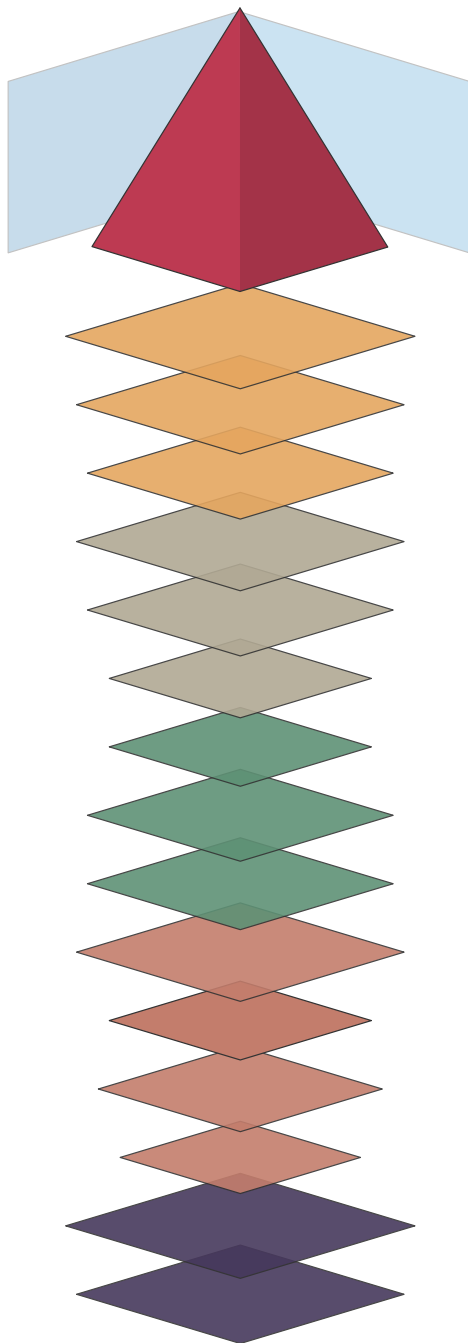




# KENYA



7.02

## CRIMINALITY SCORE

16<sup>th</sup> of 193 countries

4<sup>th</sup> of 54 African countries

1<sup>st</sup> of 9 East African countries



### CRIMINAL MARKETS

6.93

HUMAN TRAFFICKING	8.00
HUMAN SMUGGLING	7.50
EXTORTION & PROTECTION RACKETEERING	7.00
ARMS TRAFFICKING	7.50
TRADE IN COUNTERFEIT GOODS	7.00
ILLICIT TRADE IN EXCISABLE GOODS	6.00
FLORA CRIMES	6.00
FAUNA CRIMES	7.00
NON-RENEWABLE RESOURCE CRIMES	7.00
HEROIN TRADE	7.50
COCAINE TRADE	6.00
CANNABIS TRADE	6.50
SYNTHETIC DRUG TRADE	5.50
CYBER-DEPENDENT CRIMES	8.00
FINANCIAL CRIMES	7.50



