



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

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THIRTEENTH PARLIAMENT – SECOND SESSION – 2023
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT OF THE COMMITTEE ON-
CONSIDERATION OF THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2023
(NATIONAL ASSEMBLY BILL NO. 1 OF 2023)

THE NATIONAL ASSEMBLY	
DATE: 10 AUG 2023	DAY: Thursday
TABLED BY:	Hon. Alice Ngunjiri (Chairperson, Social Protection Committee)
CLERK-AT-THE-TABLE:	Getrude Chebet

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

AUGUST, 2023

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	- Amani National Congress
CAF	- County Assemblies Forum
IEBC	- Independent Elections and Boundaries Commission
KCSE	- Kenya Certificate of Secondary Education
M.P	- Member of Parliament
PWD	- Persons with Disabilities
YSO	- Youth Serving Organizations

LIST OF ANNEXURES

1. Signed list of Members of Parliament who attended the sitting that considered and adopted the report
2. Minutes of sittings of the Committee on consideration of the Bill
3. Copy of newspaper advertisement on public participation
4. Copy of a letter inviting specific stakeholders to submit memoranda on the Bill
5. Copies of submissions by stakeholders

CHAIRPERSON'S FOREWORD

This report details the consideration by the Departmental Committee on Social Protection of the National Youth Council (Amendment) Bill, 2023 (National Assembly Bill No. 1 of 2023). The Bill seeks to amend sections 2, 5 and 6 of the National Youth Council Act No. 10 of 2009 to align the Act with Article 260 of the Constitution in respect to reference of the terms "Cabinet Secretary" and the "Principal Secretary".

The Bill also seeks to provide for the nomination of nine youths through a competitive process by the Cabinet Secretary responsible for youth affairs to be members of the Council and to confer upon the Council the power to create branches from the ward to the national level and such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.

The Bill was published on 9th February, 2023 and read a First Time in the House on 22nd March, 2023. It was thereafter committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provision of Standing Order 127.

Article 118(1) (b) of the Constitution and Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. In compliance with the foregoing, the Committee, through the placement of adverts in the print media on 4th April, 2023 (Annex 3), invited the public and interested stakeholders to submit memoranda on the proposed amendment.

From the foregoing, the Committee received submissions from Mr. Kevin Rutto, Mr. Kinuthia Ndungu, the Collaborative Centre for Gender and Development, YSO Consortium, North Rift Ambassadors, Inter Parties Youth Forum, Kenya Young Members of County Assemblies, Youth Senate Organization, Uzalendo Afrika Initiative, Article 43, Mwafrika Mwenzangu, Nubian Youth Council, ANC Political Party Youth League, Simama Community based organization, The National Youth Council and the Ministry of Youth Affairs, the Arts and Sports. The Committee thereafter held meetings with The National Youth Council and the Ministry of Youth Affairs, the Arts and Sports and The Hon. Joshua Chepyegon Kandie, M.P. the sponsor of the bill.

Having considered the proposed amendments and based on analysis of submissions received from the public, the Committee recommends that pursuant to Standing Order 127, the Bill does proceed for Second Reading subject to the amendments contained in the Report.

The Committee registers its appreciation to the Speaker of the National Assembly, Clerk of the National Assembly, Director, Departmental Committees and the Committee Secretariat for the logistical support. The Committee is grateful to the public for submitting memoranda.

Pursuant to Standing Order 199, It's my honor and privileged to table in the House the report of the Departmental Committee on Social Protection on its consideration of the National Youth Council (Amendment) Bill (National Assembly Bill No. 1 of 2023)


Hon. Alice Ng'ang'a, MP,
Chairperson, Departmental Committee on Social Protection.

PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Social Protection is established under the National Assembly Standing Order No. 216. The functions and mandate of the Committee include, 216 (5)(c) **“to study and review all legislation referred to it”** among others.
2. The subject matters of the Departmental Committee on Social Protection are stated in the Second Schedule of the National Assembly Standing Orders as follows: social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.

1.3 Oversight

3. In executing its mandate, the Committee oversees the following State Departments:
 - (a) The State Department for Social Protection and Senior Citizens Affairs;
 - (b) The State Department for Gender and Affirmative Action;
 - (c) The State Department for Youth Affairs;
 - (d) The National Gender and Equality Commission.



