Central, Meru South, Migori, Wajir, Mbeere, Makueni, Maragua, Kiambu, Nyandarua, Lugari, Bomet, Nyeri, Embu, Taita Taveta, Laikipia, Samburu, Nyamira, Murang'a, Bungoma, Baringo, Machakos, Nakuru, Suba, Marakwet, Koibatek, Nandi, Homa Bay, Garissa, Mombasa, Meru North, Lamu, Kisumu, Kilifi, Nairobi, Butere/ Mumias, Trans Nzoia, Uasin Gishu, Vihiga, Isiolo, Kericho, Mwingi.**

NOT COMMITTED AT ALL:
**West Pokot, Busia, Trans Mara.**

## 3.15.0 What the Government Needs to do to Show Commitment.

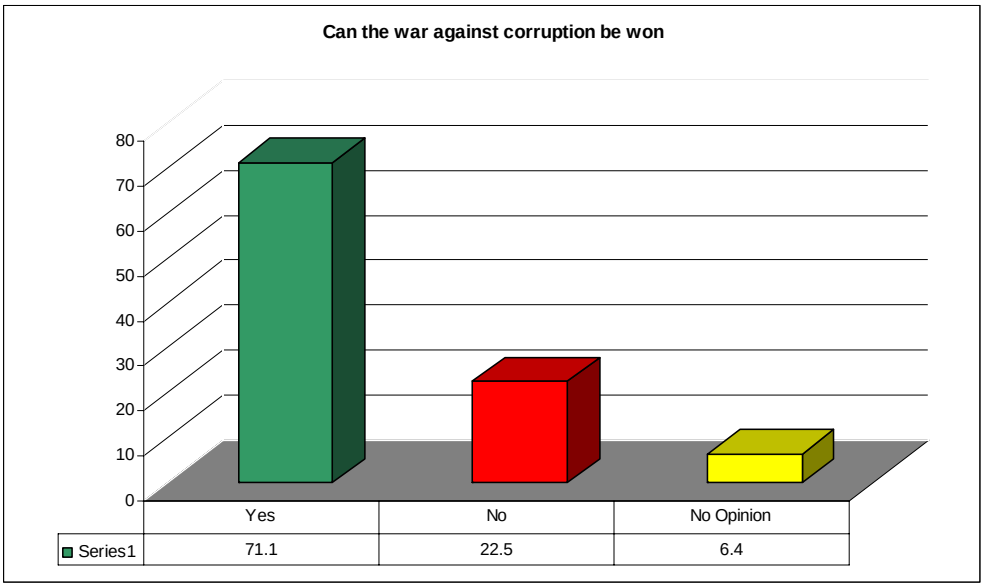
***Fig.32 Proposed actions that would indictae the governments' commitment in the fight against corruption***




Most of the respondents feel that the government should prosecute and jailed named corrupt officials (44%), fire implicated officials and educate the public on corruption (13.4%).

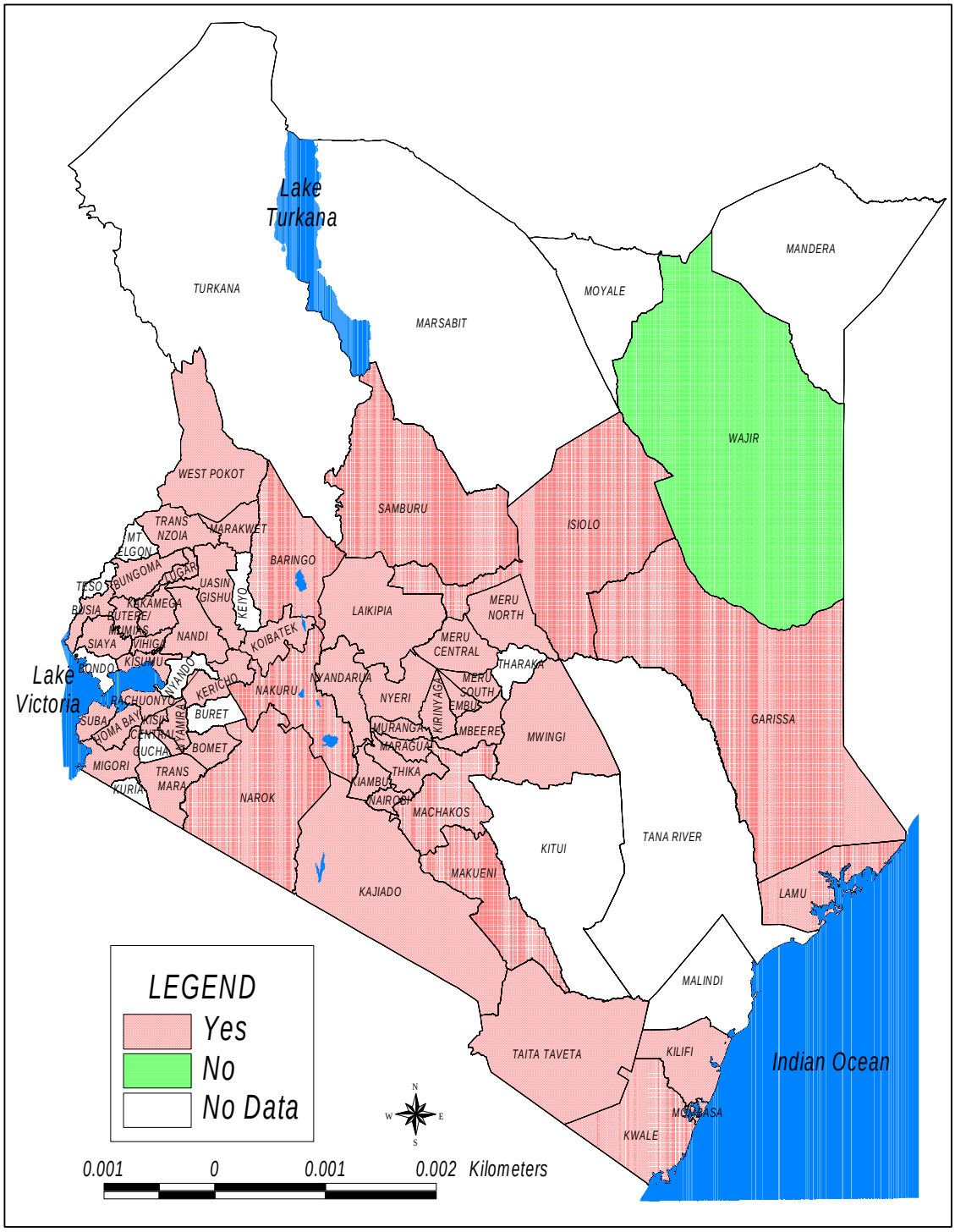
### 3.16.0 Whether the war against corruption be won

*Fig.33 Confidence on the war against corruption*




A majority of Kenyans (71.1%) believe that the war against corruption can be won. However, 22.5% are pessimistic, stating that the war cannot be won with 6.4% having no opinion on the matter.

***Fig.34 Confidence on the war against corruption by district***



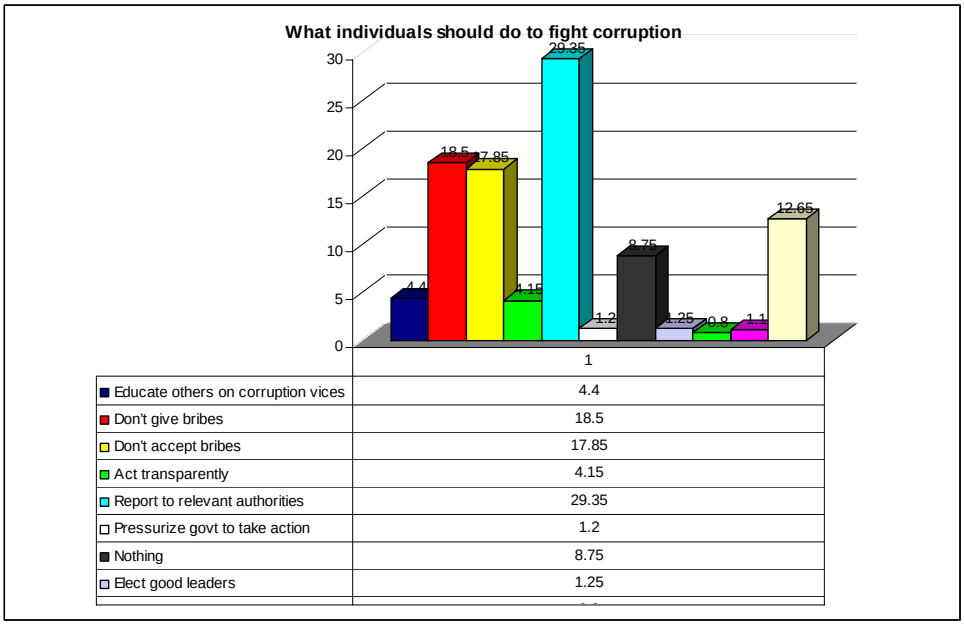

YES:
**West Pokot, Busia, Trans Mara, Kisii Central, Kakamega, Kajiado, Rachuonyo, Narok, Kirinyaga, Siaya, Kwale, Thika, Meru Central, Meru South, Migori, Mbeere, Makueni, Maragua, Kiambu, Nyandarua, Lugari, Bomet, Nyeri, Embu, Taita Taveta, Laikipia, Samburu, Nyamira, Murang'a, Bungoma, Baringo, Machakos, Nakuru, Suba, Marakwet, Koibatek, Nandi, Homa Bay, Garissa, Mombasa, Meru North, Lamu, Kisumu, Kilifi, Nairobi, Butere/ Mumias, Trans Nzoia, Uasin Gishu, Vihiga, Isiolo, Kericho, Mwingi.**

NO:
**Waiir.**

## 3.17.0 What Should Individuals Do To Fight Corruption

Reporting cases of corruption to relevant authorities is seen by most Kenyans (29.35%) as the best action that individuals need to take to fight corruption. Not giving bribes and not accepting bribes are mentioned by 18.5% and 17.85% respectively.

***Fig.35 Individual initiative to fight corruption***

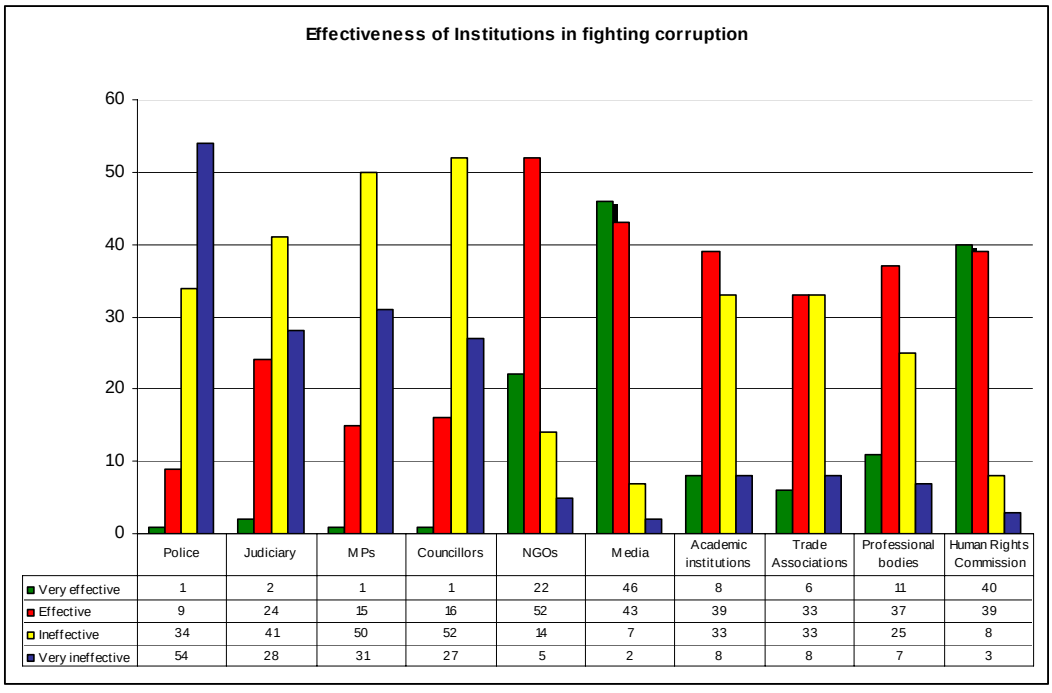



| | 1 |
|---|---|
| Educate others on corruption vices | 4.4 |
| Don't give bribes | 18.5 |
| Don't accept bribes | 17.85 |
| Act transparently | 4.15 |
| Report to relevant authorities | 29.35 |
| Pressurize govt to take action | 1.2 |
| Nothing | 8.75 |
| Elect good leaders | 1.25 |

## 3.18.0 Effectiveness Of Institutions In Fighting Corruption

"The functioning of the judicial system, prevalence of petty corruption, together with administrative barriers to setting up and running a business have been the major impediments to the proper functioning of the Kenyan economy, as well as the enforcement of the rule of law in the last decade." Lee Muthoga

