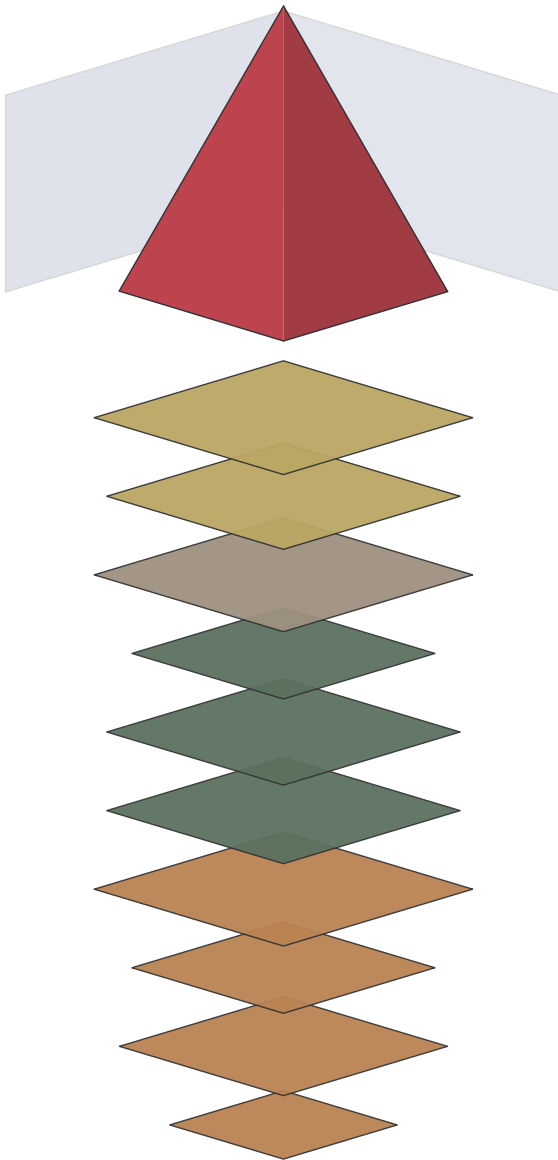




# KENYA



## 6.95 CRIMINALITY SCORE

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



### CRIMINAL MARKETS **6.65**

HUMAN TRAFFICKING	7.50
HUMAN SMUGGLING	7.00
ARMS TRAFFICKING	7.50
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	4.50



### CRIMINAL ACTORS **7.25**

MAFIA-STYLE GROUPS	7.00
CRIMINAL NETWORKS	7.50
STATE-EMBEDDED ACTORS	8.00
FOREIGN ACTORS	6.50



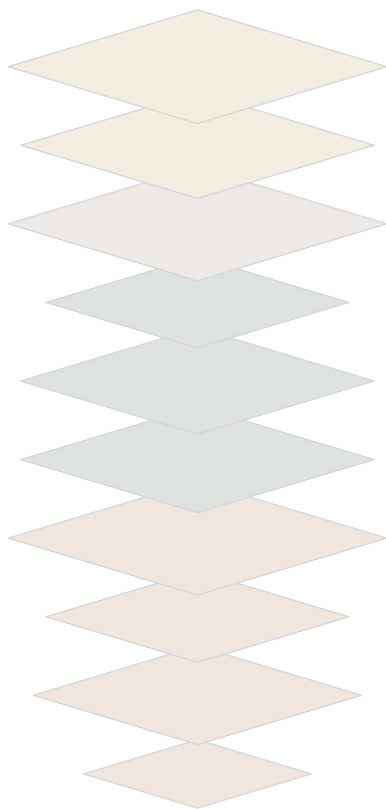
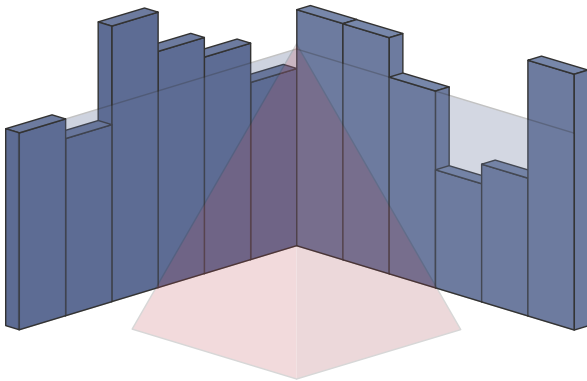
## 5.21 RESILIENCE SCORE

10<sup>th</sup> of 54 African countries  
2<sup>nd</sup> of 9 East African countries