1.4 Committee Membership

4. The Departmental Committee on Social Protection was constituted by the House on 27th October, 2022 and comprises the following Members:

Chairperson

Hon. Alice Wambui Ngángá, MP
Thika Town Constituency

UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP
Kipkelion West Constituency

UDA Party

MEMBERS

Hon. (Dr.) James Wambura Nyikal, M.P.
Seme Constituency

ODM PARTY

Hon. Timothy Wanyonyi Wetangula, M.P.
Westlands Constituency

ODM PARTY

Hon. (Dr.) Lilian Achieng Gogo, M.P.
Rangwe Constituency

ODM PARTY

Hon. Mark Ogolla Nyamita, M.P.
Uriri Constituency

ODM PARTY

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

WDM-K PARTY

Hon. Betty Njeri Maina, M.P.
Murang'a County

UDA PARTY

Hon. Michael Wambugu Wainaina, M.P.
Othaya Constituency

UDA PARTY

Hon. Suleka Hulbale Harun, M.P.
Nominated Member

UDM PARTY

Hon. Amina Abdullahi Dika, M.P.
Tana River County

KANU PARTY

Hon. Hussein Abdi Barre, M.P.
Tarbaj Constituency

UDA PARTY

Hon. Susan Nduyo Ngugi, M.P.
Tharaka Nithi County

TSP PARTY

Hon. Agnes Mantaine Pareiyo, M.P.
Narok North Constituency

JUBILEE PARTY

Hon. Linet Chepkorir, M.P.
Bomet Constituency

UDA PARTY

1.5 Committee Secretariat

4. The Committee is facilitated by the following staff:

Ms. Hellen Lokwang Ekadeli
First Clerk Assistant/Head of Secretariat

Ms. Jemimha Waigwa
Senior Legal Counsel

Mr. Sakana Saoli
Clerk Assistant III

Mr. Kevin Obilo
Media Relations Officer

Ms. Grace Maneno
Research Officer III

Mr. Adan Ahmed Abdi
Fiscal Analyst II

Ms. Pauline Sifuma
Hansard Officer III

Mr. Joshua Lenambeti
Sergeant-At-Arms

Mr. Cosmas Akhonya
Audio Officer III

Mr. Boniface Mugambi
Sergeant-At-Arms

Ms. Faith Oira
Public Communications Officer

PART II

2.0 INTRODUCTION AND OVERVIEW OF THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2023

5. The National Youth Council (Amendment) Bill, 2023 (National Assembly Bill No. 1 of 2023) sponsored by Hon. Joshua Chepyegon Kandie was published on 9th February, 2023 and read a First Time in the House on 22nd March, 2023. It was thereafter committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provision of Standing Order 127.
6. The Bill seeks to amend sections 2, 5 and 6 of the National Youth Council Act No. 10 of 2009 to align the Act with Article 260 of the Constitution in respect to reference of the terms “Cabinet Secretary” and the “Principal Secretary”. The Bill also seeks to provide for the nomination of nine youths through a competitive process by the Cabinet Secretary responsible for youth affairs to be members of the Council and to confer upon the Council the power to create branches from the ward to the national level and such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.
7. The Bill has a total of 4 clauses. The following is a summary of the Bill-
 - a) Clause 1 of the Bill is the short title.
 - b) Clause 2 of the Bill seeks to delete the definition of the term “*Minister*” and substitute therefor the word “*Cabinet Secretary*” to align the Act with Article 260 of the Constitution in respect to reference of the term “Cabinet Secretary”.
 - c) Clause 3 of the Bill seeks to amend section 5 of the National Youth Council Act No. 10 of 2009 to delete the definition of the term “*Permanent Secretary*” and substitute therefor the word “*Principal Secretary*” to align the Act with Article 260 of the Constitution in respect to reference to the term “*Principal Secretary*”.
 - d) The Bill also amends section 5 of the Act to allow for nomination of nine youths through a competitive process by the Cabinet Secretary responsible for youth affairs to be members of the Council.
 - e) Clause 4 of the Bill seeks to amend section 6 of the Act to confer upon the Council the power to create branches from the ward to the national level and such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.