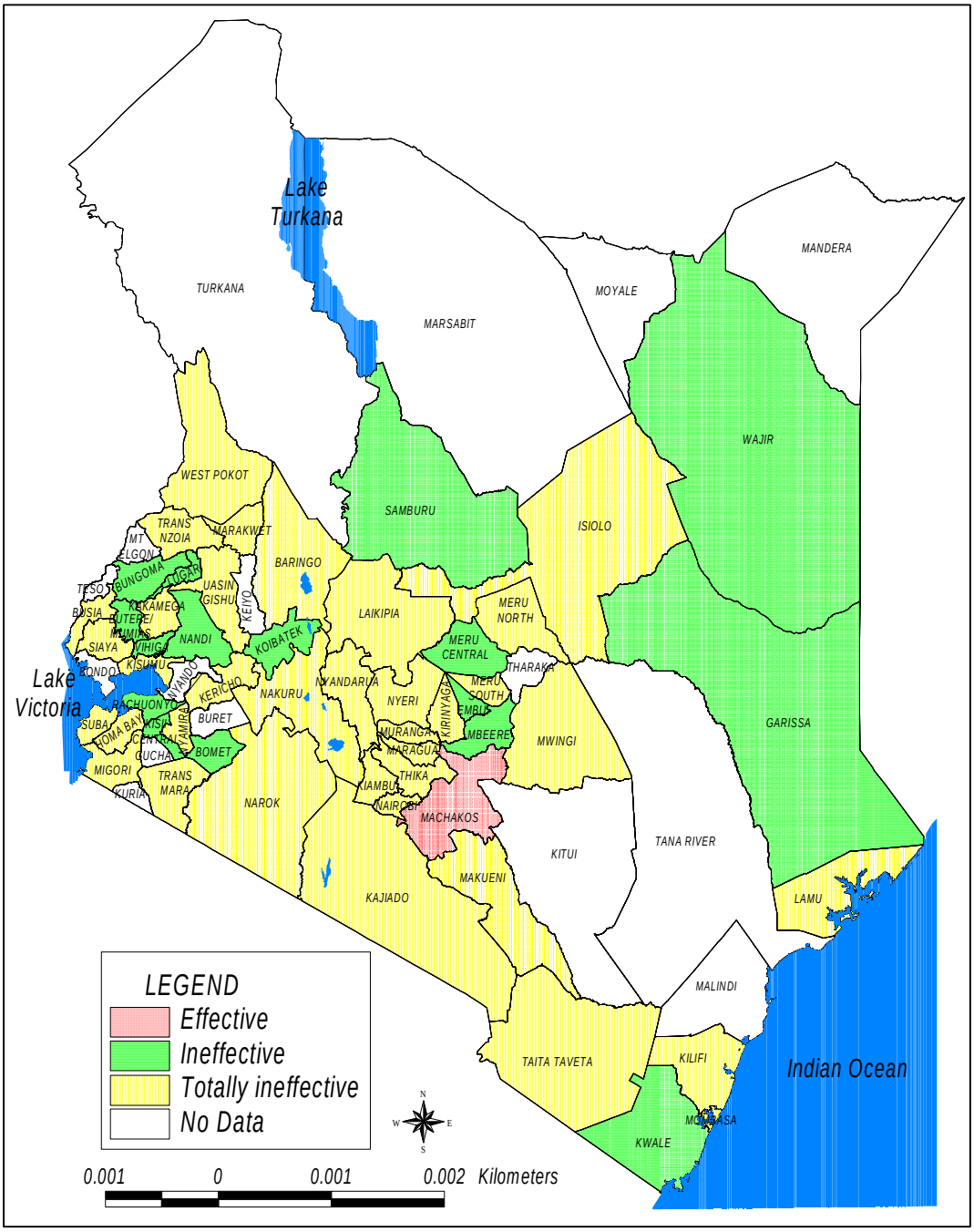
***Fig.36 Perceived effectiveness of individuals to fight corruption***




| | Police | Judiciary | MPs | Councillors | NGOs | Media | Academic institutions | Trade Associations | Professional bodies | Human Rights Commission |
|---|---|---|---|---|---|---|---|---|---|---|
| Very effective | 1 | 2 | 1 | 1 | 22 | 46 | 8 | 6 | 11 | 40 |
| Effective | 9 | 24 | 15 | 16 | 52 | 43 | 39 | 33 | 37 | 39 |
| Ineffective | 34 | 41 | 50 | 52 | 14 | 7 | 33 | 33 | 25 | 8 |
| Very ineffective | 54 | 28 | 31 | 27 | 5 | 2 | 8 | 8 | 7 | 3 |

The police are the least rated in its effectiveness in the fight against corruption. Only 1% feel that the police is highly effective in the fight. 9% say the force is effective while 34% say it is ineffective. 54% feel that the force is totally ineffective. On the other hand, the media and the Human Rights Commission score highly with 89% and 79% respectively saying that they are effective in the fight against corruption. Members of Parliament are rated poorly with 81% saying they are ineffective in the fight.

*Fig 37: Percieved effectiveness of police in fighgting corruption by districts*

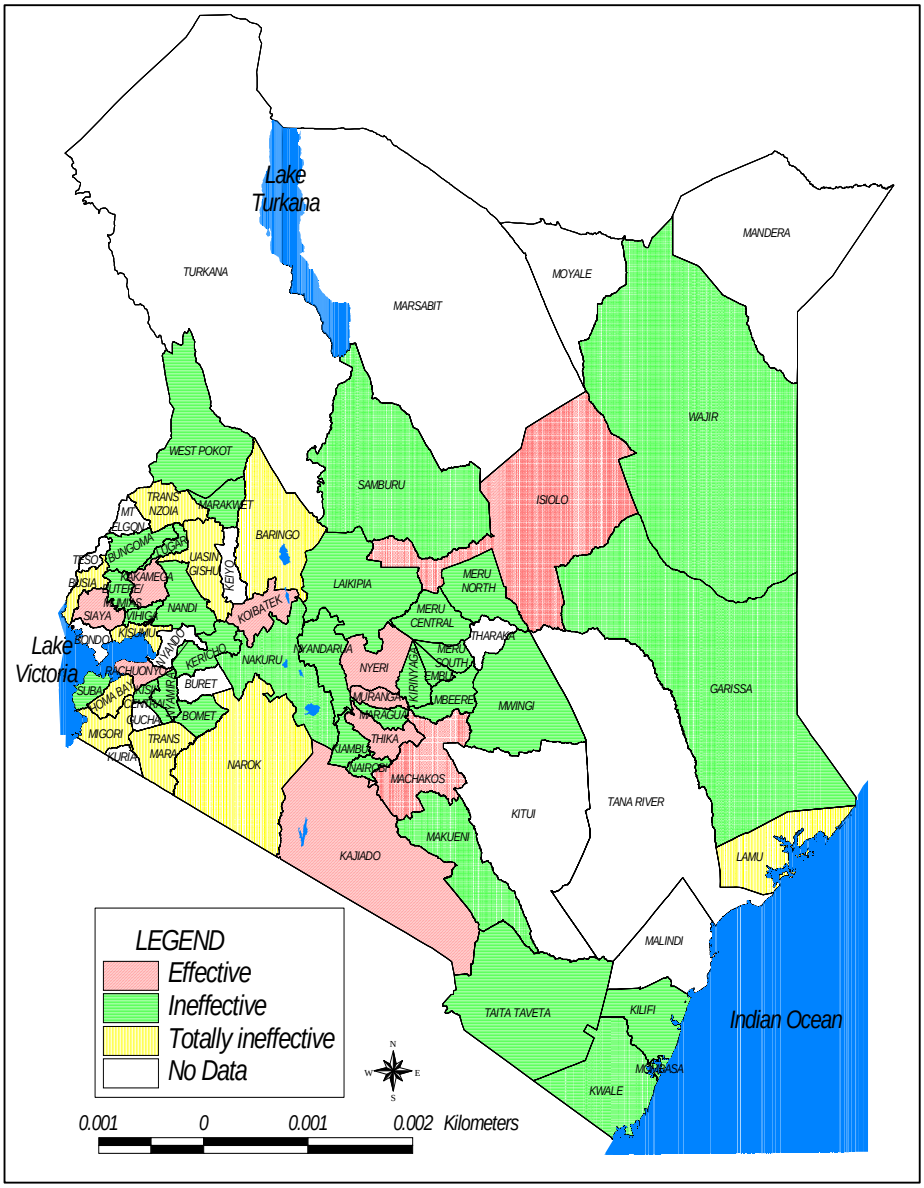



EFFECTIVE:
**Machakos.**

INEFFECTIVE:
**Kisii Central, Garissa, Nandi, Butere/ Mumias, Embu, Koibatek, Kwale, Vihiga, Bungoma, Meru Central, Lugari, Samburu, Bomet, Mbeere, Rachuonyo, Wajir.**

TOTALLY INEFFECTIVE:
**West Pokot, Busia, Trans Mara, Kakamega, Kajiado, Narok, Kirinyaga, Siaya, Thika, Meru South, Migori, Makueni, Maragua, Kiambu, Nyandarua, Nyeri, Taita Taveta, Laikipia, Nyamira, Murang'a, Baringo, Nakuru, Suba, Marakwet, Homa Bay, Mombasa, Meru North, Lamu, Kisumu, Kilifi, Nairobi, Trans Nzoia, Uasin Gishu, Isiolo, Kericho, Mwingi.**

*Fig 38: Perceived effectiveness of the judiciary fighting corruption*

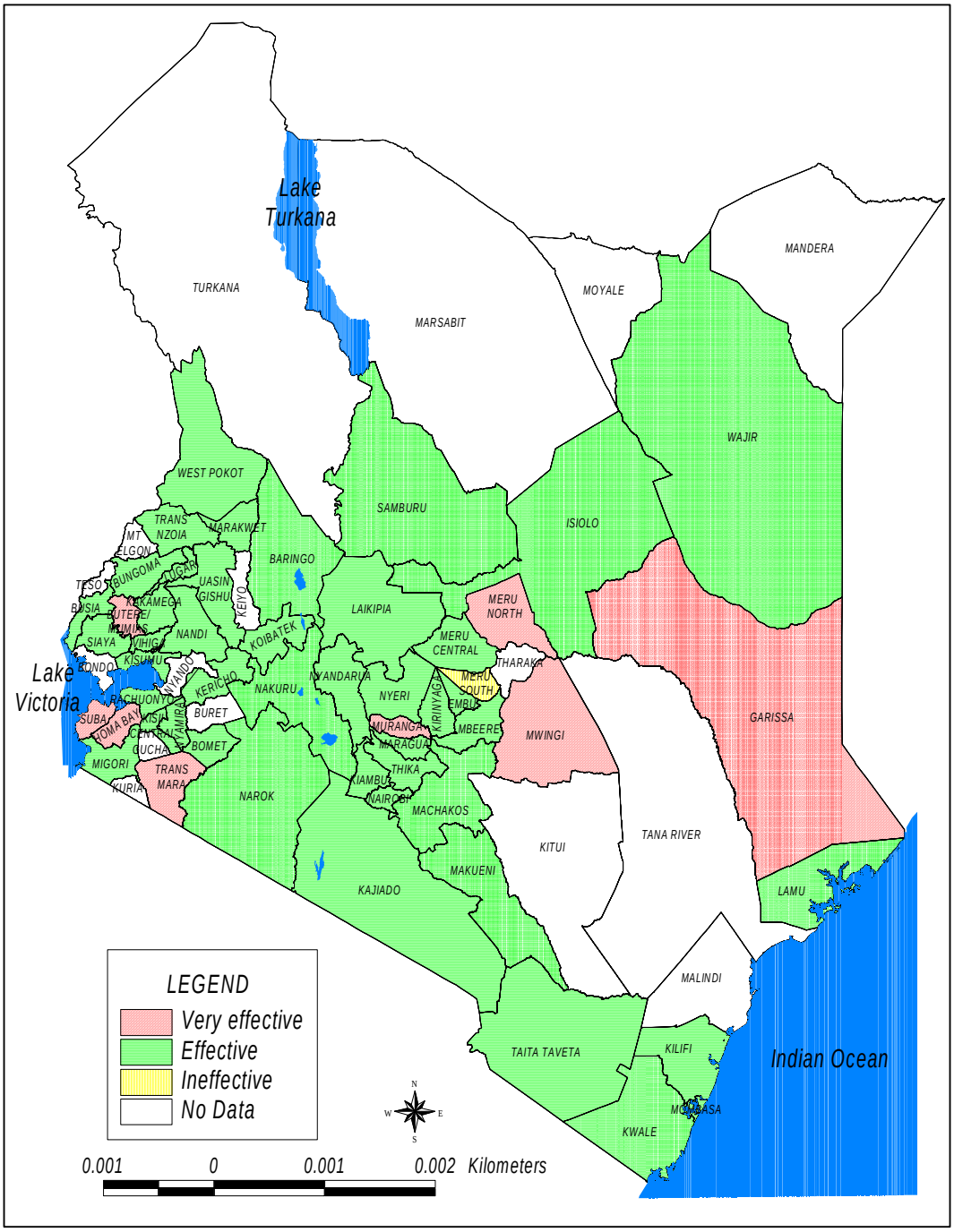



EFFECTIVE:
**Siaya, Murang'a, Nyeri, Rachuonyo, Thika, Isiolo, Machakos, Koibatek, Kakamega, Kajiado.**

INEFFECTIVE:
**Kisii Central, Garissa, Nandi, Butere/ Mumias, Embu, Kwale, Vihiga, Bungoma, Meru Central, Lugari, Samburu, Bomet, Mbeere, Wajir, West Pokot, Kirinyaga, Meru South, Makueni, Maragua, Kiambu, Nyandarua, Taita Taveta, Laikipia, Nyamira, Nakuru, Suba, Marakwet, Mombasa, Meru North, Kilifi, Nairobi, Kericho, Mwingi.**

TOTALLY INEFFECTIVE:
**Narok, Migori, Trans Mara, Trans Nzoia, Lamu, Uasin Gishu, Kisumu, Busia, Homa Bay, Baringo,**

*Fig 39: Perceived effectiveness of the NGOs fighting corruption*




VERY EFFECTIVE:

**Butere/ Mumias, Trans Mara, Garissa, Murang'a, Mwingi, Meru North, Suba, Homa Bay.**

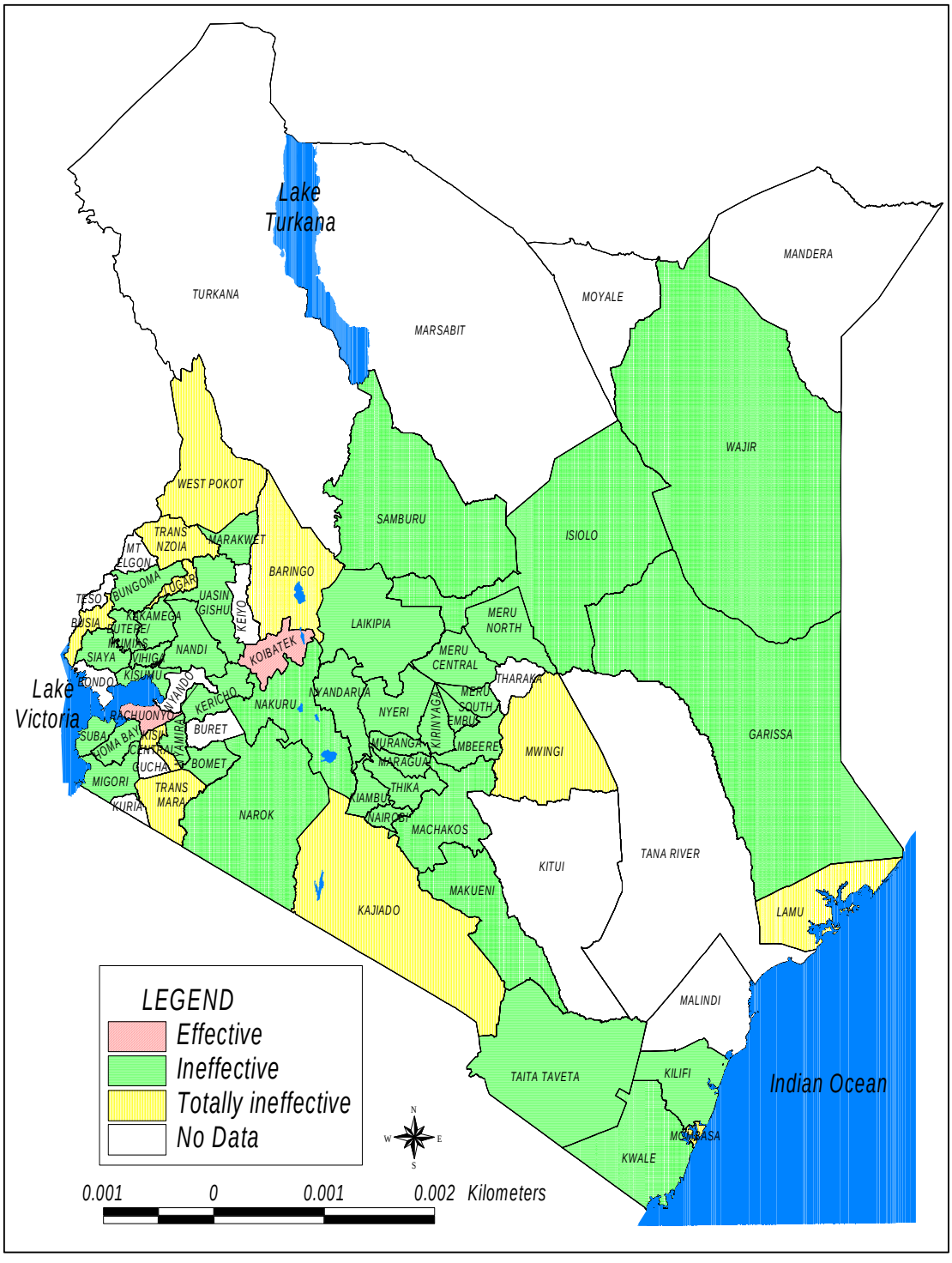
EFFECTIVE:

**Rachuonyo, Koibatek, Nandi, Embu, Kwale, Vihiga, Bungoma, Meru Central, Samburu, Bomet, Mbeere, Wajir, Kirinyaga, Makueni, Maragua, Kiambu, Nyandarua, Taita Taveta, Laikipia, Nyamira, Nakuru, Marakwet, Kilifi, Nairobi, Kericho, Narok, Migori, Uasin Gishu, Kisumu, Siaya, Nyeri, Thika, Isiolo, Machakos, Kakamega, Lugari, Mombasa, Trans Nzoia, Lamu, Kisii Central, Busia, Kajiado, Baringo, West Pokot.**

INEFFECTIVE:

**Meru South.**

*Fig 40: Perceived effectiveness of members of parliament fighting corruption*




EFFECTIVE:
**Rachuonyo, Koibatek.**

INEFFECTIVE:

**Garissa, Nandi, Butere/ Mumias, Embu, Kwale, Vihiga, Bungoma, Meru Central, Samburu, Bomet, Mbeere, Wajir, Kirinyaga, Meru South, Makueni, Maragua, Kiambu, Nyandarua, Taita Taveta, Laikipia, Nyamira, Nakuru, Suba, Marakwet, Meru North, Kilifi, Nairobi, Kericho, Narok, Migori, Uasin Gishu, Kisumu, Homa Bay, Siaya, Murang'a, Nyeri, Thika, Isiolo, Machakos, Kakamega.**

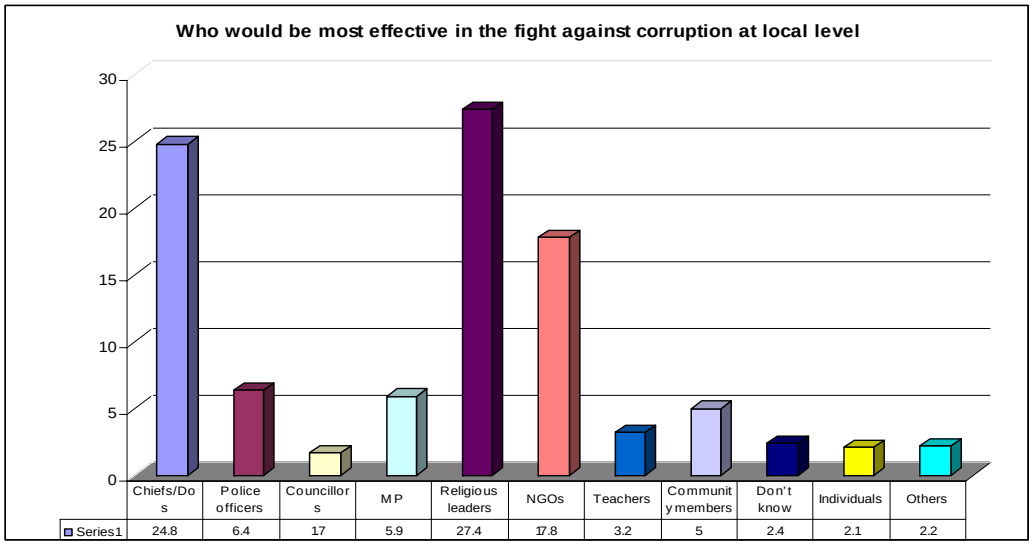
TOTALLY INEFFECTIVE:

**Lugari, Mombasa, Mwingi, Trans Mara, Trans Nzoia, Lamu, Kisii Central, Busia, Kajiado, Baringo, West Pokot.**

## 3.19.0 Local Leadership Of The Fight Against Corruption

Religious leaders are mentioned by the highest percentage of Kenyans (27.4%) as best suited to lead the fight against corruption at local level. Local administration officials, DOs and chiefs (24.8%), NGOs (17.8%) are some of the others mentioned strongly to take local leadership in the fight against corruption. Member of Parliament and councilors are mentioned by a small percentage of Kenyans.

*Fig41: Most effective perceived individuals in the fight against corruption at local level*




## 3.20.0 National Leadership In The Fight Against Corruption

The President is mentioned by an overwhelming majority of Kenyans as the person to take national leadership in the fight against corruption. 73.2% mention the president when asked to name who they think should take the leadership. Police commissioner (4.3%), media (4.6%), and parliament are also mentioned. Others mentioned albeit insignificantly include ambassadors, Speaker of National Assembly, Transparency International, and Human Rights Commission.

*Fig 42: Most effective perceived individuals in the fight against corruption at national level*

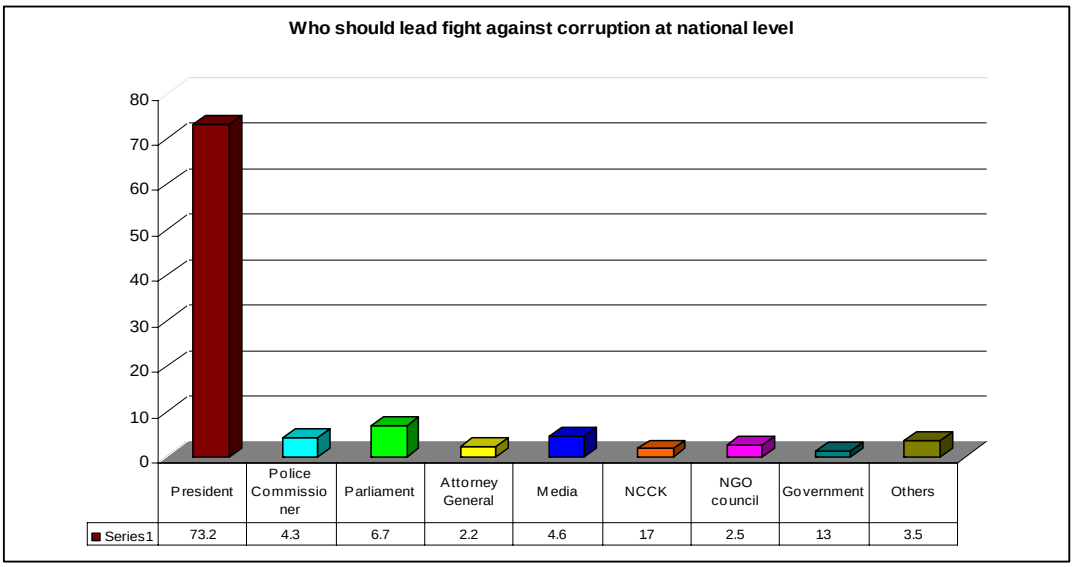
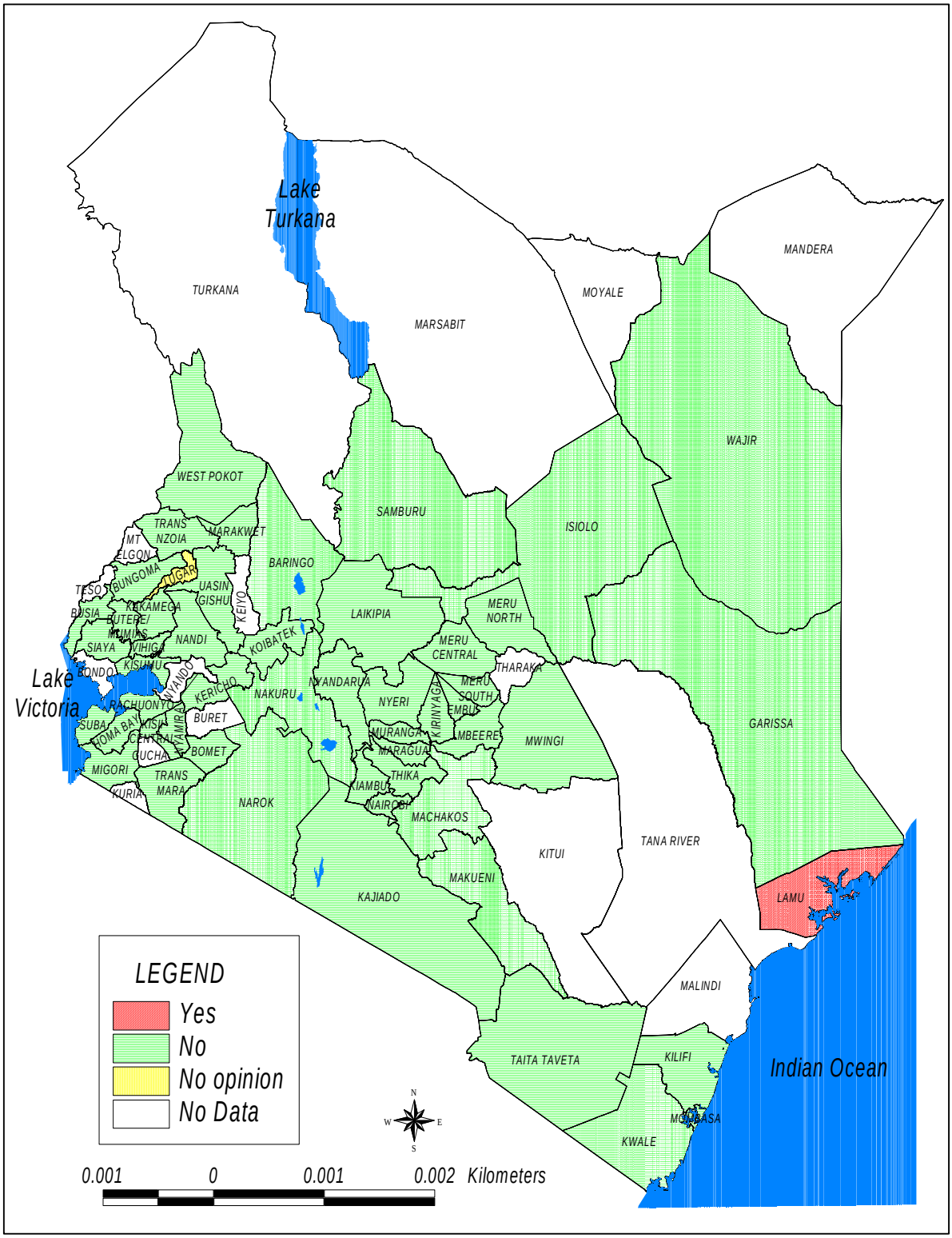


*Fig 43: Perceived commitment of leadership at the local level to fight corruption*



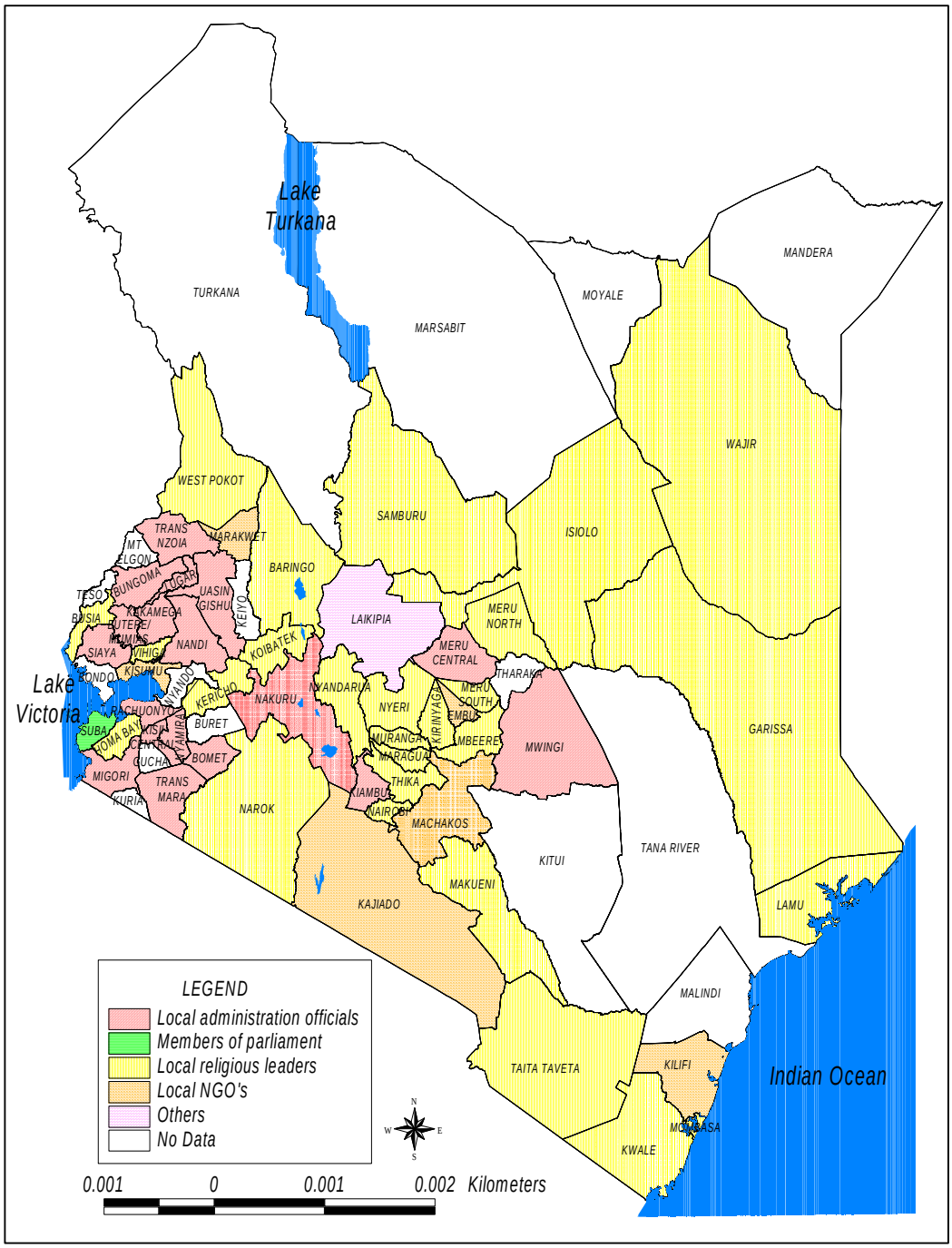

YES:

**Lamu.**

NO:

**Taita Taveta, Suba, Homa Bay, Rachuonyo, Kisumu, Garissa, Nyeri, Koibatek, Uasin Gishu, Butere/ Mumias, Narok, Wajir, Makueni, Bungoma, Marakwet, Nairobi, Nyandarua, Mwingi, Meru Central, Meru North, Murang'a, Migori, Mombasa, West Pokot, Trans Mara, Nandi, Embu, Vihiga, Bomet, Mbeere, Kiambu, Laikipia, Nyamira, Kilifi, Kericho, Siaya, Thika, Isiolo, Trans Nzoia, Kisii Central, Busia, Kajiado, Baringo, Meru South, Maragua, Nakuru, Machakos, Kwale, Kakamega, Kirinyaga, Samburu.**

*Fig44: Who would be the most effective in fighting corruption at the community level*




LOCAL ADMINISTRATION OFFICIALS:

**Bungoma, Siaya, Kiambu, Uasin Gishu, Kakamega, Kisii Central, Nandi, Nyamira, Rachuonyo, Nakuru, Mwingi, Lugari, Butere/ Mumias, Trans Nzoia, Migori, Bomet, Meru Central, Trans Mara.**

MPs:
**Suba.**

LOCAL RELIGIOUS LEADERS:
**Taita Taveta, Homa Bay, Garissa, Nyeri, Koibatek, Lamu, Narok, Wajir, Makueni, Nairobi, Nyandarua, Meru North, Murang'a, Mombasa, West Pokot, Vihiga, Mbeere, Kericho, Thika, Isiolo, Busia, Baringo, Meru South, Maragua, Kwale, Kirinyaga, Samburu,**

LOCAL NGOs:
**Marakwet, Embu, Kajiado, Kilifi, Kisumu, Machakos.**

OTHERS:
**Laikipia.**

### 3.21.0 Where Would You Report Corruption Cases.

CID is mentioned by most people (27.2%), as the most likely place they would report a case of corruption. 16.5% say they would report to KACCA; 12.8% to local administration officials (chiefs, DO); while 8.1% say they would not report to anybody.

