

# **CIVIL SOCIETY CONTRIBUTIONS TO THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) IN EAST AFRICA**

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The analysis and views presented in this report are the authors and do not necessarily reflect those of the United Nations office on Drugs and Crime (UNODC).

## LIST OF ACRONYMS

A 19	Article 10 East Africa
ABUC-TI Burundi	Association Burundaise des Consommateurs-Transparency International
ACFE	Association of Certified Fraud Examiners
AFIC	Africa Freedom of Information Centre
APNAC	The African Parliamentarians Network Against Corruption
CRECO	Constitution and reforms Education Consortium
CSORG	Civil Society Reference Group
CSO	Civil Society Organisation
DRI	Dialogue Research Institute
ICJ	International Commission of Jurists
KEPSA	Kenya Private Sector Alliance
PICDO	Progress Integrated Community Development Organization
TACN	Tanzania Anti-Corruption Network
TI- E	Transparency International Ethiopia
TI-K	Transparency Kenya
TI-R	Transparency International Rwanda
UNCAC	United Nation Coalition on Anti-Corruption
UNODC	United Nations office on Drugs and Crime
UNTOC	United Nation Transitional and Organised Crime
YAA	Youth Agenda

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# EXECUTIVE SUMMARY

Civil society plays a strategic role in combating corruption, through the provision of checks and balances for improving accountability in the public and private sector, especially in countries affected by fragility and conflict with weak public institutions. The effective implementation of the United Nations Convention against Corruption (UNCAC) – the only universally legally binding anti-corruption instrument adopted by 189 States Parties – recognizes, in addition to the contributions of States, the value of active participation of individuals and groups outside the public sector and building partnerships and enhancing cooperation with civil society organizations (CSOs) is critical for the exchange of knowledge, data and best practices to enable comprehensive discussions for the advancement of UNCAC implementation.

The Anti-Corruption Platform for East Africa[1] provides a platform to showcase CSOs working on anti-corruption through activities around UNCAC implementation. The East Africa Platform was established at a Regional Conference in Nairobi in February 2017, bringing together representatives from government and CSOs from the eight countries of the region. A Follow-up workshop to the recommendations adopted at the opening Regional Conference was held in Arusha, Tanzania in March 2018 and a follow-up roundtable was held in April 2019 in Addis Ababa, Ethiopia.

The UNODC Civil Society Unit supported an assessment conducted between 31st July 2021 and 20th August 2021, which formed the basis of this assessment. The study used purposive sampling to select the respondents for the study drawn from leading CSOs within the East African regional countries of Kenya, Uganda, Tanzania, Rwanda, Burundi, Ethiopia, and South Sudan based on their work around anti-corruption and responsive governance in the region.

The assessment of civil society contributions to the implementation of the UNCAC also entailed questions pertaining to knowledge and engagement with the United Nations Convention Against Transnational Organized Crime (UNTOC) in East Africa. Overall, the objectives of the study were as follows:

1. Capture and document civil society contributions, particularly examples of best practises in the implementation of recommendations of East Africa Regional Fast-tracking UNCAC Implementation Conference which took place in Nairobi, Kenya from 13-17 February 2017;
2. Capture civil society projects, activities, best practises and recommendations for future action points linked to the UNCAC, and gather potential new areas of collaboration to further enhance civil society active participation therein.
3. Explore the linkages between fighting corruption and tackling transnational organized crime, including gathering information on what is known about the UNTOC among anti-corruption civil society groups.

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[1] [https://www.unodc.org/unodc/en/ft-uncac/platforms/eastern-africa\\_civil-society.html](https://www.unodc.org/unodc/en/ft-uncac/platforms/eastern-africa_civil-society.html)

## 1.2 Summary of Assessment Analysis and Findings

**UNCAC Review Mechanism:** CSOs were asked whether they participated in their respective countries' review cycle of UNCAC for either one or both of the cycles: 45% answered they had done so in either or both of the cycle reviews. For example, in the first cycle review, Uganda's Africa Freedom of Information Centre (AFIC) attended preparatory meetings, drafted a civil society statement on the process in the first review and met the visiting team from Ghana and Romania with feedback. In the second cycle, AFIC engaged government with feedback but not as much space was provided to civil society as was the case in the first cycle.

CSOs' modes of engagements varied and results showed input to a CSO parallel report and Country visit both were at 29%, while preparing a self-assessment checklist, publication and dissemination of the report at 14%. From figure 1 below, it can be seen that Kenya had the highest representation (48%) followed by Ethiopia (14%), South Sudan, Burundi, and Tanzania (10% each), and Uganda and Rwanda (5% each). On the main areas of operation, whistleblowing and witness protection scored highest (with 33%) and the lowest focus areas were financial investigations, stolen asset recovery and criminalization and law enforcement (with 6% each). Notably, 83% indicating that they had member affiliations to different CSO networks.

*"The cycle of corruption causes unconstitutional behavior in all aspects of society. As a consortium that is made up of multiple organizations, we have realized that a root cause of public service-based issues is the misappropriation of funds. Therefore, the implementation of the UNCAC would be something we are interested in to take a step in the right direction for breaking the corruption cycle in our country and Africa eventually."* East Africa UNODC Civil Society Unit Grantee **Progress Integrated Community Development Organization (PICDO), Ethiopia**

**Fast-tracking UNCAC Regional Recommendations:** The assessment found that a majority of the CSOs (75%) did not attend the Regional Conference, however some attended the follow-up roundtables and meetings in the region, therefore many were involved in activities emanating from recommendations that they did not formulate.

On whistleblower protection, it was found out that inasmuch as there were jurisdictions that had legislations around witness protection for whistleblowers, there remained challenges in how these jurisdictions properly protect whistleblowers. The results from the survey as regards to the environment for whistleblowers, 42% felt it very unsafe, 25% somewhat unsafe, and 33% somewhat safe. Further, 50% of the CSOs indicated that their respective countries had relevant laws while 50% did not have relevant laws. 29% of those who had relevant laws indicated that they were involved in the processes of making those laws. The main challenge faced by whistleblowers ranged from legal suits, personal and professional risk and lack of measure to protect against retaliation. The recommendations proffered to mitigate these challenges were to build public confidence which should include promoting the independence of institutions and staffing them with professionals, enact a comprehensive whistleblower protection legislation with full participation of CSO and other stakeholder and changing the culture around whistleblowers from one of 'snitches' to one of 'brave citizens'.

Corrupt practices involved in some public procurement processes in the East African Region can lead to the diversion of state resources by powerful individuals who raise their economic profits for own gain. In Eastern Africa, corruption reduces a government's ability to collect revenue affecting the government's capacity to provide essential social services and security to its citizens. All the organizations mentioned that they a public procurement policy in place within and that 73% of these policies are anchored in international best practices. However, significant challenges remain at different stages of the procurement process that leads public procurement to be the biggest opportunity for losses to corruption.

On Knowledge of the Association of Certified Fraud Examiners (ACFE), training and its applicability, 83% indicated that they were not aware of the provision. With the main challenges of financial investigation were relatively of equal importance across the countries without significant deviation from each other. These were: *unwillingness for government to cooperate, limited capacity, lack of knowledge and awareness, lack of enough training and national political circumstances*. The potential role of the CSOs in financial investigations were mentioned as advocacy, bolstering partnerships and targeted capacity-building trainings, and independent monitoring, reporting, research and training on the ACFE.

Reflecting on the UNCAC fast-tracking regional platform, **Dialogue Research Institute (DRI)** in South Sudan stated that the UNCAC fast-tracking *conference led to the development of East Africa multi stakeholder working group on corruption that has been working to consolidate joint funding for CSOs and engagement with African Parliamentarian's Network Against Corruption (APNAC) and African Union Advisory Board on Corruption (AUABC)*.

Priority areas and recommendations for future areas of focus for the fast-tracking platforms for governments and civil society were as follows:

1. Capacity building to promote more multi-stakeholder partnerships
2. Whistleblower protection
3. Open contraction-beneficial ownership
4. Access to justice for corruption victims/impunity
5. Effective and meaningful public participation in the remaining UNCAC Country Reviews
6. Focus on the field of mining sector which causes huge financial losses to countries due to corruption.
7. Integrity in Public Procurement
8. The monitoring of Covid-19 funds
9. Support with resources, capacity building, facilitate experience sharing with others through workshops or conferences at regional level
10. Anti-Money Laundering

On addressing anti-corruption as an enabler of transnational organized crime: 60% of the CSOs in the region were not aware of United Nations Convention against Transnational Organised Crime (UNTOC) and its supplementing protocols. Those aware mentioned it as the main international instrument in the fight against transnational organized crime and states that ratify it commit themselves to taking a series of measures against TOC. The Convention aims to prevent and combat migrant smuggling and promote cooperation between States Parties, while protecting the rights of smuggled migrants and preventing the worst forms of exploitation that often occur during smuggling.

Crimes that are addressed in the UNTOC that CSOs were aware of include: Peddling drugs and precursor chemicals (methamphetamine and heroin) (28%), Trafficking in persons, especially women and children (24%), and Counterfeit goods and falsified medicines (20%). These were followed by Smuggling of migrants by land, sea and air (12%) and environmental crimes (wildlife and timber trafficking) (12%) with the lowest scoring category being Illicit manufacturing of and trafficking in firearms, their parts, components and ammunition (4%). The assessment then found that CSOs considered security sector at 20% as the most prevalent sector for transnational and organized crimes followed by health, mining and justice delivery each at 13%, the entertainment and sex industry, domestic work and construction at 10%, followed by agriculture/horticulture scoring 7%, and catering and restaurants scoring 3%.

80% of the respondents had not been involved in addressing transnational organized crime in the course of their work. However, findings also indicate that most CSOs have a perception that some of the corruption is done through organized networks made up professionals from the private sectors, collaborators within the public sector at relevant institution and with relevant law enforcement agencies and most possibly there is cross contamination of the professionals and law enforcement agencies

Furthermore, the following areas were recommended for potential further training and empowerment in the familiarization effort of UNTOC and the three supplementing protocols:

1. Need for capacity-building and techniques to fight against organized crime for anti-corruption CSOs;
2. Training and collaboration with relevant stakeholders at the national and global level;
3. Capacity-building on how to report these activities, and how to rehabilitate individuals from these activities.



# 1.0 BACKGROUND INFORMATION

Corruption is a serious crime that undermines the political and economic stability of a country by diverting economic resources from the public sector and threatening sustainable peace. Economic losses are high in countries where corrupt practices are widespread. In the 1990s, the African Union estimated that the continent lost over USD 148 billion annually because of corruption. Furthermore, according to United Nations estimations, every year USD 1 trillion is paid in bribes globally while an estimated USD 2.6 trillion are diverted annually through corruption. The sum is the equivalent of more than 5 percent of the global GDP.

The United Nations Convention against Corruption (UNCAC<sup>[2]</sup>) is the only universally agreed and binding international anti-corruption instrument. As of the 1 December 2021, the UNCAC had achieved a near-universal ratification of 189 Parties members. The ratification status demonstrates recognition and acceptance among States of the severity of corruption on development. However, it is important to highlight at the outset that ratification should be complemented by concerted efforts towards the domestication of the provisions of the convention, as well as the implementation or enforcement of anti-corruption extant laws of a country<sup>[4]</sup>. In keeping with the above, UNCAC State Parties in partnership with CSOs play a very important role in ensuring not only the realisation of the domestication processes but the implementation of national laws and policy frameworks in a country. The participation of CSOs is supported by Article 13 of the UNCAC, which calls upon State Parties to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.