PART 3

PART III

3.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

8. Article 118(1) (b) of the Constitution and Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. In compliance with the Article, the Committee, through the placement of advertisements in the print media on 4th April, 2023 (Annex 3), invited the public and interested stakeholders to submit memoranda on the Bill.
9. The Committee received memoranda from Mr. Kevin Rutto, Mr. Kinuthia Ndungu, the Collaborative Centre for Gender and Development, YSO Consortium, North Rift Ambassadors, Inter Parties Youth Forum, Kenya Young Members of County Assemblies, Youth Senate Organization, Uzalendo Afrika Initiative, Article 43, Mwafrika Mwenzangu, Nubian Youth Council, ANC Political Party Youth League, Simama Community based organization, The National Youth Council and the Ministry of Youth Affairs, the Arts and Sports. The Committee thereafter held meetings with the Ministry of Youth Affairs, the Arts and Sports and the National Youth Council.
10. The analysis of the submissions made by the public are contained hereunder. The Committee further held a meeting on 4th July, 2023 with the sponsor of the Bill, Hon. Hon. Joshua Chepyegon Kandie. The Member's submissions are also contained hereunder.

3.1 SUBMISSIONS BY MR. JAMES KINUTHIA NDUNGU

11. The Bill seeks to depoliticize the membership of the National Youth Council by allowing the competitive recruitment of the youth serving in the Council through the office of the County Directors of youth and to this end supports the Bill.

3.2 SUBMISSIONS BY THE NATIONAL YOUTH COUNCIL

12. The National Youth Council proposed the following amendments to the National Youth Council Act, 2009; -
 - (i) Section 2 of the Act be amended to remove obsolete terms and definitions and replace with operational terms in line with the Constitution.
 - (ii) Section 4 of the Act be amended to harmonize and streamline the functions of Council as follows; -

- a) Paragraph (b) be deleted and substituted therefor with the following new provision *“monitor, promote and popularize the National Youth Policy and other policies targeting the youth”*.
- b) Paragraph (c) be deleted as policy review is a ministerial function;
- c) Paragraph (d) be deleted as the function of resource mobilization within the government is domiciled under National Treasury.
- d) Paragraph (e) be deleted and substituted therefor with the following new provision *“lobby for policies and legislation on issues affecting the youth”*.
- e) Paragraph (f) be deleted and substituted therefor with the following new provision *“Facilitate linkage with other organizations for resource mobilization and to ensure the youth gain access to resources and services appropriate to their needs”*.
- f) Paragraph (g) be deleted as the function is captured within the reviewed function.
- g) Paragraph (h) be deleted and substituted therefor with the following new provision *“Implement Mentorship programmes aimed at inspiring and promoting the spirit of unity, patriotism, volunteerism and community service among the youth”*.
- h) Paragraph (i) be deleted as formulation of guidelines is a ministerial function.
- i) Paragraph (j) be deleted as the function is captured within the reviewed function h;
- j) Paragraph (k) be deleted and substituted therefor with the following new provision *“Implement programmes that ensure the government and policy makers are kept informed of the views and aspirations of the youth”*.
- k) Paragraph (n) be deleted and substituted therefor with the following new provision *“Take steps to ensure the inclusion of youth in decision-making bodies, boards, agencies and other institutions, and organizations of similar nature”*.
- l) Paragraph (o) be deleted and substituted therefor with the following new provision *“Monitor, promote and popularize affirmative action programmes and funds targeting the youth”*. and
- m) Paragraph (p) be deleted and substituted therefor with the following new provision *“perform any other functions that may be prescribed by written law and in furtherance of the above named functions”*.

(iii) Section 5 of the Act be amended to allow for an alternative and cost-effective way of properly constituting the Council by-

- a) reducing the number of members constituting the Council and having elections under paragraph g being conducted by the IEBC;
- b) reducing the number of members constituting the Council and have the Youth Serving Organizations conduct the elections; and
- c) reducing the number of members constituting the Council and remove elections and substitute with a competitive recruitment process for the council members under paragraph (g).