*Fig 45: Preference on where to report corruption cases*

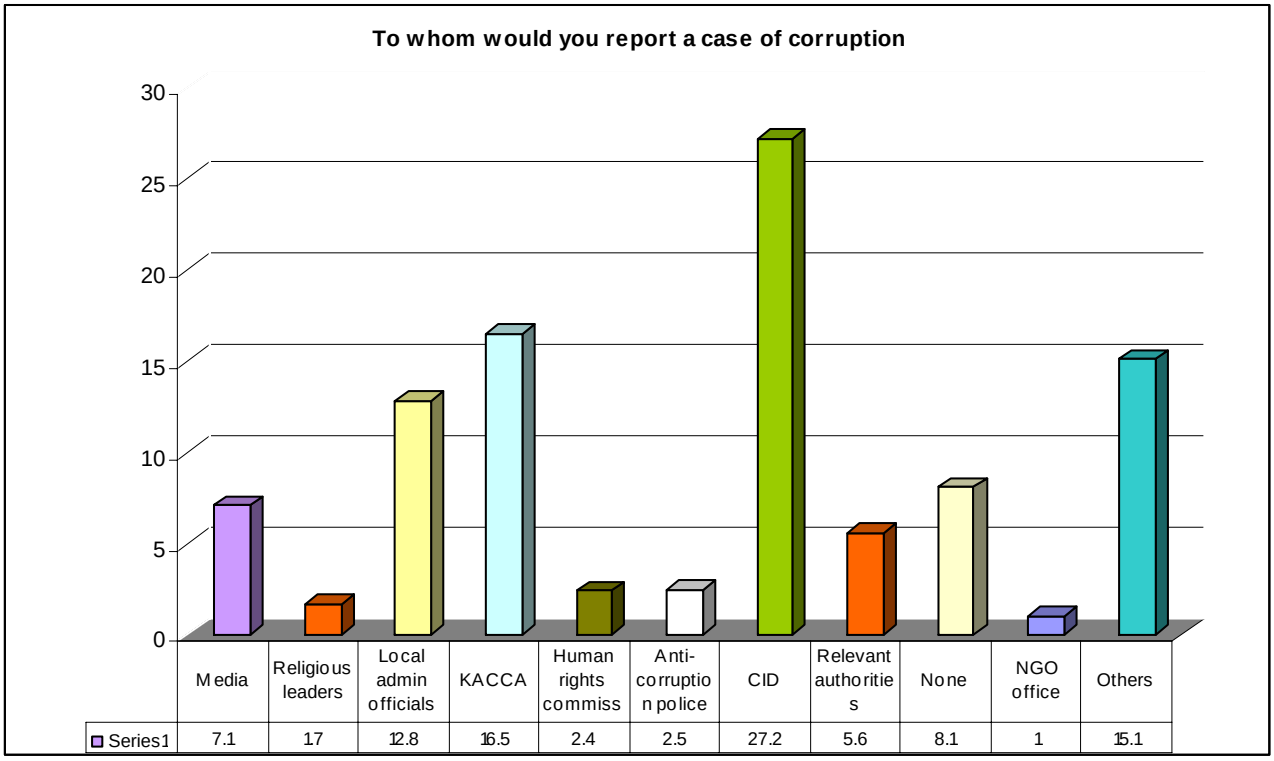
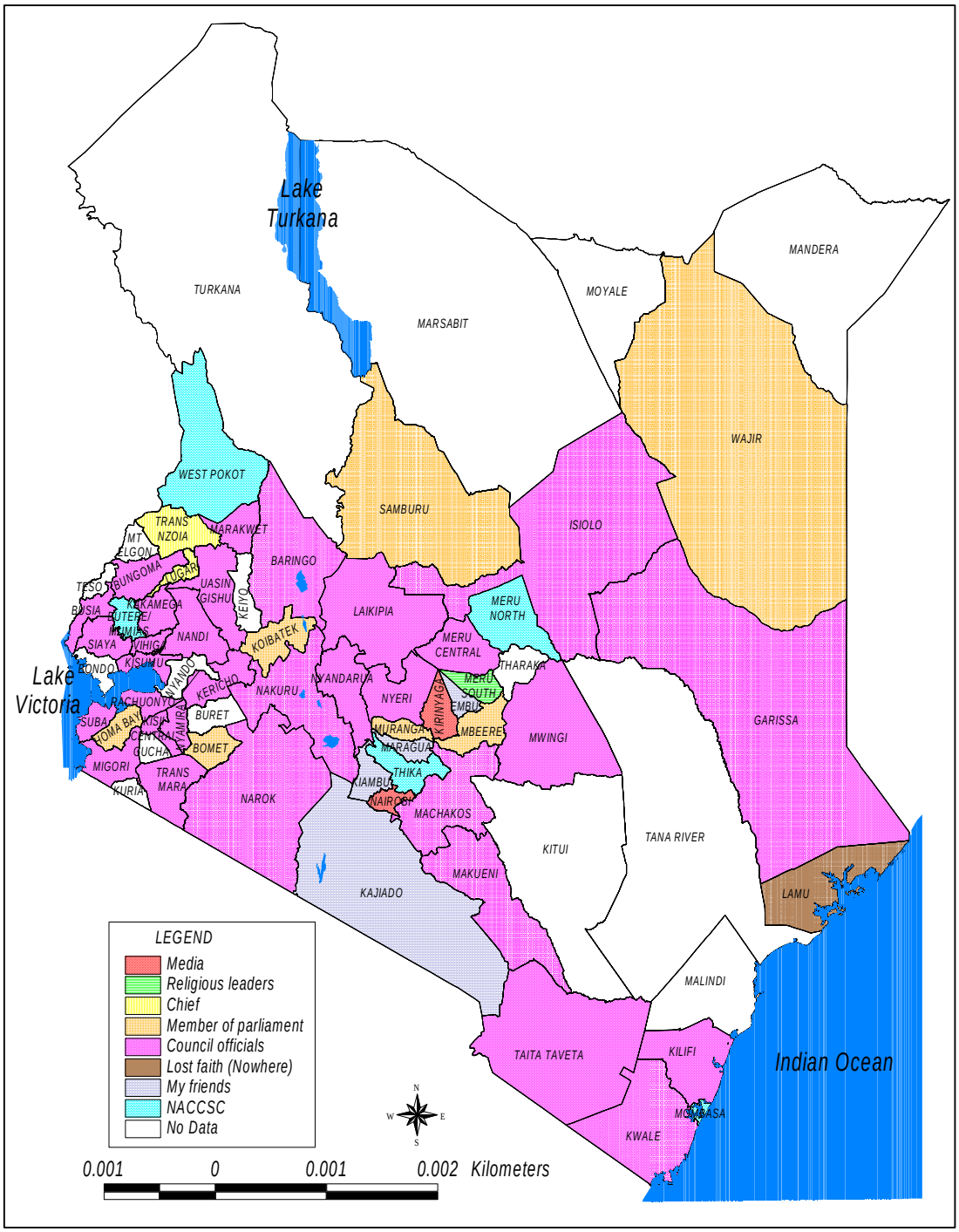


*Fig 46: Preference on where to report corruption cases by district*




MEDIA: **Lugari, Trans Nzoia.**

CHIEF: **Nairobi, Kirinyaga.**

MPs: Koibatek, Bomet, Homa Bay, Samburu, Wajir, Murang'a, Mbeere.

RELIGIOUS LEADERS: Meru South

COUNCIL OFFICIALS: **Taita Taveta, Suba, Rachuonyo, Kisumu, Garissa, Nyeri, Uasin Gishu, Narok, Makueni, Bungoma, Marakwet, Nyandarua, Mwingi, Meru Central, Migori, Trans Mara, Nandi, Vihiga, Laikipia, Nyamira, Kilifi, Kericho, Siaya, Isiolo, Kisii Central, Busia, Baringo, Nakuru, Machakos, Kwale, Kakamega.**

FRIENDS: **Kiambu, Embu, Maragua, Kajiado.**

NACCSC: **Butere/ Mumias, Meru North, West Pokot, Thika, Mombasa.**

NOWHERE (LOST FAITH):

### 3.22.0 Reactions To Various Scenarios On Corruption.

A lot of people would prefer to do nothing even if they witnessed different cases of corruption. The most likely action people would take is to report to the relevant authorities or do nothing at all. However, people are more likely to protest when they feel they are personally being short-changed like a shopkeeper selling underweight sugar. They would rather do nothing or discuss with a friend about an officer promoting a secretary he has an affair with.

*Table 6: Reactions to various scenarios on corruption*

| Scenario | Report to relevant authorities | Protest there | Tell a friend | Nothing | Don't know |
|---|---|---|---|---|---|
| A matatu driver bribing a policeman to let a defective vehicle pass | 47.2 | 12.5 | 4.1 | 34.1 | 2.1 |
| A chief allowing a cousin to brew and sell changaa | 54.4 | 17.3 | 5.7 | 20.5 | 2.1 |
| Govt officer using government vehicle for personal errands | 47 | 6.1 | 6.1 | 35.3 | 5.5 |
| An officer promoting a secretary he has an affair with | 34.8 | 12.1 | 13.5 | 33.6 | 6 |
| Shopkeeper selling underweight sugar to customers | 33.5 | 52.7 | 4.5 | 7.9 | 1.3 |
| Headmaster admitting unqualified child to school | 43.1 | 16.4 | 5.5 | 30.8 | 4.2 |
| Officer making false claims for payment from the office | 50.1 | 6.5 | 4.1 | 30.1 | 9.4 |

### 3.23.0 Agreement With Statements On Corruption.

Kenyans feel that community members are obligated to come to the defense of their leader if they feel accusations against them are wrong. 86.5% of Kenyans think that political leaders are actually corrupt.

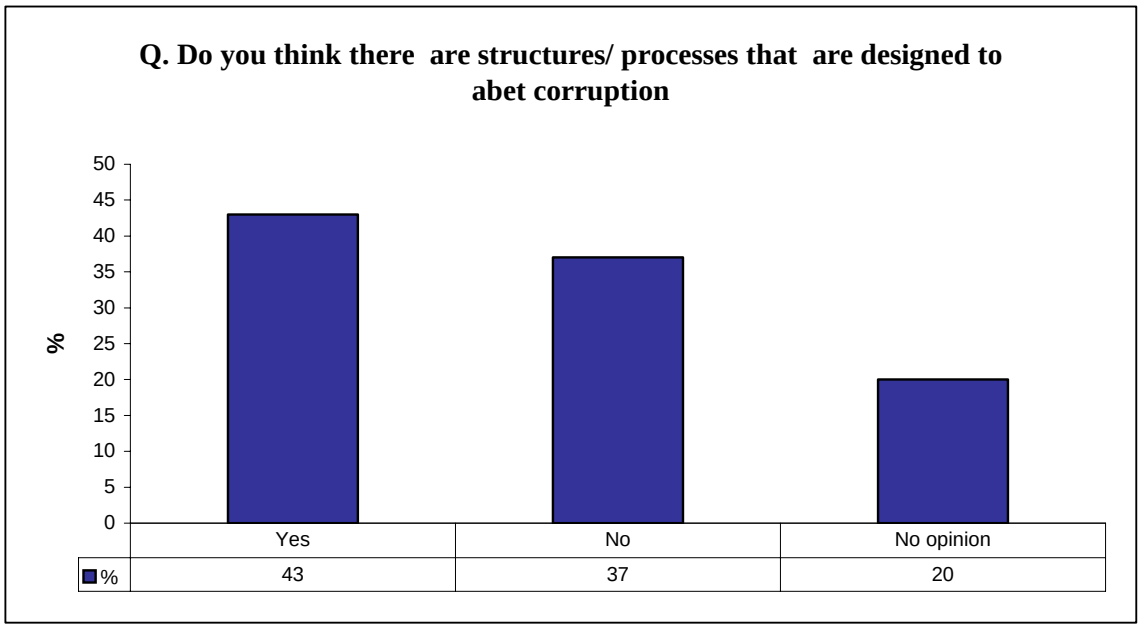
*Table 7: Agreement with statements on corruption*

| | Agree | Disagree | Don't know |
|---|---|---|---|
| Political leaders are pushed into corruption by public pressure and expectations | 22.2 | 75.1 | 2.7 |
| Political leaders are not as corrupt as people are made to believe | 11.3 | 86.5 | 2.2 |
| Engaging in corruption comes with the office of political leaders and there is nothing wrong in it | 6.7 | 90.6 | 2.6 |
| I can forgive my member of parliament/councilor for engaging in corruption as long as the proceeds are used for the development of the community | 23.6 | 73.9 | 2.4 |
| My foremost consideration for electing a member of parliament is his/her development record irrespective of whether he/she is corrupt | 22.1 | 75.4 | 2.5 |
| Because leaders at national level are engaged in corruption, I expect my MP to act likewise | 8.1 | 89.9 | 2 |
| Engaging in corruption is not a handicap to good leadership | 17.8 | 79 | 3.2 |
| Community members are obligated to come to the defense of their leader if they consider accusations wrong | 47.8 | 49 | 3.2 |
| Leaders who use money for he benefit of their community should be defended if they face charges | 23.6 | 72.8 | 3.6 |

### 3.24.0 Structures That Abet Corruption

A majority of Kenyans feel that there are certain structures and processes that are designed to abet corruption. 43% say that such structures and processes exist and provide fertile avenues for corruption. 37% however feel that there are no structures designed to abet corruption. 20% have no opinion on the issue.