This Anti-Corruption Platform for East Africa<sup>[5]</sup> provides a platform to showcase CSOs working on anti-corruption, in particular through activities around UNCAC implementation alongside governments. The East Africa Platform had a Regional Conference in Nairobi in February 2017, bringing together representatives from government and civil society organisations from the eight countries of the region. A Follow-up workshop to the recommendations adopted at the opening Regional Conference was held in Arusha, Tanzania in March 2018 and a follow-up roundtable was held in April 2019 in Addis Ababa, Ethiopia. The Regional Conference resulted in an Outcome Document and proposed actions for implementation by civil society organisations, the private sector and government counterparts. The outcome document proposed actions for implementation

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[2] [https://www.unodc.org/unodc/en/corruption/tools\\_and\\_publications/UN-convention-against-corruption.html](https://www.unodc.org/unodc/en/corruption/tools_and_publications/UN-convention-against-corruption.html)

[3] <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

[4] Eke, S (2020) *Nigeria: Non-domestication Of Treaties In Nigeria As A Breach Of International Obligations – Sandra Eke*. [online] Available at <https://www.mondaq.com/nigeria/international-trade-investment/1013006/non-domestication-of-treaties-in-nigeria-as-a-breach-of-international-obligations-sandra-eke> [Accessed on 8 July 2021]

[5] [https://www.unodc.org/unodc/en/ft-uncac/platforms/eastern-africa\\_civil-society.html](https://www.unodc.org/unodc/en/ft-uncac/platforms/eastern-africa_civil-society.html)

by governments, civil society organisations and the private sector. This report captures CSOs contributions, and examples of best practices of the implementation of recommendations of the regional Conference. In addition, the assessment was designed to gather potential new areas of collaboration to further enhance civil society active participation in the implementation of the UNCAC in East Africa.

The UNODC Civil Society Unit supported an assessment conducted between 31st July 2021 and 20th August 2021, of which this report is the result. The study used purposive sampling to select the respondents for the study drawn from leading CSOs within the East African regional countries of **Kenya, Uganda, Tanzania, Rwanda, Burundi, Ethiopia, and South Sudan** based on their work around anti-corruption and responsive governance in the region. The 21 respondents were of various positions within their respective organizations and considerable exposure and experience.

This assessment targeted 8 countries within the larger East African region (the aforementioned countries plus Djibouti), where organizations working around the thematic areas of anti-corruption campaign interventions were targeted. The study was conducted largely virtually where contact with respondents was largely through phone calls and email. The high participation of Kenyan respondents in comparison to others may have been as a result of the fact that the consultant undertaking the assignment for the East African region was based in Kenya with the option of physically visiting potential respondents for follow up as well as Kenyans' active civil society.

The assessment of civil society contributions to the implementation of the UNCAC also entailed questions pertaining to knowledge and engagement with the United Nations Convention Against Transnational Organised Crime (UNTOC) in Eastern Africa. Overall, the objectives of the study were as follows:

1. Capture and document civil society contributions, particularly examples of best practises in the implementation of recommendations of East Africa Regional Fast-tracking UNCAC Implementation Conference which took place in Nairobi, Kenya from 13-17 February 2017;
2. Capture civil society projects, activities, best practises and recommendations for future action points linked to the UNCAC, and gather potential new areas of collaboration to further enhance civil society active participation therein;
3. Explore the linkages between fighting corruption and tackling transnational organized crime, including gathering information on what is known about the UNTOC among anti-corruption civil society groups.

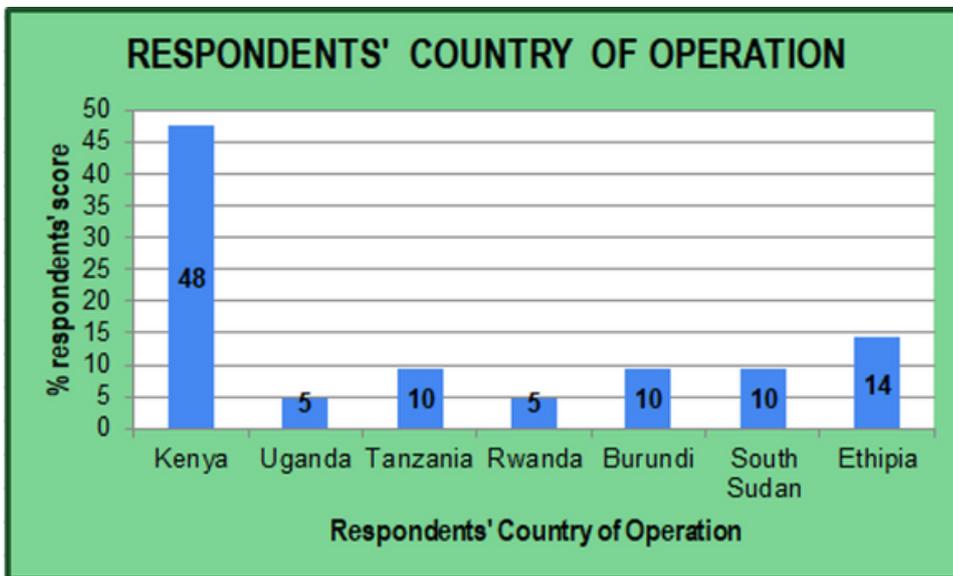
## 2.0 ASSESSMENT FINDINGS

### 2.1 Introduction, background and demographic data for CSOs

#### 2.1.1 CSOs' country of operation

From figure 1 below, it can be seen that Kenya had the highest representation (48%) followed by Ethiopia (14%), South Sudan, Burundi, and Tanzania (10% each), and Uganda and Rwanda (5% each). Given that the study was conducted largely virtually where contact with CSOs was largely through phone calls and email, it was not easy to access and compel CSOs for participation.

**Figure 1: Coverage of countries within the East African Region**



Source: (Assessment Findings, 2021)[6]

#### 2.1.2 CSOs' Anti-Corruption focus area of interest

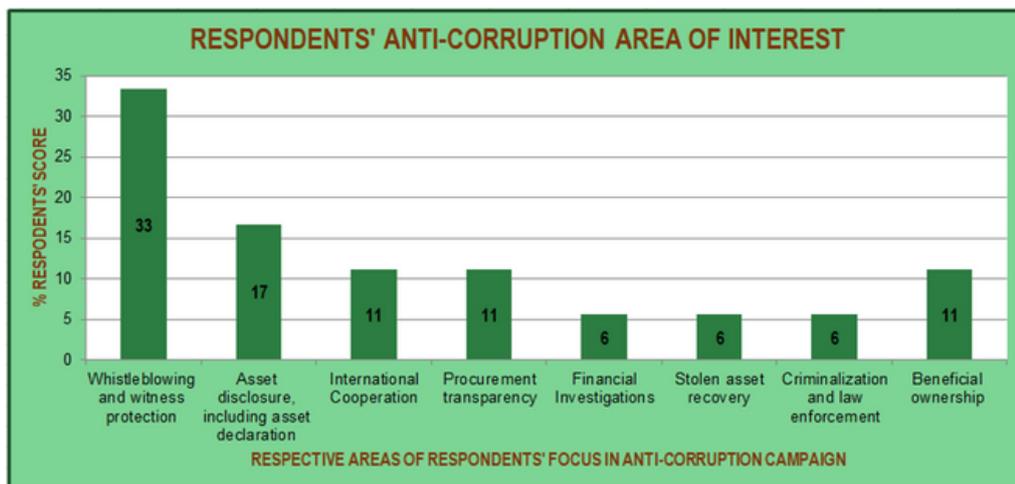
The assessment asked CSOs to indicate the anti-corruption area of focus in the course of their work drawn from four regional priority areas, namely:

- Whistleblowing and witness protection
- International Cooperation
- Procurement transparency
- Financial Investigations

[6] All graphs and percentages in the assessment are derived from the same survey of CSOs in East Africa

The findings of the assessment indicated that most of the CSOs indicated that their work cuts across multiple focus areas and this is shown with an expanded 8 category segmentation below. That notwithstanding, a review of the data findings indicates that the focus area with the highest interest for participation was whistleblowing and witness protection (33%) and the lowest focus areas were financial investigations, stolen asset recovery and criminalization and law enforcement (with a score of 6% each).

**Figure 2: Respondent's anti-corruption focus area of interest**

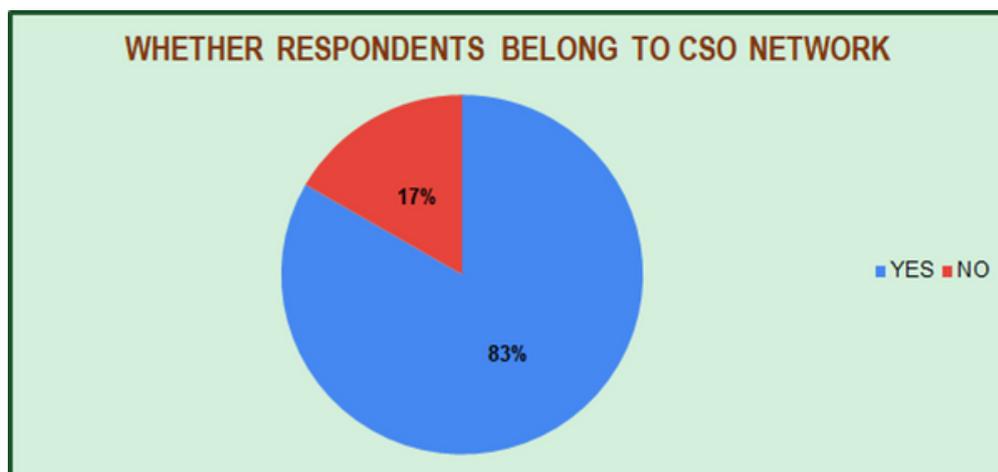


**Source: (Assessment Findings, 2021)**

### 2.1.3 CSOs' membership of a CSO network

CSOs were asked whether their respective organizations belonged to any CSO network within their countries or beyond. Figure 3 below shows that a majority of the CSOs (83%) indicated that they had member affiliations to different CSO networks.