- (iv) Section 9 of the Act be amended to allow for the remuneration of Council Members to be determined by the Salaries and Remuneration Commission and be subject to approval by the Cabinet Secretary responsible for finance;
 - (v) Section 16 of the Act be amended on the composition of the Youth Advisory Board and allow for membership similar to other Boards of State Corporations; and
 - (vi) Section 17 of the Act be amended on the functions of the Youth Advisory Board and avert any potential conflict with those of the Council;
- a) Paragraph (a) be deleted and substituted therefor with the following new provision *“Receive and review plans, reports, financial statements and budgets and make recommendations to the Council”*.

3.3 SUBMISSIONS BY KEVIN RUTTO

S/N	Current provision in the Amendment Bill	Proposed Recommendation	Justification
1.	Section 5 of the principal Act be amended by deleting paragraph (g) of subsection (1) and substituting therefor the following new paragraph (g)- (g) nine youths nominated through a competitive process by the cabinet secretary responsible for youth Affairs.	Amend the clause to capture the role of the youth in electing their representative to the National Youth Council as follows; - Section 5 of the principal act be amended by deleting paragraph (g) of subsection (1) and substituting therefor the following new paragraph (g) “nine youths elected in a manner prescribed by the Cabinet Secretary responsible for youth affairs”.	The Clause violates Article 55 of the Constitution of Kenya 2010. The de-politicization can be sorted out without taking away the right of the Youth to participate in electing their representatives.
2.	Section 5 of the principal Act	Amend the clause to include additional stakeholders to the Council. Section 5 of the principal Act be amended in sub section (1) by; - inserting the following new paragraph immediately after paragraph (f) – (fa) “a youth representative of the Council of Governors” (fb) “a youth representative of	The Bill concerns the County Governments as per Article 110 of the Constitution. Therefore, representative of the Council of Governors and County Assemblies Forum (CAF) be added in the composition of

		the County assemblies”.	the Council.
3.	The principal object of the Bill is to amend the National Youth Council Act to depoliticize the membership of the National Youth Council by allowing the competitive recruitment of the youth serving in the Council through the office of the County Directors of Youth.	The principal object of the Bill negates the provisions of Article 55 of the Constitution of Kenya, 2010 that requires the state to take measures including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life.	There are other alternatives that can be provided in the guidelines of election of youth representatives to the National Youth Council to depoliticize the membership of the Council.
4.	The Bill does not delegate the legislative powers nor does it limit fundamental rights and freedoms	The Bill as it is, limits the fundamental rights and freedoms of the youth in electing the representative of their choice.	The Council belongs to the youth and they must play a central role in the affairs of the Council.

3.4 NORTH RIFT AMBASSADORS, INTER PARTIES YOUTH FORUM, KENYA YOUNG MEMBERS OF COUNTY ASSEMBLIES, YOUTH SENATE ORGANIZATION, UZALENDU AFRIKA INITIATIVE, ARTICLE 43, MWAFFRIKA MWENZANGU, NUBIAN YOUTH COUNCIL, ANC POLITICAL PARTY YOUTH LEAGUE, SIMAMA COMMUNITY BASED ORGANIZATION

The organizations submitted as follows-

13. The Departmental Committee on Social Protection should ensure the Bill provides more clarity and propose accountability frameworks to the Council. As a council representing the youth in Kenya, accountability must be to the youth and a clear framework and structures should be suggested. Looking at past Councils, it must be clear through the amendment the tenure of office and age limit barring those who circumnavigate around allowable youth age in the Republic of Kenya as provided in the Act.
14. There should be a clear separation of powers beyond the Chair. It is not in the spirit of the Constitution to create 'imperial' chair of councils who only answers to the line ministry Principal Secretary or Cabinet Secretary. The Council must have its own checks and balances- desirably linked to the devolved structure of governance and therefore promoting representation.
15. The proposed qualification of the chairperson of the Council requiring high academic qualifications must be looked at and aligned with recent court ruling on qualifications of 'people's representatives. There many youths with desired leadership qualities across all 47 counties and should have an equal chance to provide leadership for the council.

