

## DON'Ts

A state/public officer **shall not**;

- i) use his office for personal gain
- ii) misuse public resources
- iii) falsify any records
- iv) accept a monetary gift
- v) retain any gifts received in official capacity
- vi) solicit for monetary contributions from the public
- vii) open, maintain, control or operate a bank account outside Kenya without the approval of EACC
- viii) act in any manner that may compromise the security of the country
- ix) allow a person to use confidential information for private interest
- x) act as an agent for a political party or a candidate in a political party
- xi) knowingly give false or misleading information to any person
- xii) hold dual citizenship
- xiii) knowingly falsify any record or misrepresent information to the public
- xiv) neglect financial obligations
- xv) bully any person.

### 12. Can a member of the public lodge a complaint against a State Officer who has committed a breach of the code?

Yes, to the public entity where the breach occurred.

### 13. What are the offences under LIA?

- Obstructing, hindering, assaulting or threatening a person undertaking duties under this Act
- Deceiving/misleading a person undertaking duties under this Act
- Destroying records, documents or evidence
- Providing false information
- Failure to declare operation or control of a bank account outside Kenya
- Acting for foreigners in a manner that compromises the security of the country.

### 14. What are the penalties for committing an offence under LIA?

- Fine not exceeding five million and imprisonment not exceeding five years or both upon conviction
- Where the penalty is not expressly provided, a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding three years or both
- Forfeiture of illegally acquired property.

### 15. Can a member of the public seek an advisory opinion on issues related to leadership and integrity?

Under the Act only State officers and public entities may seek an advisory opinion from the Commission.



**ETHICS AND ANTI-CORRUPTION COMMISSION**

# Frequently Asked Questions on Chapter Six of the Constitution and The Leadership and Integrity Act, 2012

ETHICS AND ANTI-CORRUPTION COMMISSION  
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*On the frontline against corruption*

### 1. What are the contents of Chapter Six of the Constitution?

- Responsibilities of leadership
- Oath of office for State officers
- Conduct of State Officers
- Financial integrity of State Officers
- Restrictions on activities of State Officers
- Citizenship and Leadership
- Legislation on Leadership and the establishment of EACC

### 2. What does leadership and integrity entail?

- Personal integrity
- Competence and suitability
- Free and fair elections
- Objectivity and impartiality in making decisions
- Selfless service
- Commitment in service
- Accountability to the public for decisions and actions.

### 3. What is the Leadership and Integrity Act (LIA), 2012?

It is the law established to implement the requirements of Leadership and Integrity (Chapter Six of the Constitution).

### 4. What is the purpose of LIA?

It is to ensure that State and Public officers respect the values, principles and requirements of the Constitution.

### 5. What is the distinction between a State Officer and a Public Officer?

All employees of the Government are Public Officers. However, State Officers are holders of the offices listed under Article 260 of the Constitution.

### 6. Who is responsible for implementing LIA?

The Ethics and Anti-Corruption Commission (EACC).

### 7. What is the General Leadership and Integrity Code?

It is a code of conduct for Public and State Officers provided for under Part II of LIA.

### 8. Are public entities allowed to develop their own Leadership and Integrity codes?

Yes, however they must include all the requirements in the General Leadership and Integrity Code under part II of LIA.

### 9. What are the duties of public entities/bodies under LIA?

- Develop specific Leadership and Integrity Code for their officers
- Open and maintain a gift register
- Open and maintain a register of conflict of interest

- Take disciplinary action in cases of breach of code
- Receive complaints and take action
- Create awareness in respect of the provisions of Chapter Six of the Constitution
- Ensure that the State Officers commit to the specific Leadership and Integrity code on assumption of office
- Ensure whistle blowers are not victimized

### 10. What are the consequences for breach of the Leadership and Integrity code?

Any breach of the code amounts to misconduct and the State and Public Officer are subject to disciplinary action. Where the breach of the code is so severe and it warrants removal or dismissal of the State Officer, the same shall be done in accordance with Articles 47 and 251 of the Constitution.

### 11. What are the DOs and DONTs of State/Public officers under LIA?

**DOs**  
A State/Public Officer shall;

- i) respect and abide by the law
- ii) take personal responsibility for what they do or fail to do
- iii) carry out duties efficiently, honestly, transparently and in an accurate manner.
- iv) keep accurate official records and documents
- v) carry out duties in a manner that maintains public confidence in the integrity of the office
- vi) treat members of the public with courtesy and respect;
- vii) maintain high standards of performance and level of professionalism
- viii) observe and subscribe to the ethical and professional requirements
- ix) demonstrate honesty in the conduct of public affairs
- x) declare all conflict of interest
- xi) register conflict of interest
- xii) declare, register and surrender all gifts received
- xiii) maintain public property in good condition and repair
- xiv) observe political neutrality
- xv) carry out duties with impartiality and objectivity
- xvi) disclose all offers of future employment or benefits that could place the officer in a situation of conflict of interest
- xvii) conduct private affairs in a manner that maintains public confidence in the integrity of the office
- xviii) pay taxes
- xix) report improper orders to EACC
- xx) commit to specific Leadership and Integrity code
- xxi) seek approval from the EACC before opening and or operating bank account outside Kenya
- xxii) submit annual statements of accounts held outside Kenya to EACC