**Figure 3: CSOs' membership to CSO networks**



**Source: (Assessment Findings, 2021)**

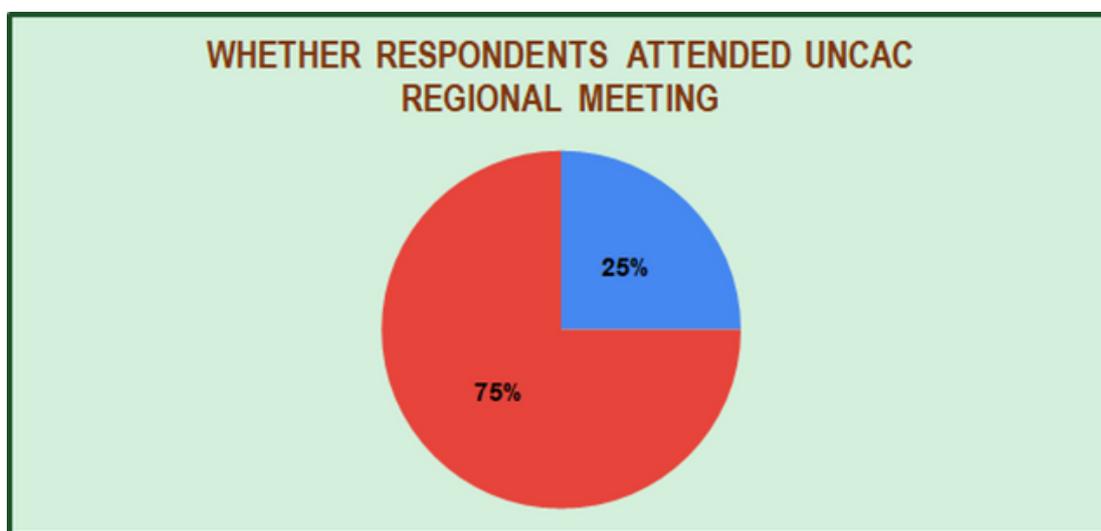
The main CSO networks are in the region:

- Uganda Contracts Monitoring Coalition,
- Africa Freedom of Expression Exchange,
- International Freedom of Expression Exchange (IFEX),
- International Alliance for Natural Resources in Africa
- Civil Society Parliamentary Engagement Network
- The Anti-corruption and Economic Malpractice Observatory (OLUCOME)
- Constitution and Reform Education Consortium (CRECO)
- Tanzania Coalition of Higher Education Institutions
- Consortium of Christian Relief and Development Association (CCRDA)
- Kenya Multi-Stakeholder Working Group on Corruption
- Multi Sectoral Working Group (MSWG) on combatting corruption in Africa
- Human Rights Networks (HURINET)

### 2.1.4 Attendance of Regional Conference on Fast-Tracking the Implementation of the UNCAC in East Africa, which took place in Nairobi, Kenya from 13-17th February 2017

75% of the CSOs did not attend the meeting and only 25% of them attended as shown in figure 4 below. All of them were asked whether they would be interested to attend a similar event should it be organized and all the CSOs responded positively. Those that indicated to have attended the meeting indicated that they benefited from the event on different thematic areas around areas of their operations and interests.

**Figure 4: Attendance of UNCAC**



**Source: (Assessment Findings, 2021)**

**Table 1: Attendance at the Fast-tracking Regional Conference**

- **Haileyesus Meseret from Infrastructure Transparency/CoST Initiative Ethiopia said:** *My colleague gained insights on financial investigations, procurement transparency, whistleblowing and international cooperation.*

With regards to those who did not attend but expressed interest to attend future similar events, the following aspirations were expressed:

- *The **Youth Agenda** is interested in promoting accountability in the procurement processes in Kenya through Access to Government Procurement Opportunities (AGPO) and therefore would be very interested to participate in such an event.*
- *'As Executive Secretary of **Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME)**, I need to learn and exchange experiences in the fight against corruption with other organizations in East Africa. However, I participated in a training workshop that followed this Nairobi workshop held in Addis Ababa, Ethiopia in 2019 organized by UNODC'. RUFYIRI Gabriel from OLUCOME said.*



## 3.0 CIVIL SOCIETY CONTRIBUTIONS TO UNCAC REVIEW MECHANISM

### 3.1 Introduction

The UNCAC Review Mechanism comprises two five-year cycles. The first cycle (2010–2015) covered chapter III of the UNCAC on criminalisation and law enforcement and chapter IV on international cooperation. The second cycle (2015–2024) covers chapter II on preventive measures and chapter V on asset recovery. The UNCAC Review Mechanism is an effort to check on the implementation progress by UNCAC State Parties. These State Parties have an obligation to implement the provision of the UNCAC. The UNCAC itself recognises the crucial role of civil society organisations in supporting governments to meet their UNCAC obligations and contributing to on-going assessments of their performance through the UNCAC review process.

#### 3.1.1 CSOs Participation in the UNCAC Implementation Review Mechanism

CSOs were asked whether they participated in their respective countries' review cycle of UNCAC for either one or both cycles to which figure 5 below shows that 45% had participated.

**Figure 5: CSOs Participation in the UNCAC Implementation Review Mechanism**

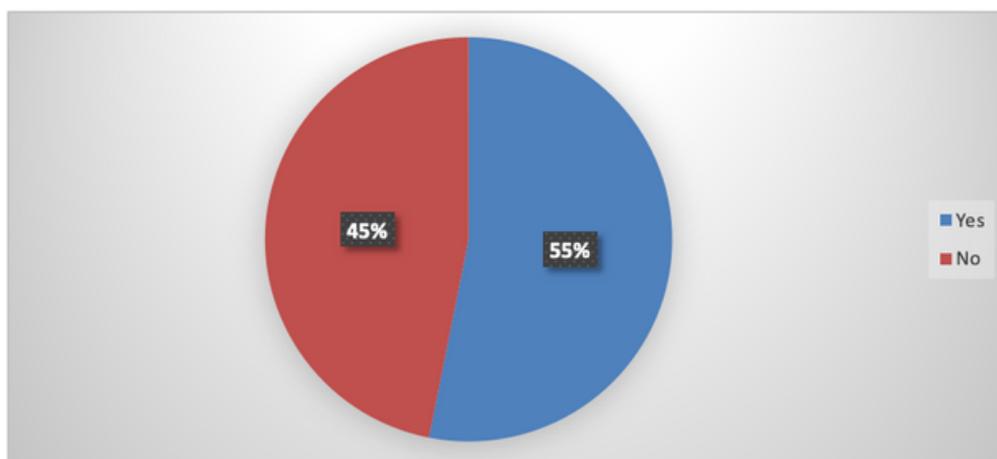
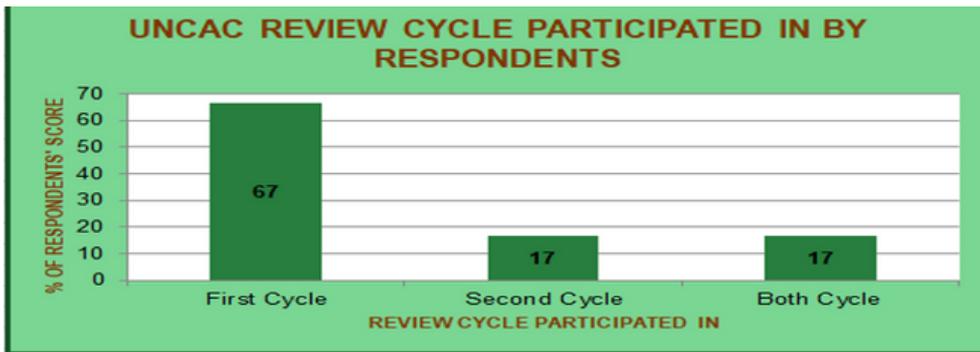


Figure 6 below shows that 67% of those who said they had attended the review cycle in their respective countries indicated that they attended the first review cycle, 17% indicated that they attended the second review cycle and 17% indicated that they attended both review cycles.

Figure 6: Review Cycles

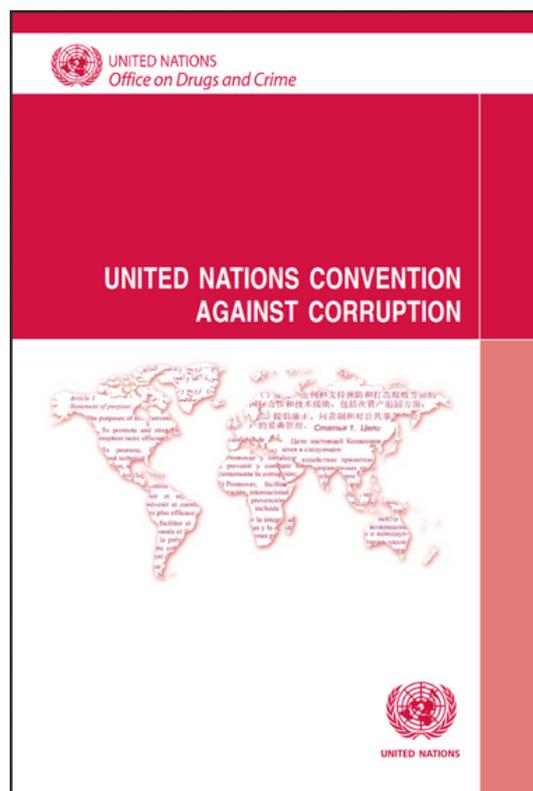


## 3.2 Civil Society Contributions in the UNCAC Implementation Review Mechanism

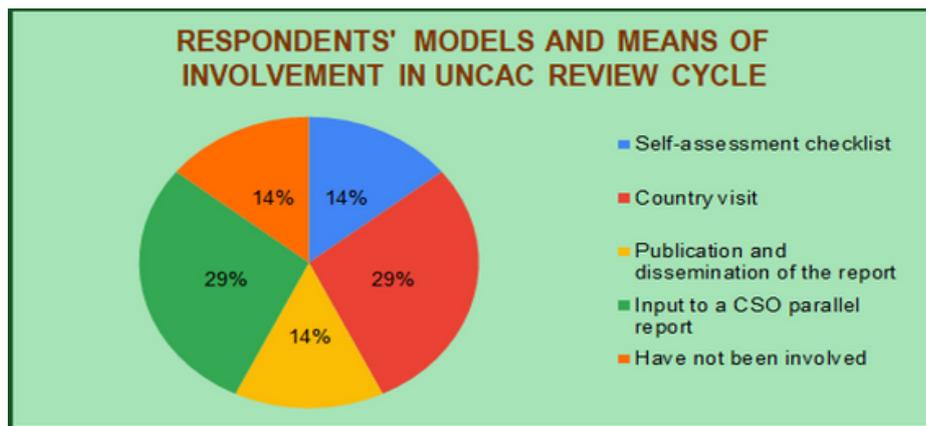
The section explains how civil society organisations in East Africa participated in the IRM processes:

Case studies of CSO participation were as follows:

- **OLUCUME from Burundi** reported that they participated in the two country reviews during the country visit phase where they met the review experts. However for the other phases the Government of Burundi did not involve OLUCOME.



**Figure 7: Modes and Means of involvement in the Review cycle**



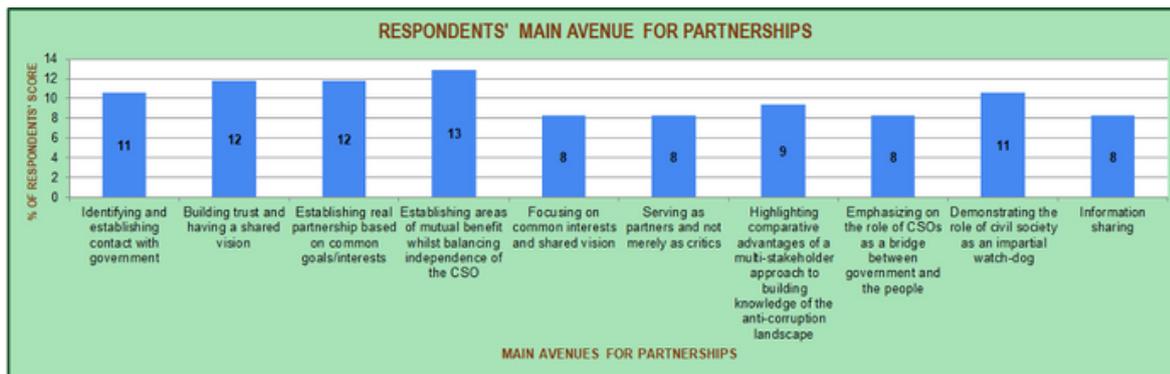
- **Transparency Ethiopia** mentioned that the government body Federal Ethics and Anti-Corruption Commission were not interested to involve them in review process and blocked the provision of their contribution. They were however able to participate in a CSO meeting that was held by the peer reviewers and they were able to make their contributions.
- **Advance South Sudan** said: 'My organization was involved to give a presentation of the role of CSOs in fight against corruption in South Sudan with the help of UNCAC'.
- **TI-Kenya** participated in the meetings convened by the Department of Justice to complete the self-assessment checklist, which was covered here.
- **Mzalendo Trust** said: 'We conducted advocacy for transparency and accountability under the Open Government Partnership, leading to the implementation of a Beneficial Register.'
- **TI-Rwanda** participated as one of appointed National experts to the committee, evidenced here.