### CRIMINAL ACTORS

7.10

MAFIA-STYLE GROUPS	7.00
CRIMINAL NETWORKS	8.00
STATE-EMBEDDED ACTORS	8.00
FOREIGN ACTORS	6.50
PRIVATE SECTOR ACTORS	6.00



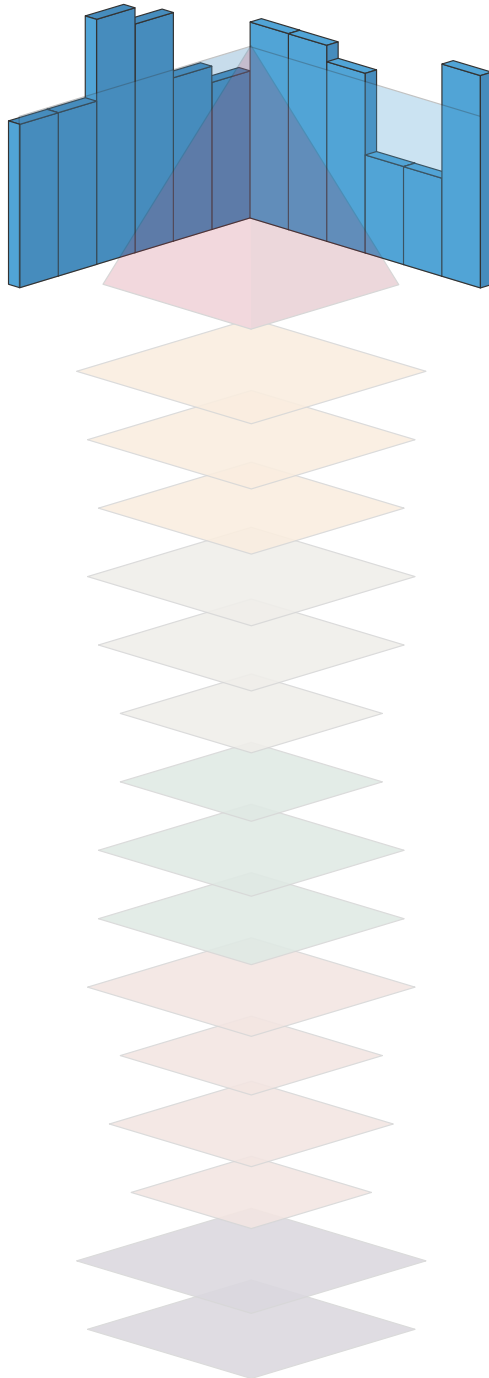
5.33

## RESILIENCE SCORE





# KENYA



## 5.33

### RESILIENCE SCORE

69<sup>th</sup> of 193 countries  
 9<sup>th</sup> of 54 African countries  
 1<sup>st</sup> of 9 East African countries

POLITICAL LEADERSHIP AND GOVERNANCE	5.00
GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY	5.00
INTERNATIONAL COOPERATION	7.50
NATIONAL POLICIES AND LAWS	7.00
JUDICIAL SYSTEM AND DETENTION	5.00
LAW ENFORCEMENT	4.50
TERRITORIAL INTEGRITY	6.00
ANTI-MONEY LAUNDERING	6.00
ECONOMIC REGULATORY CAPACITY	5.50
VICTIM AND WITNESS SUPPORT	3.00
PREVENTION	3.00
NON-STATE ACTORS	6.50



## 7.02

### CRIMINALITY SCORE



CRIMINAL MARKETS **6.93**



CRIMINAL ACTORS **7.10**



# CRIMINALITY

## CRIMINAL MARKETS

### PEOPLE

Kenya is a source, transit, and destination country for human trafficking in both forced labour and sexual exploitation. The country lies on a common trafficking route between the Horn of Africa, Southern Africa, and East Africa to the Arabian Peninsula and South Asia. Traffickers in Kenya collude with law enforcement officials to move people in and out of the country, and officials are believed to be complicit in the trafficking of women and girls to Gulf countries for domestic work. As such, flows are usually facilitated by unregistered employment agencies that lack proper documentation, and traffickers often obtain fraudulent documents from corrupt officials. The Kenyan government regulates labour migration, and hundreds of illegitimate agencies have been deregistered, but this has only driven criminal activity underground. Within Kenya, Ugandan and Nepali women have reportedly been trafficked for the purposes of sexual exploitation. Eritreans, Ethiopians, and Somali refugees are also exploited. There has also been a notable rise in the smuggling of Tanzanians into the country for forced begging. The Anti-Human Trafficking and Child Protection Unit reports that there have been alarming spikes in online human trafficking recruitment and the exploitation of children.

Kenya remains a considerable hub for human smuggling in East Africa, and new hotspots have emerged across the country in recent years. Kenya's role has shifted from a destination to a transit country. Human smugglers in Kenya primarily transport irregular migrants from the Horn of Africa and Somalia to Gulf countries and the Middle East. Kenyan and Ugandan recruitment agencies reportedly collaborate in human smuggling and human trafficking operations. Porous borders and the inadequate enforcement of immigration laws owing to corrupt state officers are the major drivers of migrant smuggling. There have, however, been significant arrests of perpetrators of human smuggling.