16. The proposed amendment to the Act is an opportunity to review the Act and make it alive to the devolved dispensation.
17. To promote female leadership and representation the council composition should be adjusted to allow equal gender representation. The cadre of representation must be defined and expanded to include representatives of Political Parties Youth Leagues, Women Leagues, People living with Disabilities leagues under the Political Parties Act, 2011.
18. The amendment proposes elections to be done competitively but leaves a lot of power to the relevant principal secretary.
19. Considering how diverse the youth of Kenya are, the membership of the Council should be expanded from 9 to 17 members.
20. Parliament should make the Bill to be a money Bill under Article 114 of the Constitution and ensure operations of the Council are supported by the exchequer with the relevant Principal Secretary as the accounting officer. This will promote sustainability and shall enable the council to effect its mandate.

3.5 SUBMISSIONS BY THE COLLABORATIVE CENTRE FOR GENDER AND DEVELOPMENT

21. The Collaborative Centre for Gender and Development made the following proposals for amendments to the Bill: -

- (i) Abolish the youth advisory board to be replaced by the Youth council members. The council will assume the role of the advisory board on youth development therefore, there is no justification for having a council and a board within a structure.

Recommendation: Abolish advisory boards that will be replaced by the youth council.

- (ii) Amend section 5 of the Act to provide for inclusion of a representative from the Ministry of Gender. Further, amend the education requirement of the Chairperson from undergraduate holder to a *Minimum of Completed Secondary school education with leadership knowledge and capacity on youth issues*. Kenya has a wealthy base of youth with leadership track record that is not pegged on university education.
- (iii) Section 6 of the Act should be amended to provide for an accountability framework that will ensure the allocated resources are adequately used on the youth development agenda.
- (iv) The amendment from *an elective* to a *competitive process* creates an equal opportunity for the youth to participate and present their interest in becoming the Chairpersons. However, a schedule needs to be developed that, will guide on the

recruitment process with specific mentions of the requirements of council members, provide for the term of the council of three years with a possible renewal based on performance to a maximum of two terms or a maximum of one term of three years, and stipulate the age limit of those interested to join the Council to be of 32 years at the time of the application.

3.6 SUBMISSIONS BY THE YSO CONSORTIUM

1.	Preliminary	Introduce "Assembly of the Council"	Accountability Framework	Define the "Assembly of the Council" as the supreme body that will consist of delegates who will be the top two candidates in all the 47 counties during the recruitment process.	The Assembly of the Council will be responsible for representing young people in the annual delegates conference.
2.		Introduce "County Youth Chapter"	To devolve the Council.	Define youth chapter as the "representative council at the county level that acts as liaison to the National Youth Council."	Mainstreaming Youth work both in the County Government and National Government.
3.	Section 5(1)	Delete paragraphs (e) and (f)	Bloated Council.	Retain paragraphs (b), (c) and (d)	Retain a lean team. The 12 are beyond Mwongozo guidelines.
4.	Section 5(1)(g)	Remove "competitive process by the cabinet secretary responsible	Youth ownership of the process rather than control by the authority offices.	The nine youth are competitively recruited from the county level to the National level by the recruitment panel as described	The process should ensure youth involvement in a competitive process all the way from the

		for youth affairs”		in the proposed recruitment schedule.	grass root level to the national level.
5.	Section (5)(1)(h)	Remove the section	Will be cured by the recruitment process.	The recruitment process should ensure there is inclusivity in gender/sex, PWDs and regional balance.	To manage the members of the council to a reasonable number that can make swift decisions, the recruitment process can ensure inclusivity.
6.	Section 5 (2) (a)	Replace Undergraduate degree from a recognizes institution with KCSE certificate	The position should match that of legislators whose qualifications are KCSE certificate.	The qualifications should match those of elective positions. Minimum qualification to be KCSE Certificate.	The Court ruling on qualifications of members of county Assembly, Senators and other high ranking jobs, it is only fair that this positions matches the provision of the ruling.
7.	Section 6(1)	Add functions of the Council	Disbandment of the Advisory Board	Receive and approve the plans, reports financial statements and the budget of the Council	The Council will be qualified; to be achieved from the recruitment process.
8.	Section 16, 17 and 18	Delete “establishment of the Board, Functions of the Board and Conduct of	The Council will be qualified and fully responsible of the Council.	Eliminate two parallel governance structures that could stifle the operations.	The full authority to review accounts and governance should be with the Council.