### 3.2.1 Main avenues to foster partnerships:

CSOs were asked about the main avenues they considered important in fostering partnerships with their governmental counterparts in the implementation of the UNCAC and the UNTOC. The avenues of fostering partnerships assessed were:

- a) Identifying and establishing contact with government
- b) Building trust and having a shared vision
- c) Establishing real partnership based on common goals/interests
- d) Establishing areas of mutual benefit whilst balancing independence of the CSO
- e) Focusing on common interests and shared vision
- f) Serving as partners and not merely as critics
- g) Highlighting comparative advantages of a multi-stakeholder approach to building knowledge of the anti-corruption landscape
- h) Emphasizing on the role of CSOs as a bridge between government and the people
- Demonstrating the role of civil society as an impartial watchdog

**Figure 8: Avenues for fostering partnerships in the region**



### 3.2.2 Anti-corruption best practices

CSOs were asked about their contributions on best practices in addressing challenges of corruption in their respective countries and how they consider those contributions helping the fight against corruption. Some of the CSOs indicated that their interventions were helpful for government operations and streamlining of anti-corruption efforts and good governance at the national level.

**Table 2: Best Practices on avenues for fostering partnerships in the region**

In addressing challenges of corruption in their respective countries and how they consider those contributions helping the fight against corruption, most CSOs indicated that their interventions were helpful for government operations and streamlining of anti-corruption efforts and good governance at the national level.

**Multi stakeholder engagements:**

- **Twaweza East Africa from Kenya** mentioned that their reports on procurement transparency assist government and CSOs to enrich discussions on the areas that need further attention. Twaweza East Africa on their youth integrity program has been very efficient in building integrity and anti-corruption force in the country. And the platforms have helped us extract information related with impunity land grab procurement and other issues of corruption and maladministration
- **Youth Agenda – Kenya** a member of OGP Multi-Stakeholder Forum and has been instrumental in the development National Action Plan IV. Youth Agenda is also a member of NCC Multi-Stakeholder Forum with a mission of assisting the Counties actualize OGP commitment through development of an Action plan and an Open Contracting Portal.
- **Transparency International-Rwanda** has been organizing Experiential Learning Institutes for government and non-government practitioners on corruption and anti-corruption in Africa.

- **Advance South Sudan** said that through their partnership with the government, it led to the enactment of the Public Procurement Law in 2019 and led to calls for the establishment of the online taxation payment system. *“Through the help of the organization I was able to create a radio program called Integrity Hour and engaged with the government institutions from time to time on the issue of transparency and accountability. The observation, documentation and reporting of corruption cases allow the authorities to have the leads of investigation on the cases of corruption denounced and to intervene as quickly as possible if the Government becomes involved.”*
- **On public procurement: CoST Ethiopia** conducted over 100 assurances professional infrastructure to ensure transparency and accountability and value for money on public organizations mainly built by public budget. Moreover, it released press releases and conducted workshops to make the public aware on the agenda. Also, COST provided many trainings for public institution on their procurement systems to be transparent for every competitor.
- **Constitution and reforms Education Consortium CRECO from Kenya** has previously published reports on making county-level budget planning accessible to all Kenyans to heighten transparency and for the purposes of monitoring whether certain activities are actually being accomplished and achieved. The *'Maswali 20 muhimu kuhusu bajeti ya kaunti yako'* is translated as *'A list of 20 questions that citizens should ask in regards to their county budget'* to get a clear understanding of stipulated funds. This is only one of multiple publications and best practices given by CSOs that can contribute to the UNCAC Review mechanism working through a network.

### 3.2.3 CSOs Lessons Learned in the UNCAC Review Mechanism

- Follow-up in a constructive manner on recommendations is important. Government agencies are more responsive and open to ideas when approached in a constructive and proactive manner. This in turn helps in co-creating solutions to challenges identified in the review.
- Building trust and having a shared vision at review inception stage is key when running projects and monitoring, hence there is need for building trust between CSOs and government at the very beginning of the processes.
- Interventions during country visits enlightened the experts on the reality of the country in terms of the fight against corruption given that the representatives of the Government hide the truth in some cases. However, some truths from civil society are not included in the final review report. There is need for inclusion of these views to have an all-inclusive report.

- It is important to incorporate citizens' perspectives in all facets of governance especially when it comes to the expenditure of the public funds.
- While by nature corruption is a largely grassroots problem, the measures against it are often top-down, elite focused, and hence the people's role is limited, therefore limiting success against corruption.
- The limited coordination between and among networks or CSOs has continued to undermine the work towards anti-corruption in the Eastern African Community, hence there is need for a coordinated approach by CSOs in the region for them to effectively fight corruption.
- While multi-stakeholder engagements have yielded results, the space has been limited to CSOs in that very few are part of the high-level decision-making on anti-corruption still.



# 4.0 EAST AFRICAN CIVIL SOCIETY CONTRIBUTIONS TO FAST-TRACKING UNCAC IMPLEMENTATION

## 4.1 Introduction

The project entitled “Fast-Tracking the Implementation of the United Nations Convention against Corruption (UNCAC)” has enabled the creation of four Regional Platforms across the world to prevent and combat corruption in the South East Asia, Eastern Africa, South America and Mexico as well as in Eastern Africa through effective implementation of UNCAC in support of SDG 16. The project is catalytic in nature seeking both to identify gaps in existing initiatives to implement UNCAC in the target regions and to coordinate with and complement on-going work. An important element of the project is to build partnerships and create synergies with all stakeholders, including civil society.

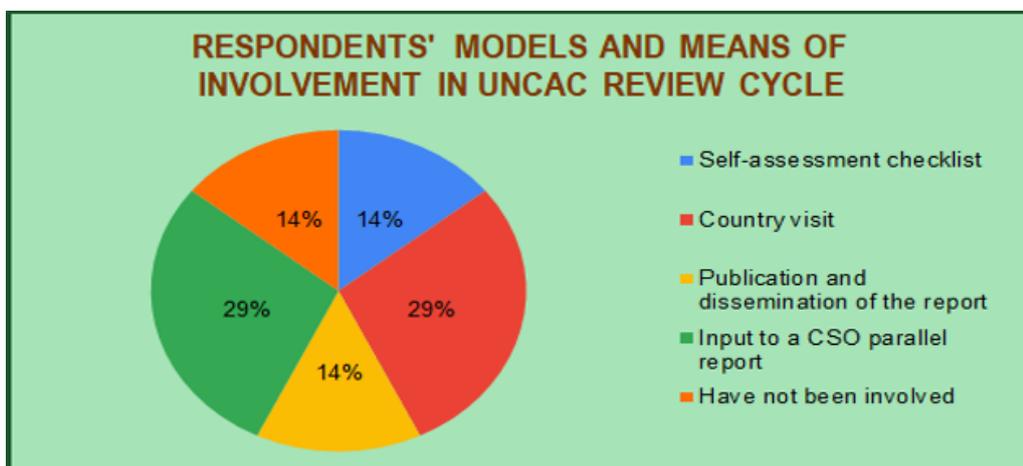
Based on an analysis of needs, East Africa regional platform identified four thematic areas as regional priorities, they are:

- Whistle-blower protection and Witness protection
- Public Procurement
- Financial investigations
- International Cooperation

## 4.2 Whistleblowing protection and Witness protection

Whistle-blowers often undertake great personal and professional risks in order to report wrongdoing - routinely harassed, fired, arrested, sued, attacked, or even killed for exposing misconduct. In East Africa, Whistle-blowers are up against strong opposition. Not only do they often face criticism and hostility, but elected officials, CSOs and citizens who push for strong laws and institutions to protect whistle-blowers often face intimidation and lack of support. In East Africa, this has been an area of concern and has become a priority as many CSOs and a priority FT theme.

**Figure 9: Safety of Whistle-blowers' in East Africa**

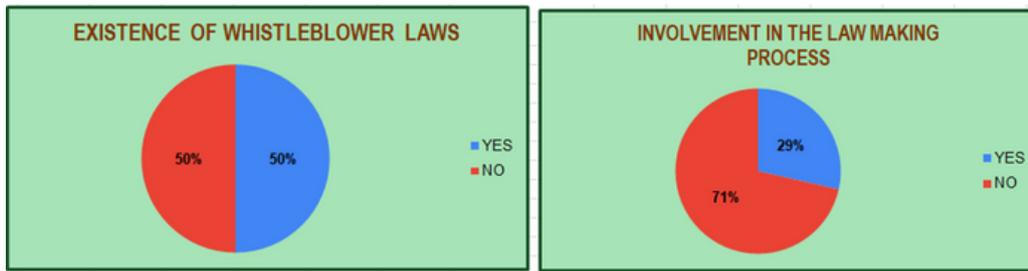


## 4.2.1 Main Threats faced by whistle blowers

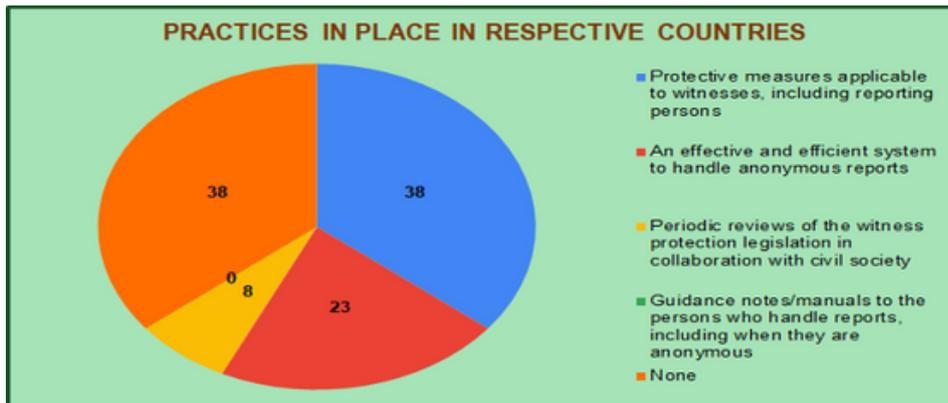
- In Uganda, although with a Whistleblower Protection Act since 2010, the environment is not safe for people to report cases. In 2015, the Inspectorate of Government reported that the president, who is least affected by corruption was the biggest whistleblower, raising questions on the awareness and trust in the law and institutions by ordinary citizens. It echoes the Ugandan Inspector general comments on the same issue.
- On the other hand, the government of Kenya has a history of failing to protect whistleblowers, exposing them to retaliation from their employers, leading to dismissal. Others have been prosecuted, physically harmed including death and reputational damage. The main threat to whistleblowers in Kenya is the powerful government leaders and their ability to terrorize their lives. Once a whistleblower takes steps to hold the public service system accountable, they are automatically in danger.
- In Kenya, there is no protection offered to them at institutional level; by law enforcement agencies unless they become witnesses. There is no legal framework to provide for the protection of whistle-blowers while there is a Bill, the passing of the same has been delayed. While there is a Witness Protection framework, the implementation of the same has not been seamless, especially in circumstances involving powerful or influential figures, state officers or police officers.
- The International Commission of Jurists Kenyan chapter reported that the Witness Protection Agency is underfunded thus it does not have adequate capacity to secure safe structures for whistleblowers and lack of a comprehensive and dedicated law on whistleblower protection.
- TI Rwanda reported that the main threat is the mind-set of some authorities who might have some kind of revenge to those who reported their corrupt practices.
- In Ethiopia, the main threat concerns freedom of expression which is not guaranteed and working conditions in freedom and independence which are not also guaranteed. Hence some members of the organization have taken refuge abroad and two others have been killed and another missing.