# KENYA



## 5.21 RESILIENCE SCORE

10<sup>th</sup> of 54 African countries  
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POLITICAL LEADERSHIP AND GOVERNANCE	5.00
GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY	4.50
INTERNATIONAL COOPERATION	7.00
NATIONAL POLICIES AND LAWS	6.00
JUDICIAL SYSTEM AND DETENTION	5.50
LAW ENFORCEMENT	4.50
TERRITORIAL INTEGRITY	6.00
ANTI-MONEY LAUNDERING	6.00
ECONOMIC REGULATORY CAPACITY	5.00
VICTIM AND WITNESS SUPPORT	3.00
PREVENTION	3.50
NON-STATE ACTORS	6.50



## 6.95 CRIMINALITY SCORE

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



CRIMINAL MARKETS **6.65**



CRIMINAL ACTORS **7.25**



# CRIMINALITY

## Criminal Markets

### PEOPLE

Kenya is a country of origin, a transit hub and a destination market for victims of human trafficking, subjected to forced labour and sexual exploitation between the Horn of Africa, Southern Africa and East Africa, and the Arabian Peninsula and Southern Asia. Human trafficking is a significant driver of Kenya's underground criminal economy. Additionally, human traffickers in Kenya reportedly collude with law enforcement officials to facilitate movement. Available information also suggests that East African human trafficking rings moving people to the Middle East are run entirely by people posing as legitimate recruiting agencies based in Kenya. Often Kenyans who irregularly migrate to the Middle East for better economic opportunity are subjected to domestic servitude, sexual abuse and acute violations of their terms of employment. Smugglers and traffickers also hold irregular migrants destined for the United Arab Emirates in 'trafficking houses'. Ugandan and Nepali women have been trafficked into Kenya for the purposes of sexual exploitation. A new sex-trafficking route to India has also reportedly emerged, and there have been reported cases of Kenyan women being lured to India with the promise of employment. There has also been an alarming spike in online human-trafficking recruitment and the exploitation of children. Authorities in Kenya have also raised concerns that the COVID-19 pandemic would exacerbate the issue, as children remain at home and are often online.

Kenya is a significant hub for human smuggling in East Africa, and new smuggling hotspots have been emerging across the country in recent years. Kenya's role in the human smuggling industry has shifted from that of a destination country to primarily that of a transit country. Most smuggled people in Kenya come from the Horn of Africa. Kenyans seeking to reach the Middle East often employ the services of smugglers. Overall, Kenya's human smuggling market overlaps heavily with the country's human trafficking and forced labour markets, with Kenyan and Ugandan recruitment agencies reportedly collaborating on smuggling and trafficking operations.

### TRADE

Arms trafficking is a significant issue in Kenya, with high numbers of unlicensed and illicit firearms circulating in the country due to it being near conflict-ridden areas. Kenya is primarily a hub for arms trafficked to conflict zones in countries such as the Democratic Republic of Congo (DRC) and Uganda. Border porosity and the phenomenon of cattle theft are also believed to exacerbate the issue. High-level political and government officials are also reportedly linked to arms trafficking and the sale of small arms and light weapons to warring factions in South Sudan. Criminal gangs have reportedly turned to schoolchildren, young boys and women to aid the import of illicit firearms. Overall, arms trafficking has contributed to a rise in firearm-related homicides in Nairobi. The Kenyan government has made concerted efforts to collect civilian arms, as a result of which the number of illicit arms in circulation in the country has likely decreased, but the COVID-19 pandemic along with increased terrorist activities have contributed to the subsequent increase of the scope and scale of the market.

### ENVIRONMENT

Despite a 1986 ban on logging indigenous tree species, illicit logging of indigenous trees continues to occur in Kenya, in large part due to government corruption. Ports such as Mombasa serve as transit hubs for illicit timber products trafficked across East Africa. Additionally, sandalwood is illicitly harvested and often destined for markets in Uganda, Saudi Arabia and India. The charcoal trade has also fuelled illicit logging in Kenya, and there are claims that criminal proceeds contribute to the funding of al-Shabaab militants hiding in the forest. Not least of all, the pandemic has pushed an increased number of unemployed people to target forest resources, exacerbating the issue even further.

Wildlife trafficking is widespread in Kenya. In particular, illicit ivory, rhino horn, African Grey parrot and venomous snake markets are extremely prevalent. Kenya is also a major transit country for wildlife trafficking, with the port of Mombasa and Jomo Kenyatta International Airport being the main entry and exit points for illegal wildlife products. Wildlife trafficking between Kenya and Asia is particularly predominant and Asian criminal syndicates have reportedly established bases in the country. High levels of violence are associated with the wildlife-trafficking market in Kenya. Throughout



the COVID-19 pandemic, poaching for bushmeat has reportedly increased across Kenya.