		business of the Board”.			
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22. YSO further proposes an introduction of the third schedule that will describe the composition of the recruitment panel. The composition of the recruitment panel should consist of Director of Youth; two Youth Serving organizations representative of the Attorney General and Faith Based Representative. The recruitment panel should ensure that the Council constituted is inclusive and adheres to the tenets of the Constitution on quality and non-discrimination.

3.7 SUBMISSIONS BY THE MINISTRY OF YOUTH AFFAIRS, THE ARTS AND SPORTS

Section	Current provision of the Act	Current proposal by Hon. Joshua Kandie	Justification
Interpretation			
Section 2	Interpretation; definition of the term “minister”	Delete the term Minister and replace it with “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for Youth Affairs.	This serves to remove obsolete terms and definitions and replace with current operational terms in line with the Constitution. Ministry concurs with the proposal.
Composition of the Council			
Section 5 (1)	Part b,c,e,f with the word Permanent Secretary	Delete the words Permanent Secretary wherever it appears and substitute it with “Principal Secretary”	This serves to remove obsolete terms and definitions and replace with current operational terms in line with the Constitution. Ministry concurs with the proposal.
	Paragraph g Eight youth elected by the youth in such manner as may be prescribed by the Minister.	Deleting paragraph (g) and substituting with the following new paragraph “nine youths nominated through competitive process by the Cabinet Secretary responsible for Youth Affairs”;	The principal object of the Bill is to depoliticize the membership of the National Youth Council. The ministry has reservations on this proposal and propose that this law should retain the elections but rather reduce the number of elected Youth to five as is explained in Table B below under Section 5
Powers of the Council			

Section 6 (1)	Paragraph (f) create branches from the sub-location to the national level and such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.	Delete the words “sub-location” and substituting therefore, the word “ward”.	This recognizes the ward as the lowest administrative unit in line with the Constitution. Ministry Concurs with this proposal.
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Other Proposed Amendments by the Ministry

Section	Current Provision of the Act	Proposed Amendment	Justification
Section 2	Interpretation: “Board” means the Youth Advisory Board established under section 16	Delete the definition of the term “Board”.	To avoid contradiction as the Council in the context of NYC is the apex organ of the institution and a replica of a governing Board as in other state Corporations therefore there cannot exist two Boards.
	Interpretation: “youth” means a person aged between eighteen and thirty-five years.	The definition of youth be deleted and substituted therefor with the following new provision – “Youth shall take the definition as provided for under article 260 of the Constitution”.	To align the Act with the provisions of the Constitution of Kenya.
Composition of the Council			
Section 5	Section 5(1)(a) Chairperson nominated by the Council and appointed by the Minister;	Section 5(1)(a) be deleted and substituted thereof with the following new provision “Chairperson elected by the Council and appointed by the President”.	Appointed as per Mwongozo the Code of Governance for State corporations.

	Section 5(1)(g) eight youths elected by the youth in such a manner as may be prescribed and appointed by the Minister;	Section 5(1)(g) be deleted and substituted thereof with the following new provision 'five youth elected by the youth in such a manner as may be prescribed through a regulation.	To reduce the bloated number of the Council members and align with the provisions of Mwongozo and the State Corporations Act. The five elected youth shall represent the Youth of Kenya as a demographic cohort rather than on a regional ethnic or political outline
	Section 5(1)(h) not more than eight (8) other youths, of whom at least three shall be of the female gender and one shall be a youth with disability, nominated by the National Youth Congress in such a manner as may be prescribed and appointed by the Minister.	Section 5(1)(h) be deleted and substituted therefor with the following new provision; " <i>not more than five (5) other youth nominated in such a manner as may be prescribed through a regulation to cater for special interest groups and regional balance and appointed by the Minister.</i> "	This shall cater for special interest groups as provided for under the Constitution.
	Section 5(2A) New <u>insertion</u>	Insert Section 5(2A) immediately after the provisions of section 5(2) to provide for the following; - " <i>A person shall be eligible for election and nomination under Section 5(1)g and h if the person-</i> <i>(a) possesses at least a postsecondary education certificate from an institution recognized in Kenya;</i> <i>b) is not a member of a governing body of a political party or an employee of a political party;</i> <i>c) has demonstrated ability to provide youth leadership and</i>	To provide for the qualification criteria for members serving in the Council.