**Figure 10: Existence of legal framework around whistleblowing as far as CSOs' understanding**



**Figure 11: Practices on whistle blowing**



The above findings confirm that CSOs make valuable and unique contributions to the creation of an enabling whistleblowing environment. As shown above, the ways in which CSOs contribute are many and varied. These include *research and advocacy, education and awareness-raising around the issues of whistleblowing protection; and supporting the development of whistleblowing laws, policies and programmes through offering their expertise.* In many countries, CSOs also provide support services such as legal advice, psychosocial support, financial assistance and sometimes evacuation when whistleblowers face death threats. In these countries CSOs give assistance when governments are unwilling to support or when they suffer from a lack of funding and resources to assist whistleblowers. Nevertheless, an overarching recommendation is for CSOs to embark on a robust campaign towards the development and enforcement of whistleblowing laws in the region.

Advocacy and Legal Advice Centres (ALAC) provide free and confidential advice and support to victims and witnesses of corruption, enabling them to assert their rights, seek redress and stand up for justice. They also encourage and support people to access public information and demand transparent, responsive and accountable government institutions. While ALACs serve the people, their impact goes beyond simply providing individual support. National chapters gain invaluable insight from analysing ALAC cases, which in turn, helps us advocate for legislative, institutional, administrative and procedural change

**Table 3: Existence of Whistleblower laws in the region**

- **In Kenya**, there are two proposed Whistle-blower Protection Bills, A Draft Whistle-blower Protection Bill was developed by the Office of the Attorney General in 2014 and is yet to be approved. In February 2020, members of Kenya Young Parliamentarians Association (KYPA) led by Hon. Irene Kasalu, sponsored a draft Whistle-blower Protection Bill through a private members' bill which is currently at the Committee stage. Reportedly, the two are being consolidated before publication and public participation process. Article 19 and other CSOs are engaging on advocacy with relevant duty bearers to ensure the process would be finalised in good time ahead of the elections in August 2022 and possible referendum.
- **Tanzania Anti-Corruption Network** are partnering with like-minded CSOs to advocate for development of a comprehensive legislation to effectively facilitate investigation of significant and serious corruption matters in public institutions.
- **CRECO in Kenya** had already engaged in concerted efforts to train and empower whistleblowers on different skills important for their own protection even as they advocate for strengthening of legal framework for witness protection in their respective. CRECO and the **Kenyan Ethics and Anti-Corruption Commission (EACC)** worked together on organizing training and meetings on the status of whistleblowing in Kenya. CRECO's project provided space for building scenario workshops affecting whistleblowing in the country, including the impact of constitutional reform proposals and Covid-19. The project identified pressing issues affecting whistleblowing, as well as key stakeholders, at an introductory meeting with selected media, CSOs, and individual whistle-blowers. CRECO, in partnership with the EACC, subsequently held a virtual training for 50 social media whistle-blowers on digital skills, digital media literacy, and digital security.
- Through the Public Defenders Fund - **ARTICLE 19 in Kenya** as part of the whistle-blower coalition is fundraising and contributing towards a public defender's fund that will provide support to whistle-blowers and other public defenders. Through strategic litigation, it has developed a strategy document that seeks to engage and support strategic litigation for whistle-blowers and particularly public interest litigation for various aggrieved whistle-blowers. Civil Society Reference Group specifically work with partners such as Defenders Coalition, Kenyan Human Rights Commission (KHRC), Kituo cha Sheria and Muslims for Human Rights (MUHURI) to protect human rights defenders who are either witnesses or are under threat from the state for blowing the whistle.
- **TI Rwanda** carried an assessment on the whistle-blower protection law in Rwanda. It identified the loopholes for the effectiveness of the law and recommendations. During the dissemination, policy makers, CSOs and media were invited. Furthermore, TI-Rwanda carried an intensive campaign sensitizing citizen on the law protecting them, encourage them to report and reporting mechanisms.
- **Advance South Sudan** mentioned that due to the civil war and absence of the active parliament it was difficult to have the whistleblower policy since we were supposed to engage the parliament to enact it but it's unfortunate that the parliament is re-constituted and now we can engage them through advocacy and lobby to have the policy in place.

## 4.3 Public Procurement Policy

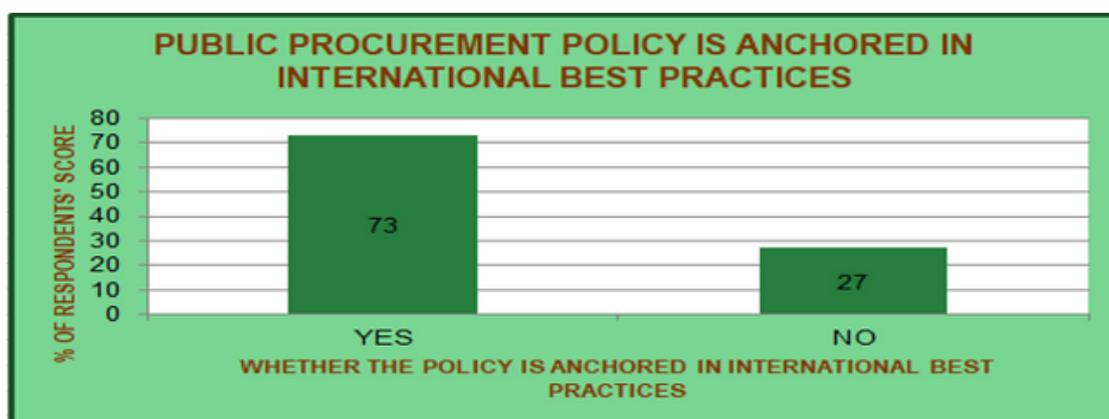
### 4.3.1 Introduction

In its resolution 3/2, the Conference of the States Parties to the UNCAC called upon States parties to promote the business community's engagement in the prevention of corruption by, inter alia, developing initiatives to promote and implement public procurement reform. The Conference further encouraged interested States parties, representatives of private sector entities and relevant international organizations to consult and collaborate with each other in order to share best practices for the alignment of systems of public procurement with the requirements of article 9 of the Convention, and invited States parties, where appropriate, to consider the use of computerized systems to govern public procurement and to track and identify suspect cases, and to consider, in accordance with the fundamental principles of their legal systems, the adoption and use of procedures to prohibit private sector entities involved in corrupt contracting practices from future participation in public tenders.

### 4.3.2 Public Procurement Policy

With regards to public procurement policy, all CSOs reported that they had a public procurement policy in place within their respective countries. Figure 12 shows that the CSOs indicated that 73% of these policies are anchored in international best practices.

**Figure 12: Whether public procurement policy is based on international best practices**



### 4.3.3. Conflict of interest in the context of public procurement

Public procurement refers to the purchase by governments and state-owned enterprises of goods, services and works. As public procurement accounts for a substantial portion of the taxpayers' money, governments are expected to carry it out efficiently and with high standards of conduct in order to ensure high quality of service delivery and safeguard the public interest. The assessment also found out that in most countries in the region, public participation in public procurement processes is procedural, a tick the box process merely done to fulfil the law. The public scrutiny processes are not well intended as the citizens are not provided with sufficient information to allow for effective interrogation of the government procurement processes as required by law.

In Kenya for example, although they are 'public' they are not public at all - who get the tenders is top-secret. How much the tender is worth is often an often of contention. There have been allegations that procurement officers or top officials collude to issue tenders only to those who promise to give them a cut. While addressing the Kenya Medical Supplies Authority scandal, the president directed the Ministry of Health to create a public portal showing how tenders were awarded. Unfortunately, a couple of months later this has not happened yet.

**Table 4: Best practices on the implementation of conflict of interest**

- **In Rwanda**, certain procurement data for (ideally) all procurement entities is available at Public Procurement Information Portal, they have been direct engagement of the Public Procurement Regulatory Authority to improve the portal and ensure compliance to publication. **TI Rwanda** said *"We also aspire to use the data to highlight the profile of persons winning government tenders; to what extent they are politically exposed persons. As per the procurement law and the current use of digital procurement Rwanda On-line E-procurement system, we think public procurement in Rwanda is managed in accordance with the objectives, principles and procedures defined in the public procurement regulations. TI-RW also conducts independent monitoring on the selected public procurement projects using Integrity Pact tool. The latter is a social accountability tool which helps to prevent any possible conflict of interest practices, among others bad practices in public procurement. We think this is a best practice that other CSOs can emulate."*
- **International Commission of Jurists, Kenya**, have been able to advocate for transparency in the public procurement process in the government. They said, *"We are also involved in advocating for open contracting, capacity building on open contracting and also monitoring and tracking disclosure of procurement information at various levels."* Since 2003, public procurement in Kenya has been done through the country's Integrated Financial Management Information System (IFMIS). Despite a number of public finance management reforms including the adoption of IFMIS, procurement in Kenya has not yet achieved the threshold of accountability, transparency, competition, equity and inclusivity envisaged in the Constitution of Kenya 2010 and the Public Procurement and Asset Disposal Act 2015. More is needed to be done to strengthen the processes, controls, and oversight of each stage of procurement. Additionally, improvements are needed in publishing high quality open data on all stages of procurement including planning, tendering, awarding, contracting, implementation, and oversight. Finally, more robust public participation as envisaged in the Constitution. **TI Kenya** added: *"Direct engagement of the Public Procurement Regulatory Authority to improve the portal and ensure compliance to publication. We also aspire to use the data to highlight the profile of persons winning government tenders; to what extent they are politically exposed persons"*
- **TI Ethiopia** has helped the establishment of the Construction Sector Transparency Initiative, they said *"We have worked our best while chairing the initiative so that large government construction projects follow the legal principle and in it we have also pushed the conflict of interest principle be looked in to."*

## Recommendations from the CSOs consulted were as follows:

- There is a lot of capacity building needed amongst public officials for disclosure to be embraced and implemented robustly.
- Political will is really core to the institutionalization of openness, transparency, and accountability, especially for a country like Kenya, where great progress has been made in putting in place core legal framework. At the same time, the political will is not easily earned and might take a lot of time and effort.
- There is a need to provide expertise where needed, including research papers and reports, financial resources to find specific activities of the relevant agencies, advocacy to strengthen law and policy framework.
- It is important to create public awareness on conflict of interest.