Many criminal gangs in Kenya are known for carrying out extortion and protection rackets, predominantly in cities such as Nairobi and Mombasa. The collusion between gangs and corrupt public officials continuously undermines Kenya's state response to the problem, further enabling gangs to seize control of public service provisions. In fact, criminal gangs maintain ownership of the local transport or matatu industry, waste removal, electricity, and water provision. Urban residents are subjected to gang tax when using these services. Gangs in Kenya largely operate with impunity and offer 'protection services' to drug lords and corrupt politicians, working as bodyguards or election agents.

The extortion of foreigners has occurred in Nairobi, usually taking the form of carjacking or kidnapping. Al-Shabaab and other extremist groups are thought to seek out foreign kidnapping victims and are active in counties near the Kenya–Somalia border and in some coastal areas.

### TRADE

Arms trafficking continues to be a pervasive issue in Kenya. Kenya is primarily a hub for arms trafficked to conflict zones. Border porosity and the phenomenon of cattle theft are believed to exacerbate the issue. Pastoralist communities such as the Pokot and Turkana along the Kenyan–Ugandan border and the Borana along the Kenyan–Ethiopian border are known to be heavily armed, as they are involved in stock theft. Decades-long armed violence in neighbouring Somalia has also exacerbated the arms trafficking market in Kenya. In 2021, increased insecurity in Ethiopia resulted in an uptick in the number of firearms crossing the border. High-level political and government officials are reportedly linked with trafficking arms to warring factions in South Sudan. In addition, Al-Shabaab elements reportedly collude with corrupt Kenyan law enforcement officers to traffic illicit weapons from Somalia into Kenya. Criminal gangs utilize children, young boys, and women to aid in the importing of illicit firearms. It is estimated that the flow of weapons into Kenya's illegal markets is mostly carried out by small-time traders, although taken as a whole, this amounts to a steady and substantial arms influx.

Counterfeit goods trading is becoming a serious issue in Kenya, with losses amounting to hundreds of billions of Kenyan shillings annually. Counterfeiting in Kenya is typically composed of fast-moving consumer products, such as spare car parts and accessories, electronics, luxury goods, fashion apparel, as well as phone and computer accessories. In 2021, authorities contended that Kenya's counterfeit imports came mainly from Asia, especially China. Moreover, in recent years, India has been reported as a substantially growing source of counterfeit medicines in Kenya, with new transit routes emerging that designate Dubai as the key trans-shipment point for these products. Illicit trade in excise goods continues to be a considerable problem in Kenya, with commodities such as sugar, tobacco products, and alcoholic drinks being the most common. The high cost of doing business in Kenya, including numerous taxes and an unpredictable business environment, has been identified as one of the factors contributing to the threat of increased illicit trade and counterfeit products. A substantial number of counterfeit and excise goods also enter Kenya from neighbouring Uganda and Tanzania owing to porous borders and corruption among officials.

## ENVIRONMENT

Illicit logging and the harvesting of protected species are the primary forms of flora crimes in Kenya. Kenya's forest cover has dropped, largely owing to government corruption and the ongoing illegal logging of indigenous tree species. The trade of sandalwood, which is on the brink of extinction in Kenya, continues, despite a 2007 government ban on harvesting it. The key inland market for sandalwood is Tororo, Uganda, where sandalwood harvested from Kenya is packaged before being transported back to the port of Mombasa as Ugandan sandalwood product, thus making it difficult to prosecute traffickers based on the national legal framework. The involvement of corrupt politicians has made it harder for environmental activists to curb illicit trade such as this. The ports of Mombasa and Dar es Salaam have emerged as key trans-shipment points for smuggled and trafficked rosewood from Madagascar in recent years.