*Fig 47 Existence of structures that abet corruption*




Asked which structures and processes are designed to abet corruption, the most mentioned is the process of obtaining government documents such as passports and birth certificates.

*Fig 48 Perceived procedures that abet corruption*

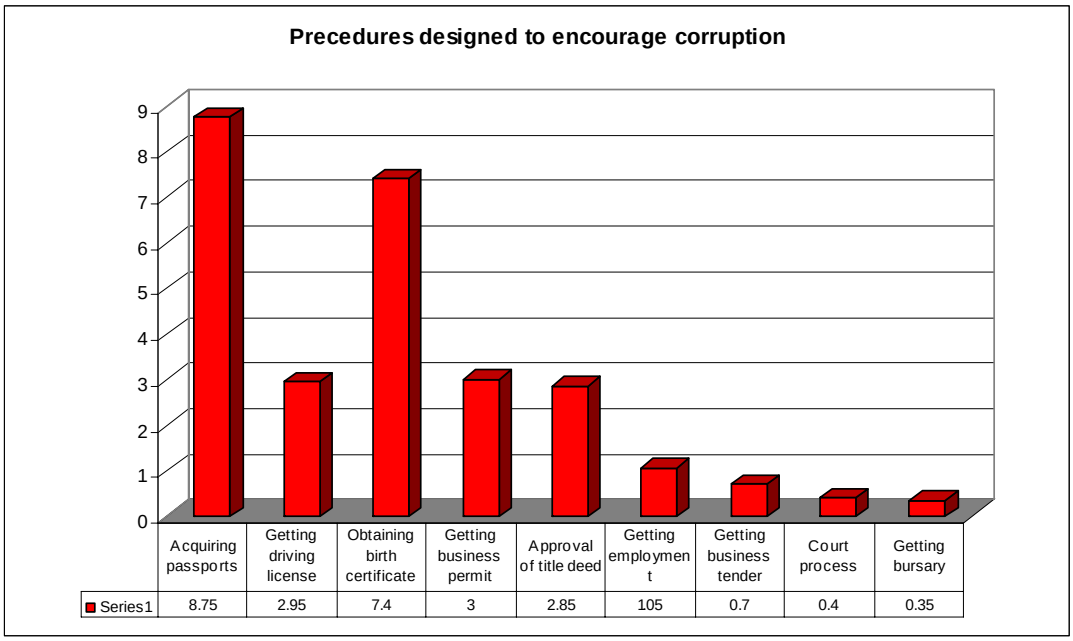
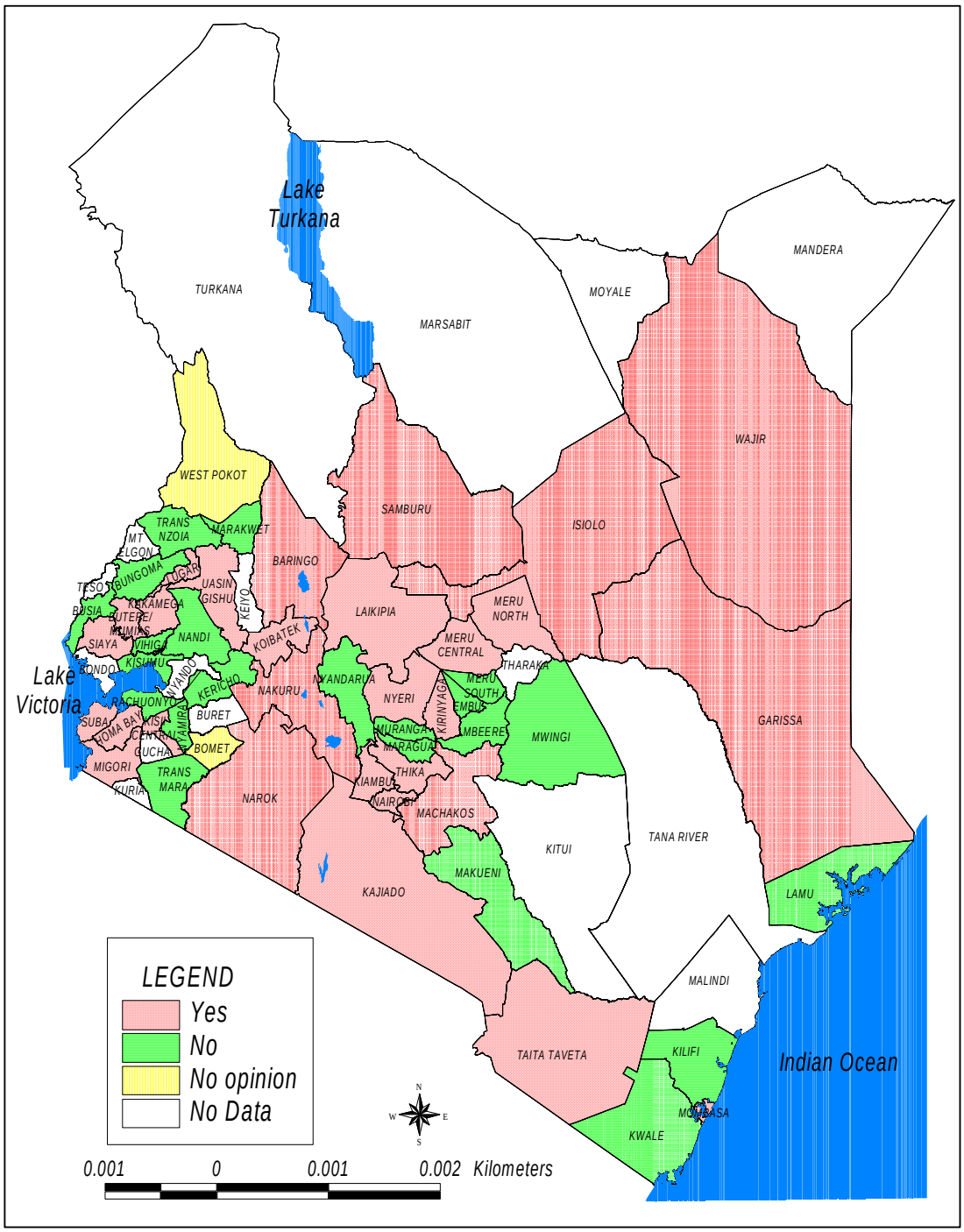


*Fig 49 Existence of structures that abet corruption by districts*




YES:
**Taita Taveta, Suba, Homa Bay, Garissa, Nyeri, Koibatek, Uasin Gishu, Butere/ Mumias, Narok, Wajir, Nairobi, Meru Central, Meru North, Migori, Mombasa, Kiambu, Laikipia, Siaya, Thika, Isiolo, Kisii Central, Kajiado, Baringo, Nakuru, Machakos, Kakamega, Kirinyaga, Samburu, Lugari.**

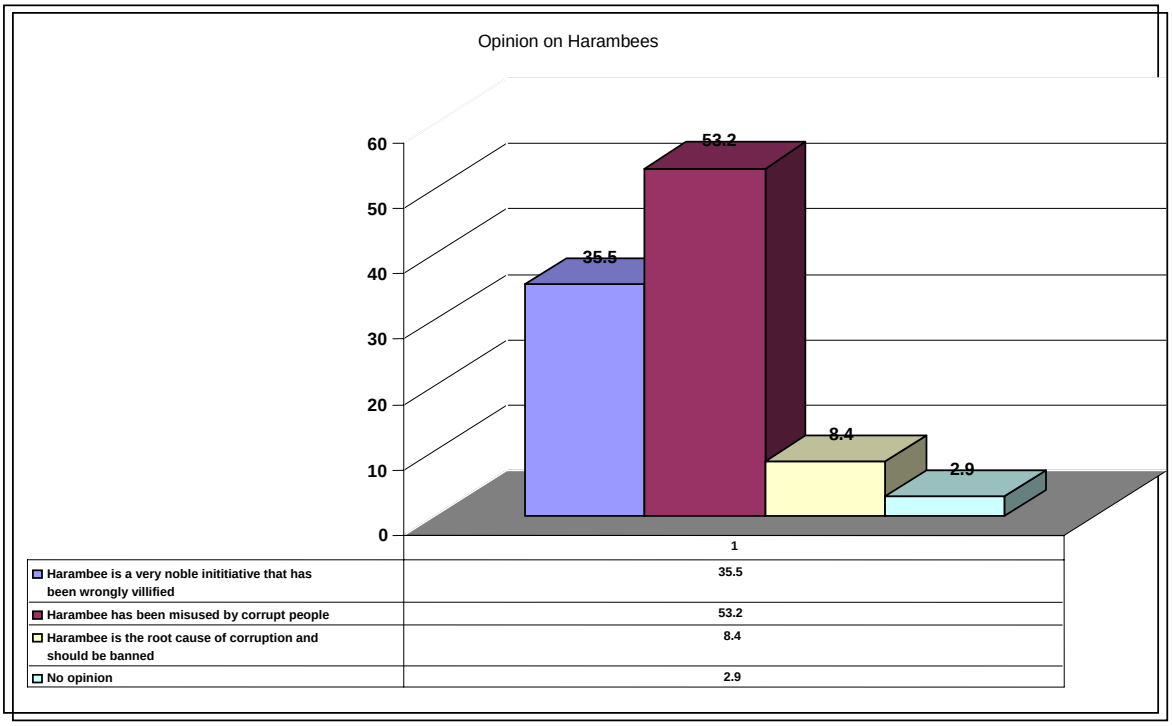
NO:
**Nyandarua, Vihiga, Bungoma, Trans Mara, Trans Nzoia, Busia, Embu, Kilifi, Kericho, Lamu, Kisumu, Kwale, Rachuonyo, Makueni, Maragua, Marakwet, Mbeere, Nyamira, Meru South, Nandi, Murang'a, Mwingi.**

NO OPINION:
**West Pokot, Bomet,**

### 3.25.0 Opinion On Harambees.

35.5% of Kenyans say harambee is a very noble initiative that has been wrongly vilified. 53.2% say the harambee spirit has been misused by corrupt people while only 8.4% agree with the statement that harambee is the root cause of corruption in the country and should be banned.

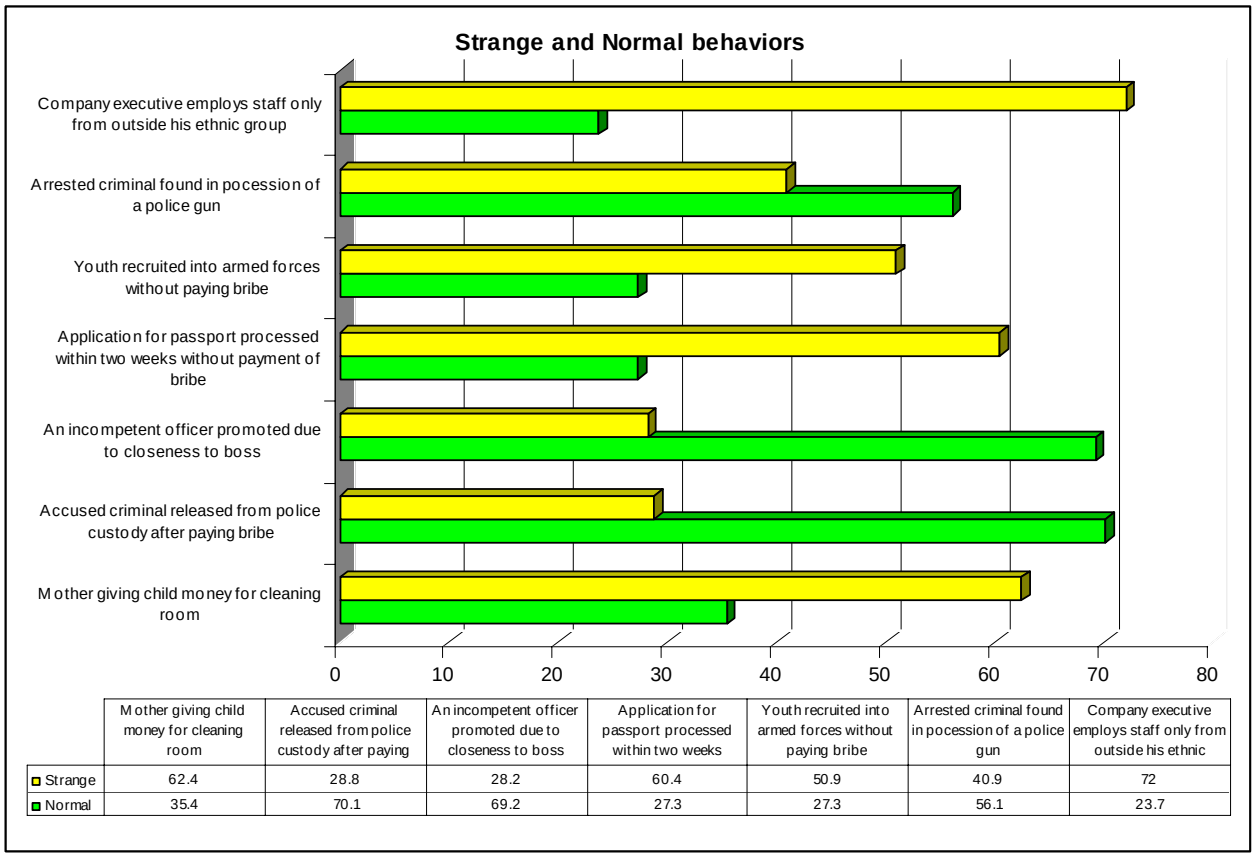
*Fig 50 Opinion on harambees*



### 3.26.0 Normal And Strange Behaviors

Asked whether they found a certain behavior normal or strange, respondents gave very interesting responses. 35% of Kenyans, for example would find it normal if a mother rewards her child for cleaning his room compared to 62% who say such an action is strange. Actions such as a criminal being released from police custody after paying a bribe is found to be normal by over 70% of Kenyans. Only 28% find such a thing as strange. 60% of Kenyans would find it difficult to believe that a passport can be processed within two weeks if a bribe is not paid. 72% of Kenyans would find it strange that a company executive employs all his staff from outside his ethnic community.