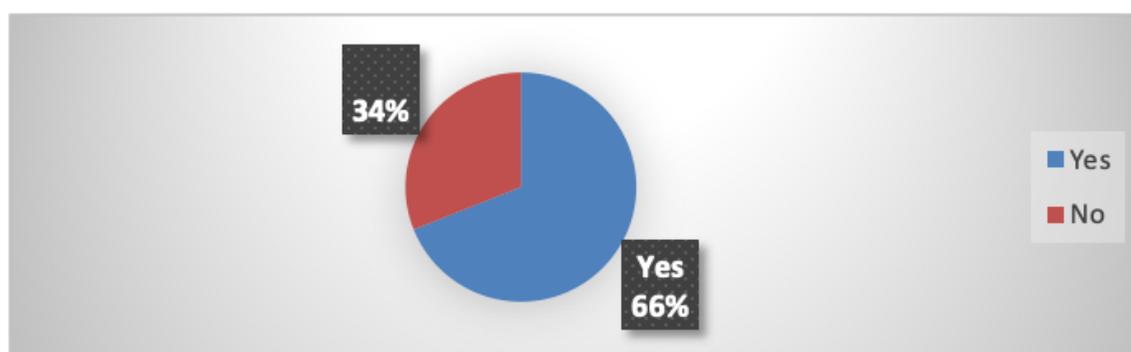
## 4.4 International Cooperation

### 4.4.1 Introduction

Successful international cooperation is required to eradicate the corrosive effects of corruption. The UNCAC offers a strong framework for the States to engage in international cooperation at both the informal and formal levels. One of the central goals of the Convention is to promote, facilitate and support international cooperation in the fight against corruption. Chapter IV of the Convention contains detailed provisions on the main modalities of international cooperation in criminal matters, such as extradition, mutual legal assistance and the transfer of sentenced persons; it also covers law enforcement cooperation, joint investigations and special investigative techniques. Moreover, the Convention in its article 43 requires States Parties to consider assisting each other in investigations of a proceedings in civil and administrative matters where appropriate and consistent with their domestic legal system.

The table below shows level of awareness of by the CSOs on of the central authorities and relevant national institutions resource and training, as well as appropriately structured and empowered, to prepare and respond to requests for mutual legal assistance, including with respect to translation and interpretation, when required.

**Figure 13: Awareness of CSOs of relevant trainings and institutions**



CSOs in the Kenya mentioned that their knowledge on international cooperation was on Financial Intelligence Authority, and the existence of the Inspectorate of Government. 75% of the CSOs are not are aware of any measures in place to promote informal cooperation and intelligence sharing, including spontaneously, between law enforcement bodies across jurisdictions, 75% are not aware of any capacity-building activities for practitioners engaged in mutual legal assistance related to corruption investigations and prosecution and only 36 % are involved in advocacy work or carrying out any activities linked to develop and implement internal policies, mechanisms and procedures to facilitate coordination of institutions at the national level in preparing and responding to requests for mutual legal assistance.

**Table 5: Best Practices in international cooperation in the region**

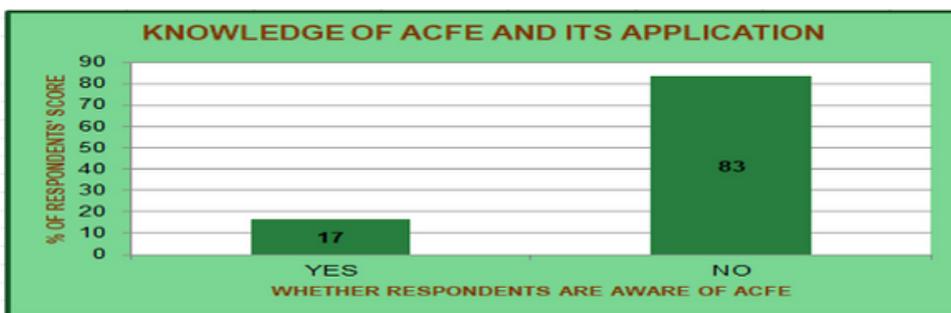
**In Kenya, the Police Reforms Working Group** is an alliance of national and grassroots organizations committed to professional and rule of law policing. This working group is a network of multiple CSOs that try to create informal cooperation and intelligence sharing between law enforcement bodies and other jurisdictions. Kenya has been part of the East African Association of Anti-Corruption Authorities which was formed mainly to combat corruption within the region.

## 4.5 Association of Certified Fraud Examiners training and its applicability

### 4.5.1 Introduction

The Association of Certified Fraud Examiners is a professional organization of fraud examiners. Its activities include producing fraud information, tools and training. The assessment sought to find whether CSOS were familiar with ACFE training and its application to which figure 14 shows that a majority (83%) indicated that they were not aware of the provision.

**Figure 14: Familiarity with ACFE Training and its applicability**



In Kenya, the mission of the Association of Certified Fraud Examiners Kenya is used by the National Intelligence to fight against terrorism and crime. As a result, the Military continue to utilize the programme as one of the criteria to select the most competitive Special Agent applicants and Cadets. In advocating for policies and procedural best practices to be put in place by governments especially in managing proceeds of crime, for example in Uganda, the government has not recovered stolen assets from abroad but has made recoveries from either convicted persons locally or those who negotiate and agree to refund.

## 4.5.2 Main challenges of financial investigations

The challenges of financial investigation were relatively of equal importance across the countries without significant deviation from each other, which shows the multi-faceted nature of the successful investigations.

**Figure 15: Main challenges of financial investigations**



## 4.5.3 The role of CSOs in financial investigation and best practices

- With regards to the role that can be played by CSOs in ensuring best practices around financial investigation and management, the following recommendations are given:
- Proper resourcing for these agencies and monitoring whether proceeds are recovered and how they are used is critical.
- Bolstering partnership and targeted trainings to capacity-build relevant officers.
- The role of CSOs would be to advocate for these entities to be independent and impartial in their work, including where possible through collaboration and awareness raising.
- Civil society can play a larger role in the monitoring capacity because having alternate opinions from non-governmental entities is important for providing transparency.
- Making the government see the advantages in being more transparent and accountable. This has more benefits than being opaque in the way it expends public funds. This transparency will enable the citizens to have more trust in the government. The cost of corruption should be too high, this way, those officials getting tempted to engage in corruption will run from it.
- CSOs role is only limited to independent monitoring, reporting, research and training for capacity of those interested in working against corruption.
- Joint resource mobilization among CSOs - this would ensure funding for majority CSOs working in the sector.
- Partnerships between CSOs and private sector in financial management and general anti-corruption issues.
- Advocacy and monitoring implementation of existing legislative frameworks.

**Table 6: Best Practices on the role of CSOs in Financial Investigation**

- **Constitution and Reform Education Consortium (CRECO)** said that *“Our main contribution has been in promoting procurement transparency, analyzing disclosed data and engaging relevant authorities. We have also advocated for adoption and implementation of access to information laws. Our new strategic plan places emphasis as well on whistleblower protection.”*
- Currently, **Civil Society Reference Group has partnered with Kenya Private Sector Alliance (KEPSA) and Transparency International Kenya** to form the Anti-Corruption Working Group whose main role will be coordination of Anti-corruption program among CSOs and private sector.
- **Dialogue Research Institute (DRI) in South Sudan** mentioned that the UNCAC fast-tracking conference led to the development of an East Africa multi-stakeholder working group on Corruption that has been working to consolidate joint funding for CSOs and engagement with APNAC and AUABC. DRI said *“UNCAC fast-tracking conference led to the development of East Africa multi stakeholder working group on Corruption that has been working to consolidate joint funding for CSOs and engagement with APNAC and AUABC. Our main contribution has been in promoting procurement transparency, analyzing disclosed data and engaging relevant authorities”*. They have also advocated for adoption and implementation of access to information laws.



## 5.0 REFLECTING ON THE UNCAC FAST-TRACKING REGIONAL PLATFORM

### 5.1 Fast-tracking UNCAC aiding CSOs' work

CSOs were asked how UNCAC fast-tracking regional platform has been helpful for them in the course of their work and the key responses given are as follows:

**Table 7: Best Practices on tracking of regional platforms**

- **Africa Freedom of Information Centre (AFIC), Uganda**, mentioned that the platform provided much needed information and skills. These helped to shape a new strategic plan whose implementation has commenced.
- **OLOCUME from Burundi** said *“At the conference, we learned about the periodic review mechanisms and used it to make parallel notes relating to the two review reports on Burundi that we presented to UNODC and published them. in the media. And the content of these notes was also sent to the Burundian authorities.”*
- **Association Burundaise des Consommateurs-Transparency Internatioanal (ABUC-TI Burundi)** said *“the process was useful in Enhancing knowledge and skill that enabled for interventions on Anti-corruption national engagements.”* The conference provided an avenue for enhancing knowledge and skill that enabled for interventions on Anti-corruption national engagements in Burundi.

With regards to future priority areas proposed for the fast-tracking platforms for governments and civil society in East Africa, the following were the key recommendations:

1. Capacity building to promote more multi-stakeholder partnerships
2. Whistleblower protection
3. Open contraction-beneficial ownership, for example, providing citizens-centered data from nationally and sub-nationally representative samples on all various aspects of public service delivery.
4. Access to justice for corruption victims/Impunity
5. Effective and meaningful public participation in the remaining UNCAC Country Reviews, for example, more research for data driven and evidence based anti-Corruption advocacy is a key area of need for CSOs.
6. Focus on the field of mining sector which causes huge financial losses to countries due to corruption.
7. Integrity in Public Procurement
8. The monitoring of the disbursement of emergency funds, particularly surrounding Covid-19 responses
9. Anti-Money Laundering

## 5.2 Summary

The survey responses confirmed the expertise, professionalism and willingness of CSOs to take on crucial roles in countering corruption, impacting the entire cycle of anticorruption activities - from law-making and awareness-raising to acting as a watchdog in their respective jurisdictions. Despite the difficult socioeconomic and political conditions in the region, there is a vibrant anti-corruption civil society landscape. The majority of the organizations have a strong research focus or prioritise policy-making, capacity building, advocacy and awareness-raising. The majority of CSOs cooperate at the local level, nationally, regionally and, to a medium extent, internationally with other civil society actors for carrying out joint projects and sharing information. The trend for cooperation and the variety of assessment systems in place could be used to create a broad coalition of CSOs with information-sharing arrangements and standardized reporting procedures that would maximize the cumulative effect of their activities.

The above findings confirm the role important role of CSOs in the field of research, evidence-based advocacy, monitoring and reporting as well as education to the public that needs to be continuously reinforced through human and financial resources, capacity-building and building cooperation to enable the successful implementation of the UNCAC.