In regards to non-renewable resource crimes, Kenya acts as both a destination and transit country for mineral smuggling. Most smuggled minerals originate in the DRC 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 Kenya and the DRC. Oil smuggling is also known to occur in Kenya. Kenya's illicit gold market involves gold smuggled into the country from the DRC, Tanzania and South Sudan. The illicit gold market may be tied to the role Kenya plays as a safe haven for political elites fleeing political strife in Sudan.

## DRUGS

Kenya is a major waypoint for various illicit narcotics, including heroin from Afghanistan and the Arabian Gulf en route to Europe, the Americas and other parts of Africa. Heroin hubs continue to grow in Kenya, with experts attributing the heroin boom to unplanned urbanization, weak governance, and widespread corruption among Kenyan police and politicians. A significant nexus exists between heroin trafficking and other crimes in Kenya. However, no one specific criminal group controls the trade. Domestic heroin abuse in Kenya is a significant issue, especially along the coastline. Kenya is also an important transit country for cocaine en route to European, American, Asian and Middle Eastern markets. Cocaine is either imported using air routes from South America to neighbouring Ethiopia, or more commonly, transported by air from neighbouring African states, particularly those in western Africa. Nigerian syndicates and Italian mafia groups often control international shipments. In particular, the airport in Nairobi remains a significant trans-shipment point for the global cocaine trade. As a destination country, Kenya also has a growing domestic market. Furthermore, the Kenyan police have been identified as the primary organizers and facilitators of the domestic distribution and retail sale of cocaine in the country.

A significant cannabis-trafficking market exists in Kenya as it is the most prevalent drug in the country. Cannabis is cultivated and produced in Kenya for domestic and regional consumption and seizure rates of cannabis in the country are ranked among the highest on the continent. Over the course of 2020, Kenya has also become a significant market for bhang coming from neighbouring Ethiopia, Tanzania and Uganda. Kenya also has one of the highest cannabis seizure rates in Africa. However, in many cases, authorities allegedly

report the seizure of hard drugs as cannabis seizures in order to keep them for their own use. Cannabis is cultivated in protected areas such as forest reserves, and often shielded by local administrators. Thus, a number of political and public servants have been linked to cannabis trafficking in Kenya. The country's synthetic-drug market is expanding, especially in terms of domestic consumption. Synthetic cannabis and opioids, as well as new psychoactive substances, are widely available in the country. Moreover, Kenya is believed to serve as a transit country for amphetamines trafficked to South Africa and across Southern Asia. Nevertheless, Kenya's synthetic drug market is smaller than other drug markets in the country.

## Criminal Actors

A large number of violent, predominately military-style and extortionist gangs operate in Kenya. The groups are territorial and operate under defined leadership. They collaborate with law-enforcement officers, politicians, bankers and other corrupt officials who both sponsor and facilitate their criminal activity. Corrupt police officers and politicians also employ criminal gang members as bodyguards, election agents, campaigners and tools for harassing political rivals. Mafia capitalism has also been on the rise in Kenya, and an increasing number of cartels have been involved in human trafficking, cybercrime, virtual kidnapping and the sale of counterfeit goods. Throughout the COVID-19 pandemic, criminal gangs have reportedly increased their recruitment practices and increasingly engaged in violence. Meanwhile, smaller criminal enterprises, rather than large organized mafia-style groups, tend to dominate smuggling markets in Kenya. Several small criminal networks control the regional heroin trade. Vigilante groups have formed in opposition to these networks, and violence between the two types of actors commonly occurs. Criminal networks often harbour ties to politicians and other influential individuals, and thus wield significant influence across the country. Some criminal networks, especially those involved in human trafficking, human smuggling and drug trafficking, have transnational links to counterparts abroad.

State-embedded corruption runs rampant in Kenya. As mentioned above, politicians are known to offer protection to criminal syndicates. Drug traffickers are also known to be involved in politics, and some have run for office in the past. Moreover, in many cases, top bureaucrats and law-enforcement officers have become wealthy due to their involvement in drug trafficking in particular. With regards to foreign actors, they have a strong presence



due to excessive levels of organized crime in the country. The Kenyan government has deported an estimated 3 000 foreign nationals accused of criminal activity. The Italian mafia is notably present both in Kenya and across East Africa, and engages in various criminal activities, while a large number of smugglers from neighbouring

countries operate in Kenya. Asian nationals, primarily originating in China, are also known to be involved in drug and fauna trafficking in Kenya. Foreign criminal actors are heavily involved in targeting children for human-trafficking operations.