*Fig 51 What is normal, what is strange!*




| | Mother giving child money for cleaning room | Accused criminal released from police custody after paying | An incompetent officer promoted due to closeness to boss | Application for passport processed within two weeks | Youth recruited into armed forces without paying bribe | Arrested criminal found in pocession of a police gun | Company executive employs staff only from outside his ethnic |
|---|---|---|---|---|---|---|---|
| Strange | 62.4 | 28.8 | 28.2 | 60.4 | 50.9 | 40.9 | 72 |
| Normal | 35.4 | 70.1 | 69.2 | 27.3 | 27.3 | 56.1 | 23.7 |

*Fig 52. Awareness of campaigns on corruption by districts*

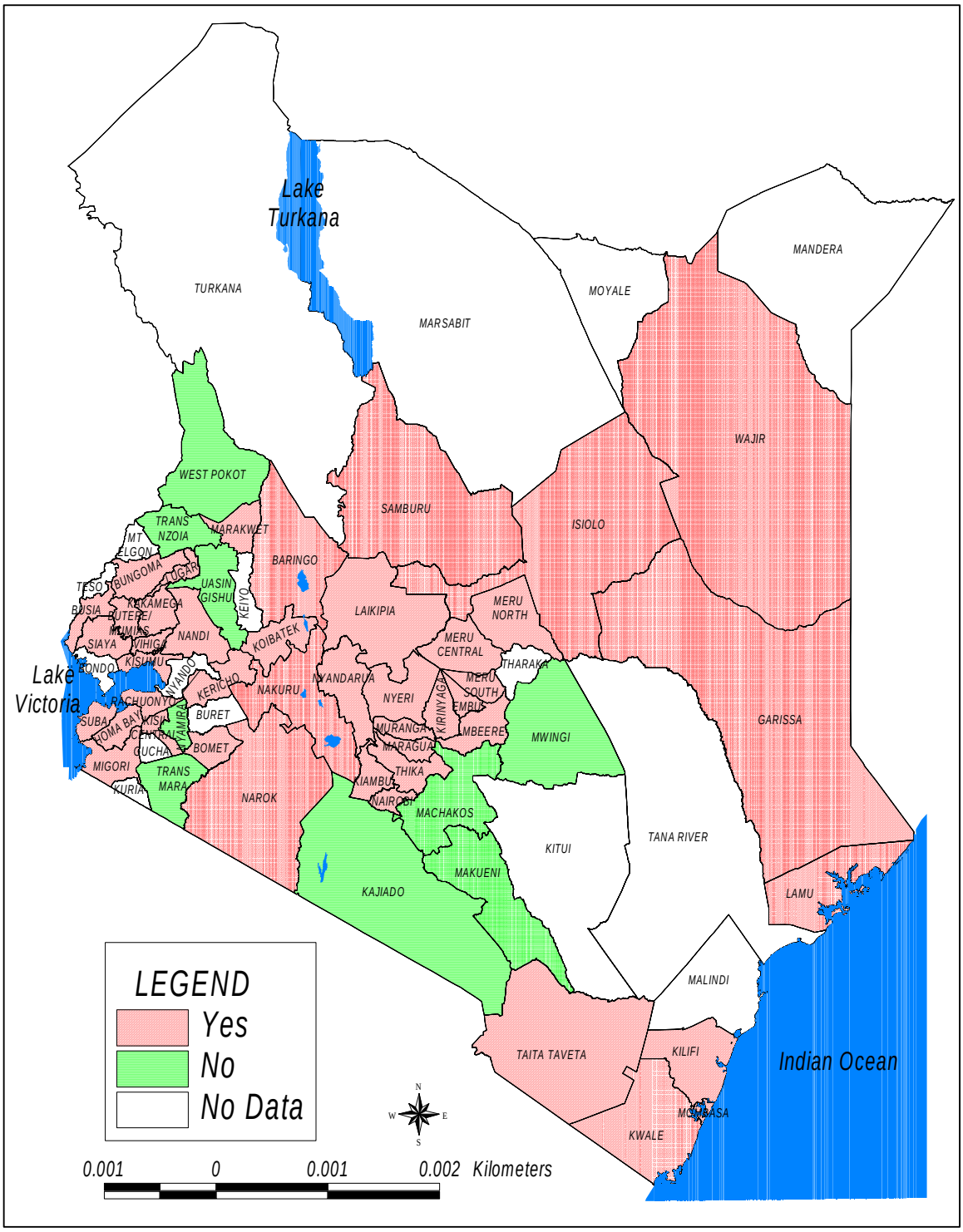
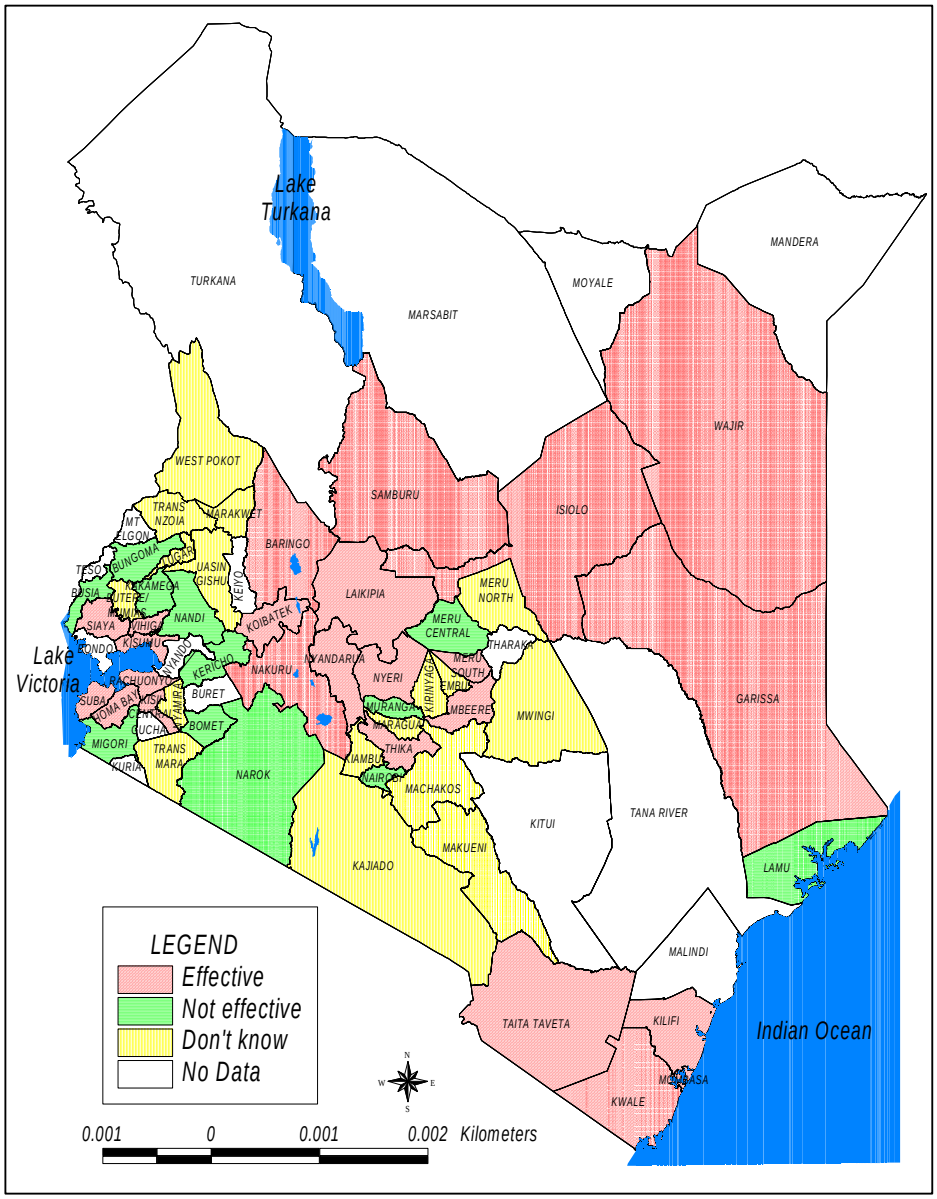


*Fig 53 Perceived effectiveness of campaigns on corruption by districts*




EFFECTIVE:

**Taita Taveta, Suba, Homa Bay, Garissa, Nyeri, Koibatek, Wajir, Mombasa, Laikipia, Siaya, Thika, Isiolo, Kisii Central, Baringo, Nakuru, Samburu, Nyandarua, Vihiga, Kilifi, Kisumu, Kwale, Rachuonyo, Mbeere, Meru South.**

NOT EFFECTIVE:

**Bomet, Meru Central, Bungoma, Murang'a, Busia, Nairobi, Narok, Kakamega, Nandi, Migori, Lamu, Kericho.**

DON'T KNOW

**Lugari, Machakos, Makueni, Nyamira, Maragua, Kiambu, Embu, Butere/ Mumias, Kajiado, Trans Mara, Trans Nzoia, Mwingi, Uasin Gishu, Marakwet, West Pokot, Meru North, Kirinyaga.**

### 3.27.0 Lessons learnt from the anticorruption campaigns

The lesson most learnt from the anti-corruption campaign is that reporting a corrupt case helps in the fight against corruption. This is mentioned by 33.3% of Kenyans when asked what lessons they had learnt from the campaign. 6.5% say their lesson is that corruption increases the level of poverty in the country. Other lessons learnt are that corruption is illegal (2.3%); everyone should avoid being bribed. 4.3% however say they have learnt nothing. Significant is the 40% who say they have not heard of the effort to educate the public on corruption.

*Fig 54 Opinion on lessons learnt from the anticorruption campaign*

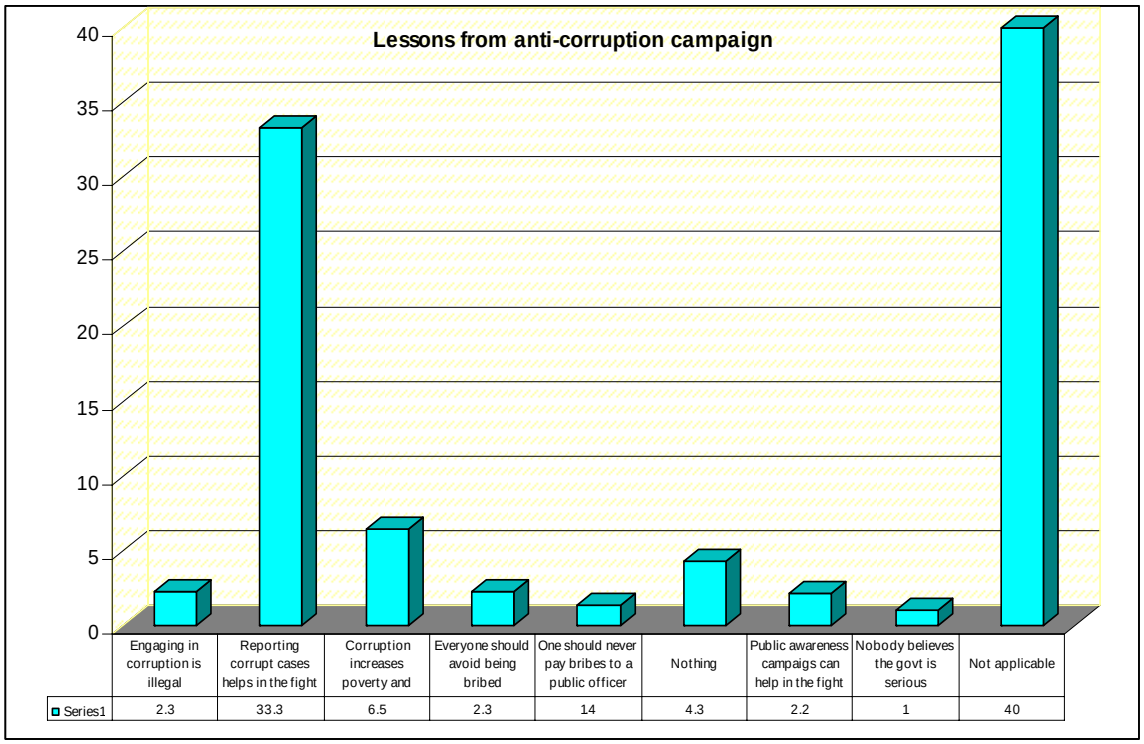
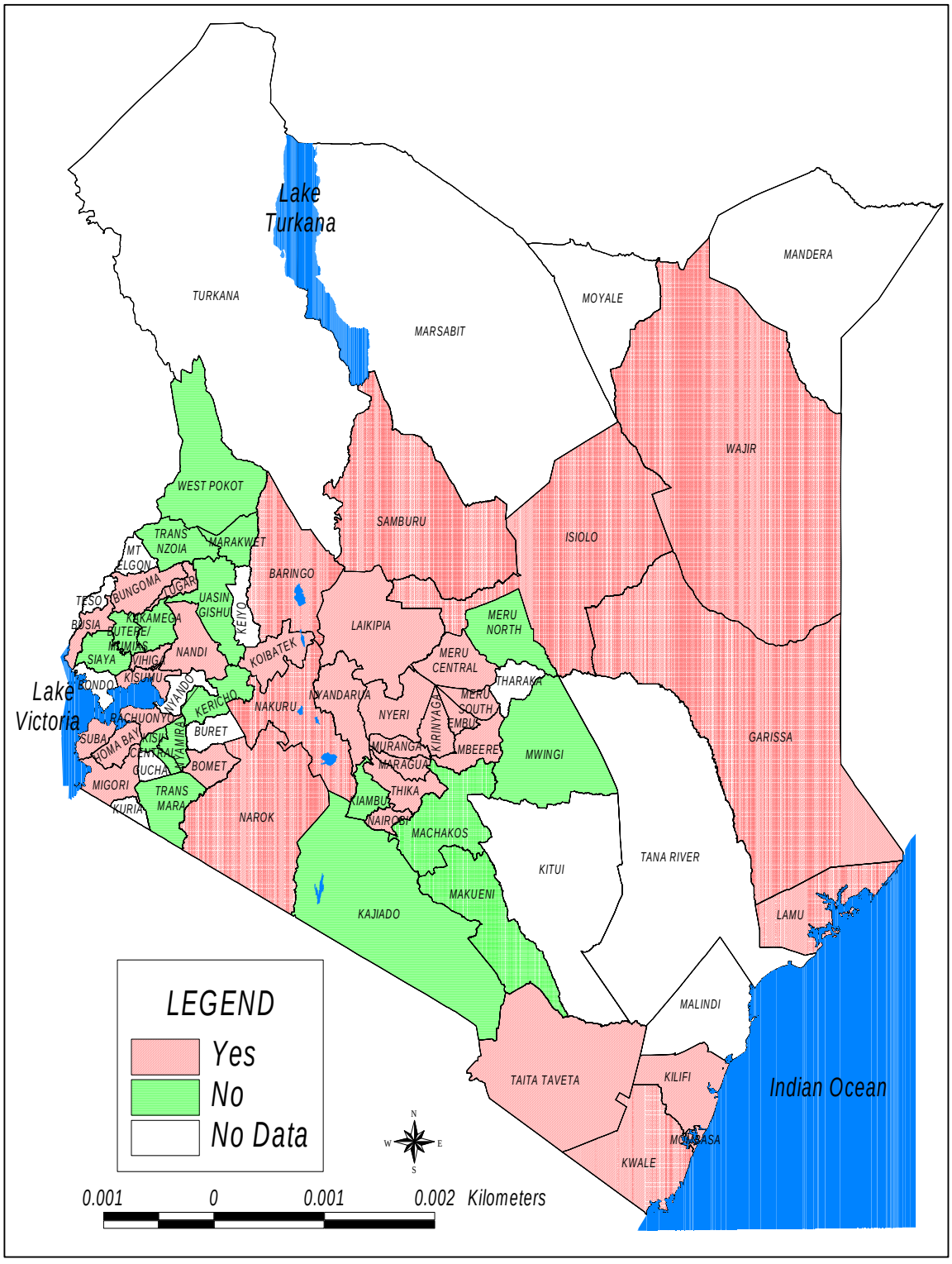


*Fig 55 Awareness of the 'Say No to corruption campaign' by district*




YES:

**Taita Taveta, Suba, Homa Bay, Garissa, Nyeri, Koibatek, Wajir, Mombasa, Laikipia, Thika, Isiolo, Baringo, Nakuru, Samburu, Nyandarua, Vihiga, Kilifi, Kisumu, Kwale, Rachuonyo, Mbeere, Meru South, Bomet, Meru Central, Bungoma, Murang'a, Busia, Nairobi, Narok, Nandi, Migori, Lamu, Lugari, Maragua, Embu, Kirinyaga.**

NO:

**Meru North, Mwingi, Siaya, Machakos, Makueni, Marakwet, Kisii Central, Kericho, Kiambu, Trans Mara, Trans Nzoia, Kakamega, Kajiado, Uasin Gishu, Butere/ Mumias, West Pokot, Nyamira.**

### 3.28.0 Sources Of Information On Anti-corruption Campaigns

**Media** coverage of corruption issues increased dramatically after the NARC government came to power. Radio, television and newspapers were awash with exposes of corruption and the media generally encouraged the citizens to report cases of corruption to the media houses. The increase in the number of FM stations added to the mobile phone penetration saw an upsurge in the number of people reporting cases of corruption to the media.