# 6.0 THE UNITED NATIONS TRANSNATIONAL ORGANIZED CRIME CONVENTION (UNTOC)

## 6.1 Introduction

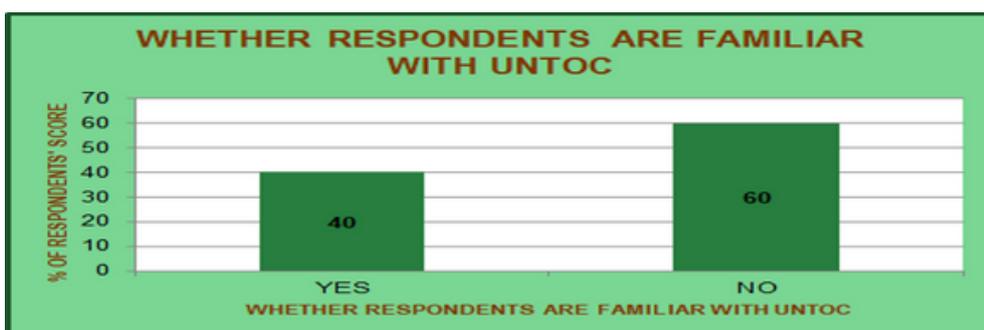
The United Nations Convention against Transnational Organized Crime (UNTOC), adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

### 6.1.1 Familiarity with UNTOC

On this account, the assessment as shown in figure 16 found that a majority CSOs in East Africa (60%) are not familiar with UNTOC and its operations with the agency.

**Figure 16: Whether CSOs are familiar with UNTOC**

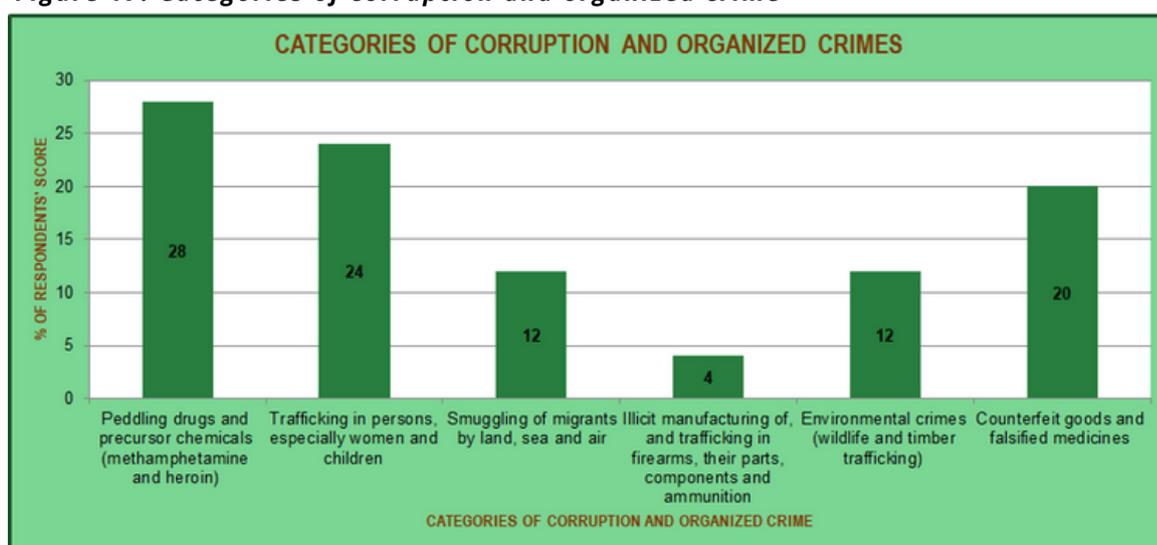


## 6.2 Categories of corruption and organized crime

It is suspected that major driving factors for corruption in the Eastern African region are a lack of systemic collection of data and evidence, fragile legal frameworks and a lack of specialized knowledge among law enforcement. The fact that there is not a harmonized definition of corruption in makes it challenging to accomplish comparisons between countries.

The assessment sought to find out CSOs understanding of the linkage between corruption and organized crimes. As shown in figure 17, the assessment found that the highest scoring categories were *Peddling drugs and precursor chemicals (methamphetamine and heroin)* (28%), *Trafficking in persons, especially women and children* (24%), and *Counterfeit goods and falsified medicines* (20%). These were followed by *Smuggling of migrants by land, sea and air* (12%) and *environmental crimes (wildlife and timber trafficking)* (12%) with the lowest scoring category being *Illicit manufacturing of and trafficking in firearms, their parts, components and ammunition* (4%).

**Figure 17: Categories of corruption and organized crime**



Furthermore, there are several factors that drive corruption and organized crime in the Eastern African region. Among the principal driving factors is the challenge for law enforcement agencies to gather evidence and a fragile legal framework and judicial system in Eastern African countries. Corruption is often difficult to prove for law enforcement and prosecutors and organized criminal groups involved exploit this in their favour. This, combined with the low risk of detection and punishment, make the Eastern African region vulnerable to corruption schemes facilitating organized crime.

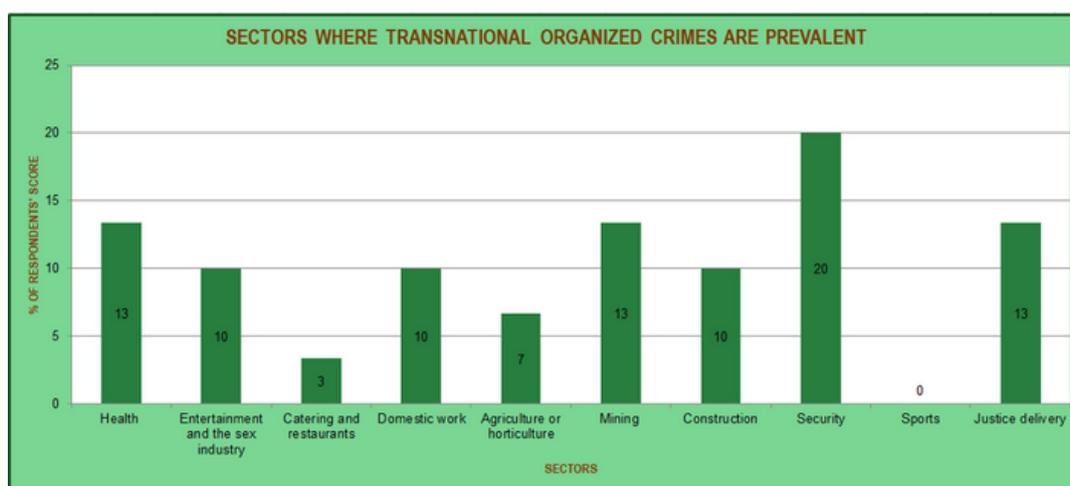
In the region, most countries have implemented mitigation measures and strengthened their judicial systems through the creation of anti-corruption bodies. Nevertheless, there is a gap when it comes to the application of the law. Major weak points for corruption and organized crime garnered from the study were:

- Challenges in evidence gathering weak legal framework and judicial system
- Lack of specialized skills and experience
- Necessary investigation and prosecutions backed by political will
- Cultural practices which disincentivises tackling the corrupt practices

## 6.3 Sectors where transnational organized crimes are prevalent

Figure 18 below shows CSOs indicated that transnational organized crimes happen across all indicated sectors. CSOs considered security sector (20%) as the most prevalent sector for transnational and organized crimes followed by health, mining and justice delivery (each scoring 13%) followed by entertainment and sex industry, domestic work and construction (each scoring 10%); followed by agriculture/horticulture scoring 7% and catering and restaurants scoring 3%.

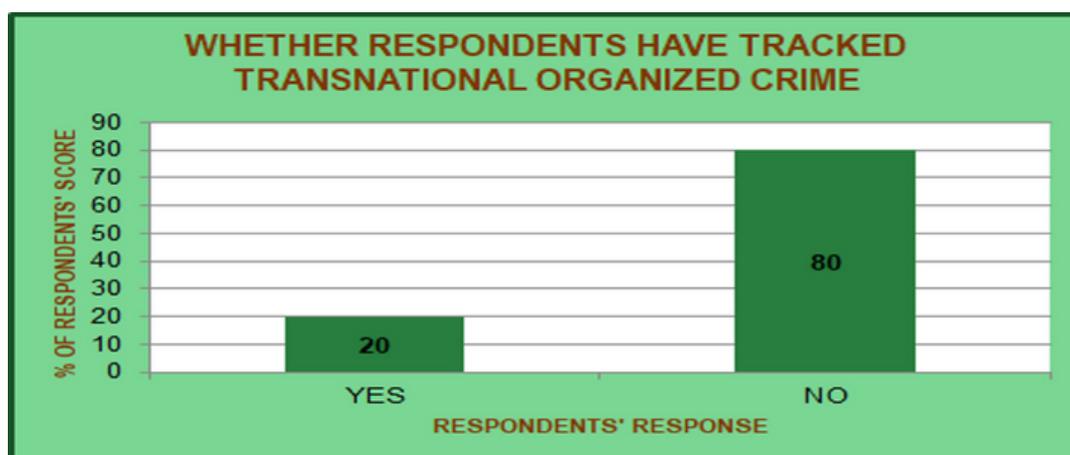
**Figure 18: Prevalence of organized crime per sector**



### 6.3.1 CSOs have tackling Transnational Organized Crime

Figure 19 below shows that 80% of the anti-corruption CSOs had not been involved in tackling of transnational organized crime directly in the course of their work.

**Figure 19: Tackling of Transnational crime**



**Table 8: Anti-Corruption CSOs tackling Organized Crime**

**In Burundi, Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME) reported** that *'The activity carried out concerns the trafficking of women to work in Arab countries as domestic servants. Some were prevented from traveling and returned to the country. However, this trafficking continues to take place in the country despite its ban by the authorities.'*

**The Kenya Human Rights Commission and Ndula Resource Centre (NRC)** were instrumental in pushing for a comprehensive reparative framework during an out-of-court settlement following the institution of a legal suit against Camellia, Kakuzi's parent company in the United Kingdom. The suit was brought by Leigh Day, a leading UK law firm, in partnership with KHRC and NRC. The claims leveled against Camellia related to egregious human rights violations that ranged from assault, rape and killings committed by Kakuzi security guards to workers and community members.

The reparation framework developed by KHRC and NRC titled *'Irreducible Minimums'* specifically demanded that;

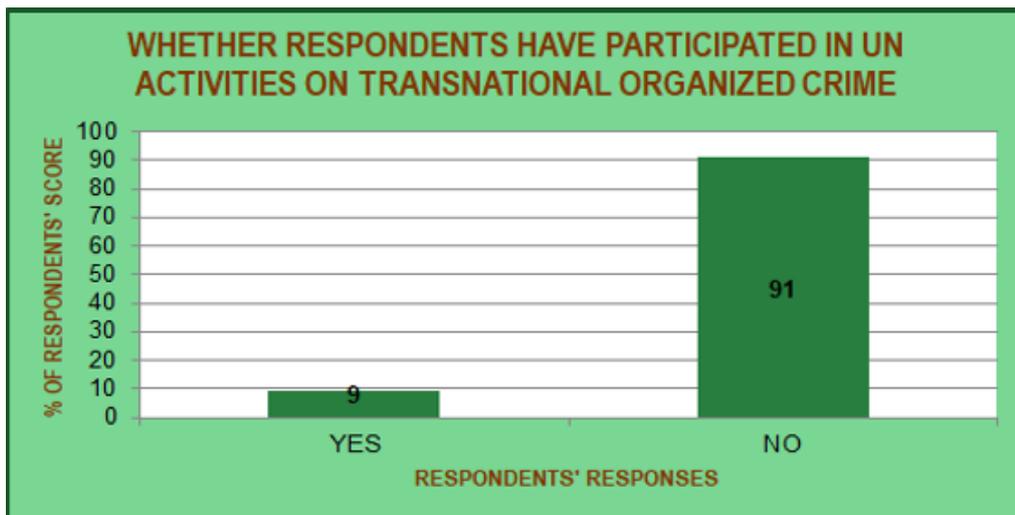
- a. 6 public roads closed by Kakuzi be opened with immediate effect and that communities would have motor able access on these roads without being required to produce passes as was the case before the settlement, 2) resettlement of all communities displaced by Kakuzi through systemic evictions,
- b. Non-interference and an immediate end to threats on victims and HRDs by Kakuzi,
- c. An immediate withdrawal of all the insidious court matters instigated by the company against the aggrieved communities,
- d. Compensation to individual victims who had been subjected to harm by Kakuzi security guards.