While there have been some successes in reducing wildlife poaching and trafficking, such as a reduction in elephant poaching over the last six years, wildlife trade remains prevalent. Wildlife trafficking between Kenya and Asia is predominant, especially the illicit trade of lion, hippo, and rhino products. Throughout the COVID-19 pandemic, the poaching of bushmeat reportedly increased owing to hunger caused by higher levels of poverty and the loss of jobs. The trade in donkey skins has grown in recent years, with China being the largest market. The volume of marine animal trade is also on the rise, especially turtle products, sea cucumbers, and lobsters. Ports such as Mombasa are transit hubs for illicit timber and wildlife products being trafficked across East Africa.

Mineral smuggling is common in Kenya. Most smuggled minerals originate in the Democratic Republic of Congo and are trafficked through Kenya for 'legitimization' before being sold to foreign markets as Kenyan products. Mineral smugglers often have ties to politicians in both countries. Illicit gold comes from Tanzania and South Sudan. Political figures have been accused of racketeering in the illicit gold trade. Oil smuggling is also known to occur, and a ban on the private import of petroleum products was introduced in 2019.

## DRUGS

Kenya is a transit country for heroin trafficked from Afghanistan and the Arabian Gulf to Europe, the Americas, and other parts of Africa. Currently, there is a large domestic heroin and cocaine abuse problem, particularly along the coast. The heroin market is quite profitable and competitive, and no specific criminal group controls the trade. Despite a concerted effort by the government, corrupt state officials facilitate the movement of heroin inland, as well as the activities of the West African and other organized crime groups involved. A notable nexus exists in Kenya between

heroin trafficking and other crimes, such as corruption, human smuggling, arms trafficking, and poaching.

While the volume of cocaine is smaller than that of heroin or cannabis, the country remains a trans-shipment point for the global cocaine trade, with international transit shipments often being controlled by Nigerian syndicates and through embedded Italian mafia networks. After arriving in Kenya, cocaine is shipped onwards to Ethiopia, Tanzania, and Somalia for both consumption and onward trade. Kenya's cocaine trafficking market is attributed to limited maritime enforcement capabilities that hamper drug interception. Low-level law enforcement officers have been identified as the primary organizers and facilitators of cocaine distribution and retail sale within the country.

Kenya has a thriving cannabis trade, with the plant being widely cultivated and produced for domestic consumption and regional markets. Much of Kenya's cannabis supply ends up at 'Korogocho', Nairobi's black market for cannabis, where bags of the drug are hidden among farm produce to avoid detection. Both cultivation and use remain illegal, and harsh penalties are imposed on those who are caught.

Regarding synthetic drugs, domestic consumption in Kenya is expanding. Synthetic cannabis and opioids, as well as new psychoactive substances, are widely available and used in the country. Kenya is also believed to serve as a transit country for amphetamines trafficked to South Africa and across South Asia. Authorities have pointed out that Kenyan drug traffickers are now importing narcotics mainly for the local market, which, if the trend continues, would transform Kenya from a drug transit hub to a consumption hub.

## CYBER-DEPENDENT CRIMES

The COVID-19 pandemic has contributed to the rise of cyber-dependent crime in Kenya, which has more than doubled since 2021. In addition, Kenya's digital transformation has led to an increase in cyber-dependent crimes such as data breaches and ransomware. Healthcare systems, utility providers, public infrastructure, insurance firms, schools, government organizations, and financial institutions are among the primary targets of cybercriminals.

## FINANCIAL CRIMES

Financial crime in Kenya is prevalent across the public and private sectors, as well as in civil society. The country experiences a high level of corruption among government officials and executive office holders, which leads to financial fraud, embezzlement, and misuse of funds. In addition, authorities have unearthed irregular payments to unauthorized companies and embezzlement cases involving important associations of professionals, namely lawyers, pilots, and football teams. Financial crime takes many forms in Kenya, including grand corruption scandals involving the transfer of funds by political and economic elites, as

well as multinational corporations evading income tax on payments to expatriate staff. Mis-invoicing and transfer pricing are also common methods deployed for tax evasion.