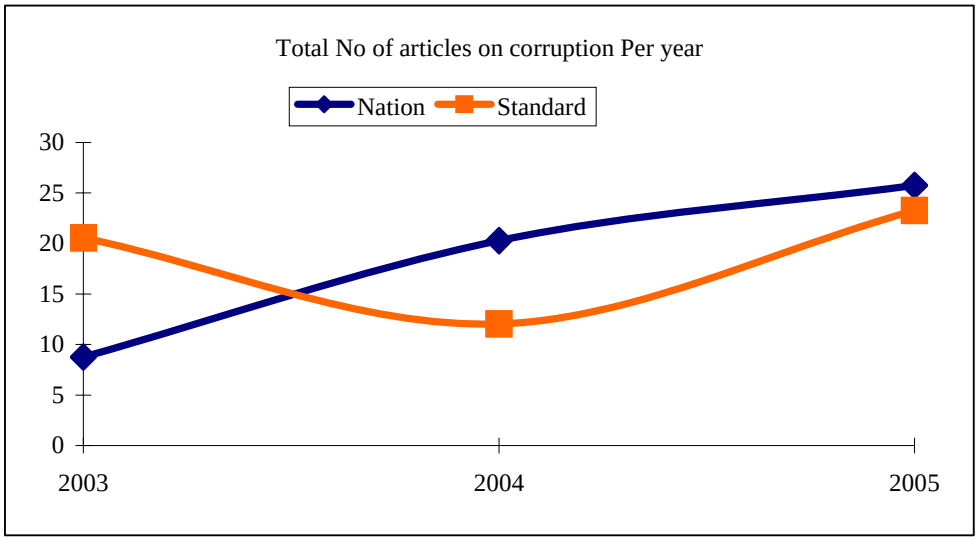
It is worth noting that the media is mentioned by a significant number of Kenyans as their preferred place for reporting crimes. This is partly because the media allows those reporting to remain largely anonymous while believing that they are doing their civic duties.

An analysis of the two leading newspapers, The Nation and Standard over the 2003 -2006 period on the way they covered corruption reveals an interesting picture of fluctuating intensity, a fact that can be attributed to the environment that has seen the judicial system bring up corruption matters, pursue them with intensity then let them drop. High coverage was noted especially during the time when the Goldenberg and Anglo-Leasing cases were hot news items.

### 3.29.0 Frequency Of Coverage Over The Three Years

While both publications have consistently reported issues on corruption, such stories were allocated slightly less than 30% of the total coverage. Over the period of analysis, The Nation was more consistent in allocating space to issues of corruption than the Standard. The Standard had previously allocated more space to corruption issues in 2003, slumped in the year 2004 and picked up again in 2005.

Fig. 56 *Average space of stories on corruption*

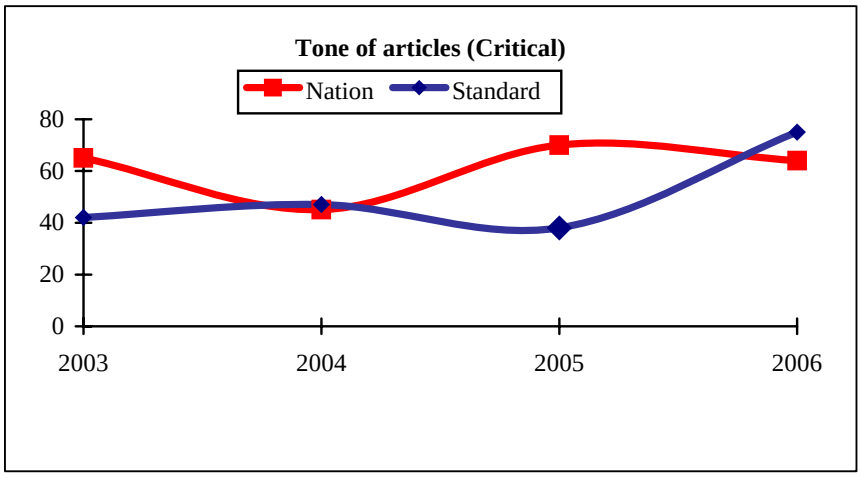



Coverage of issues of corruption heightened in the last three months of 2005 with both publications dedicating, sometimes, 70% of their total space to such stories.

The Standard and the Nation newspapers consistently wrote stories that portray corruption as a vice. However, it is worth noting that there has been a wavering on the part of the

newspapers in their criticism of corruption. For instance, in 2003 and 2005, The Nation newspaper gave more space to stories that were more critical of the agencies charged with fighting corruption including the government than The Standard but considerably toned down its criticism in the second half of 2005. The Standard on the other hand gave less space to unfavorable stories in 2003 and most of 2004 but has continually picked up the tempo and is currently giving more space to unfavorable stories than the Nation newspaper.

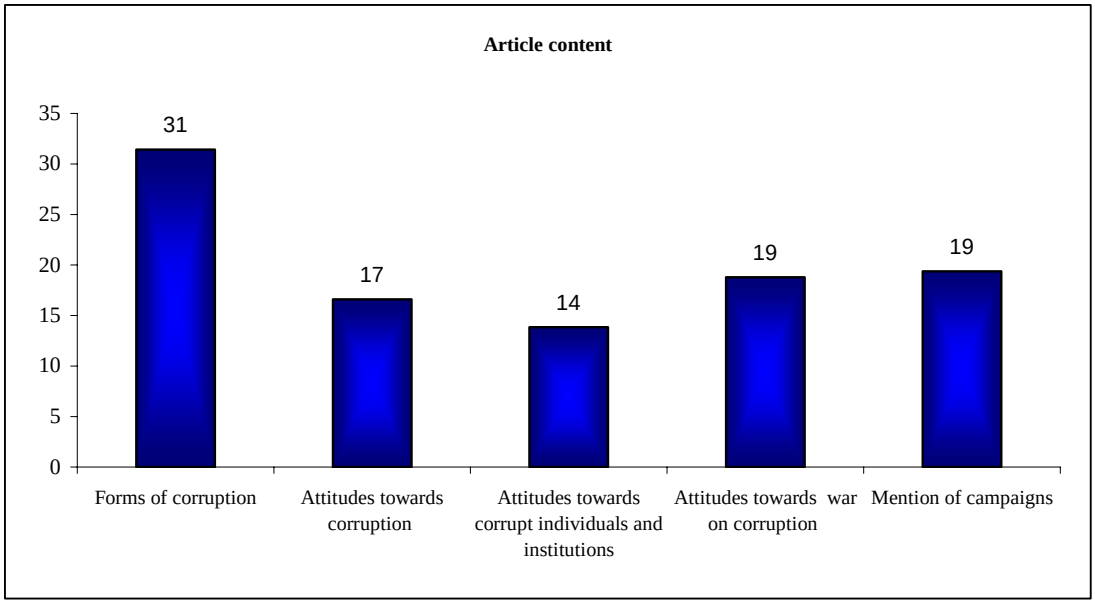
*Fig. 57 Tone of stories on corruption*




### 3.30.0 Content of Articles

While there is a balance in reporting content of corruption issues across the two prints, most of the content widely discussed forms of corruption taking place in different institutions and among individuals (31%). A greater part of the story content (38%) dwelt on suggestions and demands that action should be taken to counter corrupt individuals and acts of corruption in the country. See Fig. 3 below;

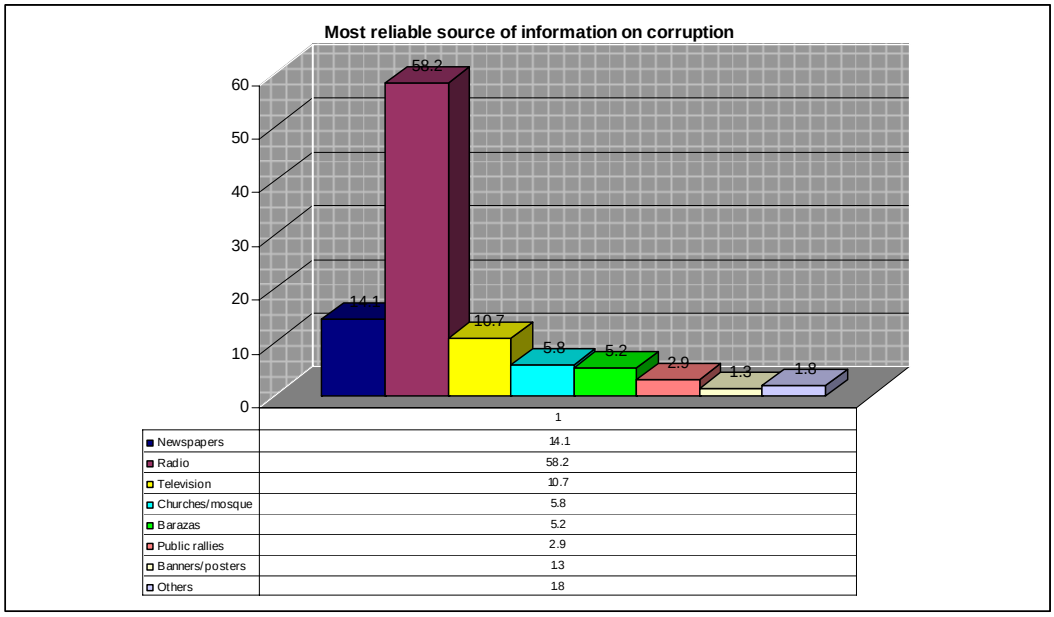
*Fig. 58 Content of stories covered by the media*



While the newspapers offer the best archival resource for reviewing the coverage over the last few years, the radio still remains the best source of information on corruption as indeed other news items.

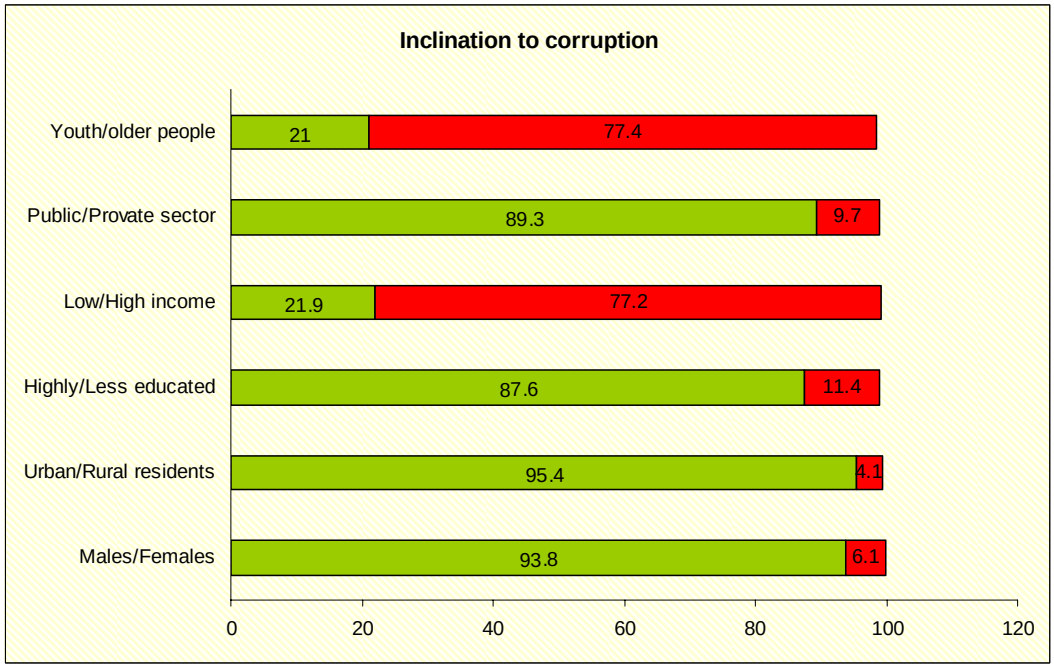
In the survey, Radio is mentioned by 58.2% of Kenyans as the most trusted source of information on corruption. Newspapers are mentioned by 14.1%; television, 10.7%; Churches/Mosques are mentioned by 5.8%.

*Fig.59 Most reliable source of information*




## 3.31.0 Inclination to corruption

*Fig.60 Perception on the most inclined to corruption*




- Most Kenyans feel that the older people are more likely to engage in corruption compared to youth.
- 77.4 % said the older.

### 3.32.0 Consequences of Corruption.

The main consequences of corruption as seen by Kenyans include increased levels of poverty; slow development for the general population; inequalities in income and unemployment. The following table gives some of the main consequences mentioned by Kenyans. The response is cross-analyzed by area of residence.