Camellia and its subsidiary Kakuzi had designed a ploy to evade compensation and instead initiate community social projects, such as charcoal kilns and a community hall, under the guise of reparations. It was the spirited fight by KHRC and NRC that delivered millions of Kenya shillings in compensation to the 89 claimants in the UK case. Camellia, in its settlement statement to its shareholders."

## 6.4 CSOs' participation in UNTOC-related activities

The assessment asked whether CSOs had been part of any UN activity on transnational organized crime and as shown in figure 20, most of the CSOs (91%) had not been part of the any such activity by the UN.

**Figure 20: CSOs' participation in UN activities on transnational organized crime**



**Table 9: Best Practices in CSOs participation in UN activities on TOC**

- Under the aegis of the SDGs Kenya Forum, **ARTICLE 19 in Kenya** is the convener of Sustainable Goal 16 which focuses on Peace Justice and Strong Institutions. As part of the follow-up and review mechanisms of the 2030 Agenda for Sustainable Development, they facilitate a multi-stakeholder engagement by both state and non-state actors to conduct regular and inclusive reviews of progress at the national and sub-national levels through preparation of VNR reports. This includes reporting on the status and progress of SDG 16- Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- **The Civil Society Reference Group and MUHURI in Kenya** have developed a shadow report - Civil Society perspectives for the Anti-Money Laundering and Terrorist Financing mutual evaluation review process in Kenya. The report is currently undergoing review by the relevant stakeholders.

## 6.5 Empowering CSOs to fight transnational organized crime

CSOs spoke with a unified voice that there is need for a strong political will to curb corruption, combined with proper resources allocation and a robust legal framework that will have contribution to address successfully organized crime in the Eastern African region. Law enforcement agencies should focus their attention on practices in which corruption takes place and in the way these actions facilitate organized crime.

The assessment asked CSOs what they thought could be done to empower CSOs to be able to meaningfully engage in tracking transnational organized crime. Three suggestions came out strongly from the CSOs:

- Conduct training and capacity-building, in which CSOs are uniquely advantaged. Most of their work enables them to directly engage with the citizens. Given adequate training, they could use this to help the communities understand the linkages and the downside to these activities.
- Awareness-raising and knowledge of UNTOC should be of priority.
- Formation of coalitions with like-minded organizations to work on issues related with transnational crimes needs to be established.

Furthermore, the areas that were recommended for potential further training and empowerment on in the familiarization effort of UNTOC and the three supplementing protocols were:

1. Further establish links between the fight against corruption and the fight against organized crime; capacity building on how to fight against organized crime due to corruption, and the contribution of civil society in the fight against organized crime.
2. Training and collaboration between key stakeholders in the sector
3. More training/capacity building on drugs, counterfeit goods and firearms
4. Information on how to report these illegal activities and how to rehabilitate individuals from these activities, how to divert attention from these activities

Corrupt practices have parallels in almost all criminal markets in the East African region. This includes low-level corruption (petty corruption), middle level corruption (notably the practices of 'infiltration' and 'trading of influences'), and high level (territorial and individual protection of criminals by certain public agencies). The detection of links between corruption and organized crime in the East African region is largely identified on an individual basis with limited detection and reporting of the organized aspect of it. This illustrates the need for cooperation between East African countries on how to detect and fight the same. It is probable that investigations focus largely on the illicit activity and not to the corrupt practice that enables in the East African region address the root causes of corrupt practices when fighting against organized crime, which is an area of potential future concentration by CSOs, States and UNODC.

## 7. CONCLUSION AND RECOMMENDATIONS

This study has underpinned the importance of the activities of civil society in support of the implementation of the UNCAC and the anti-corruption priorities at the local, national and global levels. The level and modes of the CSOs engagement and participation in the region varies, from awareness-raising and capacity-building, civic education and engagement, supporting in the drafting and implementation of laws and policies, research on various governance and human rights issues, coordination and mobilization and implementation of various projects on corruption.

The assessment shows that CSOs with a clear focus on the advancement of the rule of law in their country aim to achieve access to justice for all citizens, to promote an efficient judicial system or to advocate for human rights-based approaches in the administration of justice. Furthermore, other CSOs are devoted to the economic and political progress and aim to design and promote alternative policies on socioeconomic and political issues, supporting the implementation of political reforms – especially regarding strengthening democratic values within their jurisdictions. Finally, some organizations have the objective of increasing the reach and integrity of civil society by cultivating a “zero tolerance” for corruption. This embodies the goals of informing citizens about current situation regarding corruption and increasing the awareness of citizens about corruption-related topics.

### **CSOs contributing to the implementation of the UNCAC in Eastern Africa Region**

- UNCAC needs to expand its reach to CSOs in East Africa who work in different sectors and those activities can be linked to widening the implementation of UNCAC.
- There should be regular and targeted meetings on UNCAC to share with CSOs for knowledge and implementation session sharing to make it easy to track implementation of UNCAC in the region.

### **Civil Society contributions to the UNCAC Review Mechanism**

- There is need for awareness-raising for CSOs in East Africa on UNCAC Review mechanism and capacity building for CSOs should meaningfully contribute to the UNCAC Review Mechanism.
- Governments in East Africa need to be proactive to share information with CSOs and share review timelines to enable them to participate in the UNCAC reviews.
- Governments should disclose information to CSOs when assessments start and seek their active participation.

### **CSOs contributions to the implementation of Conference recommendations**

- The adequacy of legal and policy frameworks and institutional arrangements linked to whistleblower protection, asset disclosure systems, independence of specialized bodies and inter-agency cooperation should be assessed, with the intention of identifying gaps to inform evidence-based advocacy.
- A framework of CSO engagement should be developed for CSOs on participation.
- CSOs are in need of fundraising, for example, they can work together and have an East Africa basket funding, to help in logistical issues related to attend such conference.
- Conduct trainings to ensure that CSOs and specialized bodies execute their mandates in the most effective, efficient and sustainable manner.
- Need for room for multi-stakeholder engagement between the CSOs and the government.

### **CSOs reflections on the UNCAC Fast-tracking Regional Platform**

- Need for a follow up conference resolution and have a portal or action point template where CSOs are able to log in and update the work they are doing.
- Organize networking session regularly among CSOs in the platform.
- Expand the reach of the UNCAC coalition to include more CSOs in the region.
- CSOs should identify champions in the concerned government entities to long lasting partnership. They should establish contact with government focal points, building real partnership based on common goals, align activities to national priorities, and demonstrate the role of civil society as an impartial watchdog and establish but maintaining CSOs independence.

## 8. ANNEXES

### 8.1 List of consulted CSOs

	Name of the CSO	Head of the CSO and Title	Country	Status on attendance of the UNCAAC Conference	
				Yes	No
1.	Africa Freedom of Information Centre	Gilbert Sendugwa, Executive Director	Uganda	Yes	
2.	ARTICLE 19 Eastern Africa	Mugambi Kiai- Regional Director	Kenya	Yes	
3.	The Youth Agenda Kenya	Mr. Victor Nyongesa	Kenya		No
4.	Advance	Mawa Nemaya Joseph- Executive Director	South Sudan	Yes	
5.	Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME)	Gabriel RUFYIRI, Président de l'OLUCOME. Le répondant au questionnaire Jean Claude Ndikumwami Secrétaire Exécutif de l'OLUCOME	Burundi	Yes	
6.	Infrastructure Transparency/CoST Initiative Ethiopia	Haileyesus Meseret	Ethiopia	Yes	
7.	Constitution And Reform Education Consortium	Executive Secretary Joshua Changwony	Kenya	Yes	
8.	Tanzania Anti-Corruption Network (TACN)	Hebron Mwakagenda-Chairperson	Tanzania		
9.	Twaweza East Africa	Dr. James Ciera - Kenya Country Lead	Kenya		No
10.	Training Centre for Development Cooperation	Makena Mwobobia	Tanzania but with multi-country jurisdiction	Yes	
11.	Progress Integrated Community Development Organization (PICDO)	Demeke Debabe; Executive Director	Ethiopia	Yes	
12.	Civil Society Reference Group - CSRG	John Owegi National Coordinator	Kenya	Yes	
13.	Kenya Human Rights Commission	Mr. Davis Malombe, Ag. Executive Director	Kenya		No
14.	International Commission of Jurists (ICJ)	Elsy Siana-Executive Director	Kenya		No
15.	Mzalendo Trust	Caroline Gaita- Executive Director	Kenya		No
16.	Transparency International Ethiopia	Kibreab Lomencho IGA Manager & Attorney and Consultant at Law	Ethiopia		No
17.	Transparency International Kenya	Sheila Masinde-Exceutive Director	Kenya	Yes	
18.	Association Burundaise des Consommateurs-Transparency Internatioanal (ABUC-TI Burundi)	Ella Ndikumana, Executive Director Pierre Nduwayo, Legal Representative and President	Burundi	Yes	
19.	Dialogue and Research Institute	Gordon Lam	South Sudan	Yes	
20.	Transparency International Rwanda (TI-Rw)	Apollinaire Mupiganyi Executive Director	Rwanda		
21.	Kounkuey Design Initiative	Vera Bukachi, Jack Campbell Clause and Regina Opondo- Co-Directors Joe Mulligan - Associate Director and Chair of the Kenya Board	Kenya		No

## 8.2 The Institutions and mechanisms implemented by some countries in the region to fight against Corruption

Country	Institutions and Mechanisms against corruption
Burundi	Anti-Corruption Brigade
	Anti-Corruption Court
	General Prosecutor's Office at the Anti-Corruption Court
Ethiopia	Federal Ethics and Anti-Corruption Commission
Kenya	Ethics & Anti-Corruption commission
	Specialized Unit on Economic Crime
	Directorate of Criminal Investigation
	Anti-Corrupt Court
	Asset recovery agency
	Financial Reporting Centre
	Public Procurement Regulatory Authority
	Office of the Ombudsman
	Law on fighting corruption and other related offences
Rwanda	National Advisory Council to Fight Corruption and Injustice
	Rwanda Investigation Bureau
	Office of Auditor General
	Parliament Account Committee
Sudan	Corruption Crimes Investigation Unit + Enact legislation
	Declaration of discharges (for officials and public employees)
Tanzania	Prevention and Combating Corruption Bureau (PCCB)
	Special Court dealing with Grand Corruption
Uganda	Police (CID)
	Inspector General of Government (IGG)
	Parliament
	Anti-corruption court
	Financial Intelligence Authority
	Anti-corruption unit in state house
	Asset recovery under DPP and anti-corruption offices

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