## CRIMINAL ACTORS

Corruption in Kenya is a highly systemic and embedded problem that affects various levels of society. Drug traffickers are known to have ties to politics and some have even run for office in the past. Some politicians are accused of offering protection to criminal syndicates. The police force and state departments have also been implicated in corruption, particularly in the drug and charcoal trades. Gang members reportedly hold key positions in political leadership, especially at the county level. In fact, mafia-style groups have a significant impact on the country's democratic processes, particularly in Nairobi and Mombasa, where they influence local elections through extensive violence. These gangs collaborate with corrupt officials in various sectors, including law enforcement, politics, banking, and mobile phone companies, to facilitate their criminal activities. A lack of political will has made it challenging to eliminate criminal activity in Kenya.

Kenya's criminal networks are dominated by smaller groups that engage in a variety of illegal activities, including drug trafficking, human trafficking, human smuggling, commodity smuggling, cattle rustling, extortion, burglary, robbery, money laundering, executions, and assassinations. Recently, there has been a rise in newly formed gangs. These engage in violent activities such as maiming, kidnapping for ransom, and killing innocent civilians for political purposes. These groups also traffic weapons that are used in terrorist attacks. Some criminal networks have transnational links to counterparts abroad. The Italian mafia is present in Kenya and East Africa, engaging in activities such as drug trafficking, human trafficking, arms trafficking, and money laundering. Asian groups are involved in Kenya's drug and fauna trafficking markets and money laundering schemes, while West Africans are involved in cocaine trafficking. Overlaps exist between private sector actors and mafia-style groups in Kenya, owing to the latter's control over the local transport sector and key public service provisions in certain areas of the country's main cities. Unregulated networks of hawaladars and other unlicensed remittance systems also operate as the main facilitators for the laundering of illicit proceeds in Kenya, which stem from both national and international criminal operations.

# RESILIENCE

## LEADERSHIP AND GOVERNANCE

The Kenyan government's efforts to combat organized crime have been undermined by corruption and criminal influence in politics. Populism, bribery, and known criminals running for office are major issues. As many opposition parties are sponsored by individuals involved in drug trafficking, they often also fail to condemn organized crime publicly, indicating that criminal influence is not only limited to the government. In general, Kenya scores poorly on indicators of good governance such as rule of law and control of corruption. In fact, corruption continues to erode the budget, with government officials acting with impunity and continuing to enjoy wealth garnered from the proceeds of organized crime. While Kenya has one of the best legislative frameworks in the region for combating corruption, implementation remains limited, and there are gaps in legislation that contribute to this. Oversight mechanisms exist, but the capacity to enforce accountability remains limited. Information is easily accessible, and transparency is relatively high, but public officials continue to engage in corrupt schemes, including embezzlement of donor funds.

Kenya has ratified most international treaties and conventions pertaining to organized crime, except for the Arms Trade Treaty. The country maintains good relations with African states and the European Union and has a strategic security

partnership with the United States. Kenya also cooperates with neighbouring states in information sharing and crime investigation, notably regarding cyber-security and tax-related issues. Kenya has one of the best legal frameworks against organized crime in the region and the country has enacted various laws and policies against arms trafficking, money laundering, criminal gangs, and wildlife and fauna crimes. However, the implementation of these regulations remains constrained. Moreover, certain regulations still exhibit shortcomings, and there is a lack of harmonization within the national policies.

## CRIMINAL JUSTICE AND SECURITY

Kenya's judicial system is perceived as impartial, but significant backlogs and weak institutional capacity reduce its efficacy. Delays provide opportunities for political influence and compromise. Moreover, certain judges and magistrates have been implicated in corrupt schemes, which have had detrimental impact on the decision-making processes within the judicial system. Impunity remains a major problem, with individuals being arrested and released without charge. The Kenyan government has refused compliance with court orders, and corruption cases have been in court for as long as 15 years, altering judicial outcomes. Although Kenya has no designated court

for organized crime, the Anti-Corruption Court serves to dismantle the relationship between organized crime and corruption. Prisons in Kenya are among the worst in the world with regard to overcrowding and proper hygiene. As a result, prison personnel report extreme difficulties in prison administration, and there have been known cases of inmates colluding with prison officers to commit crime. Corruption among Kenyan police, customs, and immigration officials is high, and there have been claims that police are direct beneficiaries of money heists or are hired as mercenaries in kidnapping cases. Police violence towards citizens, along with extra-judicial killings carried out by law enforcement officials also remain a prominent concern. Kenya has specific police units to combat organized crime, but their investigative capacity is insufficient.