*Table 8: Consequences of corruption*

| | Urban % | Rural % | Total % |
|---|---|---|---|
| People become lazy | 0.23 | 0.33 | 0.56 |
| Inequality/favoring the rich | 1.4 | 1.6 | 3 |
| Erosion of a nation's international image | 0.83 | 0.9 | 1.73 |
| Slow development of public services | 7.8 | 8.7 | 16.5 |
| Poor governance | 1.2 | 1.4 | 2.6 |
| Lack of confidence in government | 1.7 | 1.8 | 3.5 |
| Injustice/criminals do not face the law | 0.9 | 1.2 | 2.1 |
| Poor services in public sector | 2.6 | 2.8 | 5.4 |
| Poverty | 7.2 | 3.9 | 11.1 |
| Widening gap between the poor and rich | 1.8 | 2.2 | 4 |
| Poor education standards | 2.8 | 0.9 | 3.7 |
| Unemployment | 5.8 | 6.9 | 12.7 |
| Tribalism/tribal clashes | 1.6 | 2.3 | 3.9 |
| Increase of squatters | 0.1 | 0.1 | 0.2 |
| Misuse of public funds | 0.7 | 0.6 | 1.3 |
| Starvation/hunger | 1.03 | 1.06 | 2.09 |
| Political instability | 0.7 | 0.6 | 1.3 |
| Discrimination | 0.4 | 0.7 | 1.1 |
| Poor infrastructure | 1.9 | 2.4 | 4.3 |
| Poor health services | 1 | 1 | 2 |
| Frustration | 0.4 | 0.3 | 0.7 |
| Land Grabbing | 0.16 | 0.3 | 0.46 |
| Increase in immorality | 0.3 | 0.4 | 0.7 |
| Insecurity/crime | 2.7 | 0.4 | 3.1 |
| People suffer consequences | 0.06 | 0.03 | 0.09 |
| Dishonesty/ Ghost workers | 0.3 | 0.5 | 0.8 |
| HIV/AIDS | 0.1 | 0.1 | 0.2 |
| Mass Action | 0.2 | 0.2 | 0.4 |
| Generation gap | 0.03 | 0.1 | 0.13 |
| Poor leadership | 0.1 | 0.1 | 0.2 |
| Increase in tax payment/evasion | 0.1 | 0.1 | 0.2 |
| Lack of blessings from God | 0.03 | 0.03 | 0.06 |
| Delay in completion of work | 0.1 | 0.06 | 0.16 |
| High cost of living standards | 0.26 | 0.4 | 0.66 |
| Hopelessness | 0.1 | 0.26 | 0.36 |
| Scarce social facilities | 0.06 | 0.03 | 0.09 |
| None | 0.13 | 0.1 | 0.23 |
| Don't know | 0.4 | 0.36 | 0.76 |

# SECTION FOUR

## 4.0.0 IMPLICATION OF THE STUDY IN THE FIGHT AGAINST CORRUPTION.

It is evident from the study that the war against corruption in Kenya still has a long way to go before significant progress can be noted. The major challenge for the country is for the people to change their attitudes and to believe that, one the war on corruption can be won and two, that it is the responsibility of one and all to be involved in the fight against corruption.

While Kenyans are able to attribute problems such as poor infrastructure, poor health services to the state of corruption, a lot of people are still apologetic about reporting corruption. People still find it difficult to report cases of corruption where the culprit is known to them. This added to the fact that people's perception of the police does not help much as a majority still shun from approaching the police with information of corruption mainly for fear that the case would turn against them. It instructive to note that when asked where they would prefer to report cases of corruption, a significant number of Kenyans mentioned the CID rather than the police. The implication here is that the CID, unlike the police, are perceived to conduct investigations quietly without raising any dust before instituting any arrest.

The understanding here is that people would rather remain anonymous when reporting cases of corruption. This further explains why reporting of cases of corruption in the media is on the increase. This is because through the use of cell-phones, people can communicate with the FM radio stations and remain anonymous.

One gratifying revelation from the study is that people see corruption as a bad and evil act and that there is a need to stem the rise in cases of corruption. Close to three quarters of Kenyans believe that the war on corruption can be won. A significant number of Kenyans also believe that there is something that they can individually do to help in the fight. Frightening, however, is the significant population of Kenyans who have been forced to justify their corrupt behaviours and arguing that there are circumstances where corruption can be positive and justifiable.

There is a generally, apathy towards agencies charged with the responsibility of fighting corruption in the country. Even more important is the contention by a number of Kenyans that the Government itself is not committed to fighting corruption. However, the study clearly indicates what people would see as actions that would signal the Government's readiness to fighting corruption. The police are still regarded as the main perpetrators of corruption and it becomes difficult for people to trust the force as the main agency in the fight against corruption.

The campaign to change people's attitude on corruption is therefore the starting point in a successful fight against corruption. This must be supported by aggressive actions by supporting agencies in terms of successfully prosecuting corruption cases besides legislating laws that would discourage acts of corruption while making it easier to report cases of corruption.

The main lessons for the campaign provided by the study include:

Kenyans see corruption as a major issue in the country and attribute their poor socio-economic conditions to pervasive corruption. Corruption is ranked as the major issue facing the country today.

People understand what corruption is and are able to clearly identify what they would consider acts of corruption. However, there are cases where a corrupt act has become normalized to an extent that people no longer see them as worth reporting. Responses such as 'the crime was petty' are used to justify such actions. It is worth noting that a significant number of Kenyans however feel that 'receiving a twenty shillings bribe is as bad as receiving a bribe of twenty thousand shillings'.

The report clearly shows sectors which are perceived to be performing poorly in terms of corruption and at the same time isolates them by district making it easier to target sectors or regions with very specific information rather than having a blanket campaign that might not make sense in some areas.

Even though corruption is seen by most Kenyans to have permeated all sectors pf the society, religious institutions are still beacons of hope with a significant number of Kenyans willing to trust them as institutions that can provide some leadership in the fight against corruption. These institutions can be important entry points in the war on graft.

The study brings out incidences of corruption that are mostly witnessed by the public. The anti-corruption campaign can thus design interventions that would address such gaps. For example, issues such as unwarranted police arrests and payment of bribes to be released is one of the major taints on the image of the police. A campaign to educate the police and to get them to change their behavior would increase the level of trust between them and the public and would even encourage more people to report incidences of corruption to the police.

The role of the media as an avenue where people can report cases of corruption can not be downplayed. The media is seen as safe yet effective means of reporting corruption cases. The use of the media to get people to talk of specific cases of corruption should be aggressively explored. People at the same time want to see that their actions of reporting are rewarded when the relevant agencies take action against the culprits. Asked why they had not reported the cases of corruption they witnessed, a significant number said that they knew the culprits would not be prosecuted anyway. This is evidenced by initiatives such as the Transport Licensing Board programme where people report and they see action taken when the numbers of reported vehicles are published in the local media.

Corruption is endemic in some areas to an extent that it is not necessary to even specify the amount of bribe that needs to be paid. However, it is important to note that people are not taken to accepting statements such as 'corruption makes things move smoothly'.

The study provides important entry points in the fight against corruption as it details the institutions that people see as either credible enough or have the muscle to take

charge of the fight against corruption at national and local levels. It at the same time gives insight on some of the structures that people see as abetting corruption.

### 4.1.0 CONCLUSION.

The survey provides crucial insights that can be effectively used in the planning for interventions. It presents a clear picture of perceptions of corruption in Kenya and allows for the design of sector and regional specific interventions that are likely to have more impact in the campaign to change attitudes. At the same time, the report poses questions that need further research as the war against corruption is mounted.

The study is an invaluable addition to the anti-corruption campaign and provides important lessons and benchmarks that can be used in evaluating the success of the campaigns against corruption in the country.

## Appendix One: Terms Of Reference For The Baseline Survey On The Status Of Corruption In Kenya

In Kenya, the Government's commitment to the war against corruption has been expressed in the various reform initiatives that the Government has put in place to fight corruption. The enactment of the Anti-corruption and Economic Crimes Act 2003, the establishment of the National Anti-Corruption Campaign Steering Committee (NACCSC) through a Gazette Notice No. 4124 of the 28th May 2004 are some of the initiatives.

The Key role of the National Anti-Corruption Campaign Steering Committee (NACCSC) is to cause fundamental changes in people's attitudes towards corruption through public awareness and education campaigns. In this regard, the Committee has been entrusted with several functions (see attached Gazette Notice).

The Steering Committee wishes to carry out activities towards transforming the behavior and attitudes of Kenyans towards corruption. This is by no means a simple task given that corruption is deeply embedded in our society, and the fact that people's behavior and attitudes towards corruption have not changed despite the efforts that have been put in place to fight corruption in the last decade or so. This situation calls for an immediate re-engineering of the approaches and strategies to combat corruption.

To achieve the Campaign's mission, objectives and to initiate activities that can respond to the changing environment, emerging demands and challenges in fighting corruption, the NACC Steering Committee seeks to identify information gaps on corruption. Critical in this regard is popular perceptions and attitudes and what people belief is the best approach to rooting out corruption. Popular perceptions about corruption and general attitude of the society towards corrupt behavior need to documented in order to create basis for action.

### Problem statement

The Knowledge levels of Kenyans on corruption have been confirmed by a number of studies to be high. However, this knowledge has not translated into action against corruption. On the contrary, corruption has continued to prevail in our society. Furthermore, the Steering Committee finds it imperative to conduct a Baseline Survey that will inform Policy formulation and Anti-Corruption Campaign Strategy Development. The proposed Baseline survey should cover all the eight provinces of the country. The survey will be governed by scientific approaches through out its various phases.

**General Objective of the Baseline Survey**

The general objective of this study is to establish general knowledge levels, perceptions, attitudes, practices and the behavior of Kenyans towards corruption. The study also seeks to find out the various levels/types of corruption and how, where, and why they are practiced. The Baseline survey will provide information that is critical to the design of effective anticorruption strategies.

**Specific objectives**

The specific objectives of the study will be:

- Determine the types, levels and location of corruption
- Identify the main perceptions, attitudes and behavior of people towards corruption.
- Examine how, why and where various forms of corruption are practiced.
- Determine the kind of knowledge Kenyans have about corruption.
- Identify which sectors/services are prone and not prone to corruption.

**The Consultancy**

The National Anti-Corruption Campaign Steering Committee wishes to recruit services of a consultant/firm/team of consultants to conduct the baseline survey and report on the findings. Successful applicants will be expected to finalize the assignment by middle of October 2005.

**Scope of Work**

The Consultant is expected to:

- Develop and submit the baseline survey proposal detailing the methodology relating to: -
    (a) Sample frame, Sample size and the sampling procedure
    (b) Data collection method and the instrument(s) to be used to capture key points/areas
    (c) Data analysis techniques
    (d) A brief on interpretations and the possible implications of the survey to the communication strategy
- Develop the research instrument(s)
- Conduct the baseline survey
- Submit the findings of the survey and analyzed data to the Steering Committee at a
- dissemination workshop organized by the NACCSC.

**Deliverables**

| S/No. | Activity | Payable percentage |
|---|---|---|
| 1. | Initial mobilization fee upon presentation and approval of a baseline survey proposal and research instrument(s), and signing the contract | 10% |
| 2. | Presentation of an inception report detailing the work-plan, budget and time frame. | 40% |
| 3. | Submission of the final report of the analyzed survey results during a dissemination workshop | 50% |

## Appendix Two: References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17. Njeru Kirira, Restoring Accountability to the legislature as a means to combat corruption, Windsor Golf Club 7th March 2002

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3. **www.africafocus.org**

## Appendix Three: Other Useful variables

**NB: Listed below is a list of variables that are statistically insignificant (listed under others) but could be useful to the campaign**

Q3. What do you consider to be the most important issue facing the country at the moment?

1. Ignorance
2. Over population in public universities
3. Economic restructuring
4. Rape cases
5. Civil education
6. Drug trafficking
7. Bird flu
8. Mercenary
9. Agricultural sector
10. Lack of democracy
11. Lack of comprehensive health care system
12. Delamare issue
13. Unstable climatic condition
14. Sex bill
15. Empowerment of the youth
16. Test tube babies
17. Immorality
18. Selfishness by politicians-not caring welfare of local man
19. Poor infrastructure
20. Delay to get services in courts
21. Over taxation

Q 9a. Which of the following sectors/ areas do you think corruption is most practiced?

1. Schools
2. Fishermen
3. Chief officers
4. Construction
5. Parliament
6. Citizens
7. Constituency Development Fund officers
8. All are the same

Q13a. Would you please indicate three incidences of corruption that you have witnessed over the last three months?

1. Stealing
2. Goldenberg
3. Not being given foreign student pass when having documents
4. Unfair treatment because of social class
5. Some government officials lying to the public to gain political mileage
6. Opposition receiving money from Armenians
7. Council officers selling public water
8. People building sub-standard houses
9. Government raiding Standard newspapers and destroying property
10. Food stayed for long before being sold
11. Sexual harassment/rape
12. Lack of funds to help drought victims
13. Mistreatment from Kenya Power & Lighting Company
14. Killing of innocent lives without mercy
15. Misuse of foreign funds sent to help the less fortunate
16. Sheria house paying extra amounts for birth certificates
17. Nyayo house paying more to acquire a passport in a day
18. Doubling of fare during Christmas

19. Justice minister trying to shut down Anglo-leasing staff
20. High prices of goods attributed to high taxes
21. Getting unchecked procurement
22. Bank attendant withdrawing money without recording
23. Favoritism of other media houses by Government
24. Angloleasing
25. Asking money in the name of special offering
26. Witchcraft
27. Wooing a bride when the competition is stiff
28. Interdicting teachers with no reason
29. Issuing of fake title deeds
30. Injustice

Q15a. Please indicate under what three circumstances you would feel it is right to be engaged in a corrupt activity.

1. To get a visa
2. To get tender/contract to help the business
3. To retrieve information from an individual
4. To arrest a stubborn member of the community
5. To get a log book
6. If the corrupt activity is a gain
7. Tribalism
8. Secure a title deed
9. Secure a contract
10. When there is no other alternative
11. For selfish reasons/wants to own everything

Q 17. If yes, please give two examples of positive corruption.

1. To achieve something you would not have achieved
2. So as to bring electricity in the neighborhood
3. Need to falcify receipts so as to get money for rent
4. Without bribing cheques would not be cleared easily
5. To get loved one from mortuary
6. Ministers to delay money in banks to get interest
7. Bribing for services
8. Selling public resources
9. Power to influence the completion of a project
10. Soliciting funds for public functions
11. Ignorance
12. Donors imposing conditions on the government

Q23b. Who would you think would be the most effective in the fight against corruption in your local community?

1. Human rights Commission
2. Media
3. God
4. Judiciary
5. KACC
6. Anti-corruption agencies/ offices
7. Transparency international
8. The Government

Q24. Who in your opinion should lead the fight against corruption at national level?

1. Speaker of national assembly
2. Political parties
3. Ambassadors
4. Anti-corruption Commission
5. God
6. Police/CID
7. Human Rights Commission

8. Women MPs
9. Foreign agencies/autonomous body
10. Transparency International
11. Communities
12. Don't know
13. None

Q25a. To whom would you report a case of corruption?

1. Neighbor
2. D.O
3. Transparency Africa
4. President
5. Minister of security
6. Parents
7. M.P
8. Council
9. Lost faith on where to report
10. Village elders
11. Pastor
12. TLB
13. Judiciary
14. Education office
15. Civil rights leader
16. My friends
17. NACCSC
18. None

Q36. From which of the following sources have you received information on fighting corruption?

1. People
2. Friends
3. Internet
4. Set books
5. Funerals
6. Researchers
7. President