# RESILIENCE

## LEADERSHIP AND GOVERNANCE

Although the Kenyan government has made concerted efforts to combat organized crime, the country's political system remains compromised. Criminal influence in politics undermines good governance. As a large number of opposition parties are sponsored by individuals involved in drug trafficking, their leaders often fail to publicly condemn organized crime. Corruption also runs rampant in the government. While oversight mechanisms exist, implementation remains limited. Nevertheless, Kenya has one of the best anti-organized crime and anti-corruption legislative frameworks in the region. This legislation requires the public to be involved in budget-making and for public tenders to be published before being awarded. However, blatant abuse of procurement still occurs in large projects.

On the international level, Kenya has ratified several international treaties and conventions pertaining to organized crime. Kenya maintains good relations with African states and the EU, and also has a strategic security partnership with the US. Kenya cooperates well with neighbouring states and engages in information sharing and crime investigation, notably on cyber security and tax-related issues. Kenya has also partnered with 14 of its neighbours to establish a counter-terrorism think-tank. However, Kenya's relationship with Somalia remains hostile. On the domestic level, Kenya has one of the best constitutional frameworks against organized crime in the region. Although the government introduced a policy of collecting civilian arms, the implementation of said policies remains limited and plagued by institutional conflict. Moreover, crimes such as drug use carry unnecessarily harsh penalties. The country's human-trafficking law stipulates for offenders to serve prison time, but does not cover the protection of citizens against human trafficking. Meanwhile, there is limited reference to poaching and wildlife trafficking in the country's legislation.

## CRIMINAL JUSTICE AND SECURITY

Kenya's judicial system is impartial but judicial efficacy is undermined by weak institutional capacity and significant backlogs. The senior levels of the judiciary have also accused the executive branch of interference with judicial independence. Moreover, delayed cases have provided opportunities for influence and compromise of judicial outcomes. Other major issues in the judicial system are impunity, with individuals being arrested and released without charges, and corruption. In regards to law enforcement, corruption is high and violence towards citizens on the part of police officers remains a significant issue in the country. In instances of seizures, the police often pocket crime proceeds. Weak coordination between various law-enforcement units also undermines efficiency. Kenya has specific police formations tasked with combating organized crime. However, the investigative capacity of law-enforcement bodies is almost non-existent. As for territorial integrity, Kenya's main security focus is on its northern border with Somalia, in large part due to the threat posed by al-Shabaab. Moreover, borders are insufficiently policed, and illicit trade in various commodities continues largely unabated. Nevertheless, Kenya continues to take subtle measures to prevent criminals, particularly terrorists, from entering the country.

## ECONOMIC AND FINANCIAL ENVIRONMENT

Kenya has a moderately high level of economic freedom, particularly when compared to most African states. Authorities have also developed mechanisms to ease the process of doing business in Kenya. Nevertheless, corruption and ethnic politics often negate this progress. Moreover, criminals reportedly have established banks, credit facilities and money-lending institutions that enable them to engage in money laundering. Kenya's informal economy is also extremely large and a significant portion of the country's foreign financial inflows comprise



remittances from Kenyans who work abroad. While Kenya has anti-money laundering legislation and policies in place aimed at combating money laundering, these measures have not been effective due to rampant corruption at all levels of government and politics. A wide range of actors engaging in money laundering in both the formal and informal economy also renders reporting uncommon. As such, Kenya is assessed to have one of the highest risks of money laundering and terrorist financing worldwide.

## CIVIL SOCIETY AND SOCIAL PROTECTION

The Kenyan government implemented a witness-protection programme following post-election violence. However, crime victims continue to lack sufficient protection in the country. Most shelters in the country are run by private organizations and cannot handle excess numbers of victims. There has been some progress regarding organized crime and terrorism prevention in the country, including the introduction of a campaign to collect illicit arms from civilians, as well as a multi-sectoral effort to prevent, control and mitigate drug crimes. Kenya's government has also made significant efforts to curb the financing of terrorist groups. Nevertheless, these crimes remain prevalent in Kenya, and are often facilitated by corrupt police and politicians.

Kenyan civil society has traditionally been successful in lobbying for citizens' rights and against harmful legislation, corruption and various forms of organized crime. However, the number of organizations operating in Kenya has declined significantly in recent years because of unavailability of funding as well as active efforts on part of the government to silence the civil society sector. An increasing number of civil-society actors have also been arrested and charged with petty offences throughout the COVID-19 pandemic. Moreover, there has been a decline in media freedom in the country. Threats against journalists and media outlets are common, and these threats are heightened during election campaigns. Both private and state media outlets in the country are heavily influenced by the political elite.