Kenya's main security focus is on its northern border with Somalia, owing in large part to the threat posed by Al-Shabaab. Illicit criminal flows in this and other border regions are regular and largely undisrupted. To secure the border with Somalia, the government has invested in the construction of a concrete wall ringed with barbed wire, an electric fence, and trenches. It is expected to include observation posts on which electronic surveillance cameras will be installed to aid in the monitoring of movement on either side of the border. However, protecting Kenya's shared borders presents a daunting task for Kenyan authorities, as corruption among customs officials has enabled organized crime to flourish. In fact, human smuggling, human trafficking, charcoal exports, timber trafficking, and wildlife trafficking occur owing to facilitation by corrupt customs officials. Spurred on by the recent COVID-19 pandemic and digital transformation, Kenya has faced a sharp increase in cybercrime, such as phishing scams and ransomware, operated by a growing number of Kenyan cybercriminals in collusion with hackers from other African countries.

## ECONOMIC AND FINANCIAL ENVIRONMENT

Despite the presence of legislation and policy against money laundering, implementation has been ineffective owing to rampant corruption at all levels of government and politics. Criminal actors engage in this crime in Kenya's formal and informal sectors, with illicit proceeds derived from both domestic and foreign organized crime. Reports claim that Kenyan officials have assisted influential individuals in siphoning public funds to offshore accounts in countries such as Mauritius and Luxembourg. Kenya's dominant mobile banking systems make the country particularly vulnerable to money laundering, financial fraud, and terrorism financing. The lack of infrastructure to prevent online gambling platforms from being used as conduits for money laundering is also a concern.

Regarding economic regulatory capacity, Kenya has a moderately high level of economic freedom, performing better than most African states. However, large-scale corruption enables illicit activities to continue virtually

uninhibited. Authorities have developed mechanisms to ease the process of doing business in Kenya, which has attracted foreign investment into the country, but corruption and ethnic politics often negate this progress. Kenya's informal economy is extremely large. Currently, the economy is expanding, and Kenya is rated as a developing middle-income economy. The government is generally investment-friendly and has enacted several regulatory reforms to simplify both foreign and local investments.

## CIVIL SOCIETY AND SOCIAL PROTECTION

While the government has made some progress in curbing crimes such as terrorism and human trafficking, victims still lack sufficient protection. A general lack of state-run shelters has further marginalized human trafficking victims. They are often treated as criminals because of a lack of official understanding regarding the crime. While there have been certain changes in Kenya's approach to cracking down on drug users, individuals grappling with drug addiction continue to be treated as criminals by state actors and vigilante groups.

The government's anti-organized crime units have had some success, but whistleblowing remains rare owing to mistrust of security agencies. In addition, authorities have implemented several prevention strategies, including collecting illicit arms from civilians, rehabilitating illegal gun makers, and curbing terrorist financing. However, these efforts have been hindered by corruption, the role of organized crime groups in politics, police lethargy, and a lack of adherence to policy and policing principles.

Civil society plays a significant role in combating organized crime, particularly in exposing criminal activity, lobbying for legislative changes, and launching prevention campaigns. The decline of civil society organizations owing to a lack of funding and government efforts to silence the sector has been a concerning trend. Journalists in Kenya face notable challenges, with negative coverage and critical reporting of the ruling party often resulting in costly consequences. During elections, journalists' equipment is often confiscated by the police as an intimidation tactic. Physical attacks and threats also increase during these campaign cycles.

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