		<p>youth mobilization;</p> <p>d) is knowledgeable in, or has actively contributed to the promotion of, youth development agenda;</p> <p>e) meets the requirements of chapter six of the Constitution and the written law relating to integrity; and</p> <p>f) is a youth as defined under this Act."</p>	
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FUNCTIONS

Section 4	Paragraph (b) promote and popularize the national Youth Policy and other policies that affect the Youth;	Paragraph (b) be deleted and substituted therefor with the following new provision – "monitor, evaluate, promote and popularize the National Youth Policy and other policies targeting the youth."	To streamline and establish clear-cut roles of the National Youth Council.
	Paragraph (c) lobby for legislation on issues affecting the youth	Paragraph (c) be deleted and substituted therefor with the following new provision - "lobby for policies and legislation on issues affecting the youth";	To streamline and establish clear-cut roles of the National Youth Council.
	Paragraph (f) liaise with other organizations to ensure that the youth gain access to resources and services appropriate to their needs;	Paragraph (f) be deleted and substituted therefor with the following new provision - "Facilitate linkage with other organizations to ensure the youth gain access to resources and services appropriate to their needs."	To streamline and establish clear-cut roles of the National Youth Council.
	Paragraph (i) formulate operational guidelines that protect the youth against any form of abuse or manipulation;	Paragraph (i) be deleted and substituted therefor with the following new provision - "formulate guidelines that protect from abuse and manipulation."	To streamline and establish clear-cut roles of the National Youth Council. Operational makes it inward looking.
	Paragraph (o) promote and popularize the	Paragraph (o) be deleted and substituted therefor with the following new provision -	

	Youth Enterprise Development Fund and such other devolved funds targeting the youth as may be established from time to time;	<i>"Monitor, promote and popularize affirmative action programmes and funds targeting the youth";</i>	
	Paragraph (p) perform any other function that may directly or indirectly contribute to the attainment of the foregoing.	Paragraph (p) be deleted and substituted therefor with the following new provision - <i>"perform such other functions as prescribed by this act or any other written law."</i>	To streamline and establish clear-cut roles of the National Youth Council.

RENUMERATION OF MEMBERS OF THE COUNCIL

Section 9	The members of the Council shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the Minister for the time being responsible for finance, on the recommendation of the Council.	Section 9 be deleted and substituted therefor with the following new provision - "The Chairperson, members of the council and Staff of the Council shall be paid such remunerations or allowances as determined by SRC."	To allow remuneration of the Chairperson, Council Members and staff to be determined by SRC similar to other State Corporations.
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ESTABLISHMENT OF THE BOARD

Section 16	16(1) there is hereby established a board to be known as the Youth Advisory Board.	Section 16 be deleted and subsequently section 17, 18 and the second schedule be deleted	To avoid contradiction as the Council in the Context of the National Youth Council is the apex organ of the institution and a replica of a governing Board as is in other state Corporations therefore there cannot exist two
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			Boards. Advice to the Council on any matter can be sought within the Government.
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23. The Ministry concurred with proposals as set out under Clause 2, 3(a) and 4 of the amendment Bill. However, it expressed reservations on Clause 3(b)(g) of the amendment Bill which provides for de-politicization of the Council membership. There is need to retain the spirit of youth participation through a democratic process of coming up with the Council.

3.8 SUBMISSIONS BY THE HON JOSHUA CHEPYEGON KANDIE

24. The Hon. Joshua Chepyegon Kandie, the sponsor of the National Youth Council (Amendment) Bill, 2023 submitted that the Bill sought to amend sections 2, 5 and 6 of the National Youth Council Act No. 10 of 2009 to align the Act with Article 260 of the Constitution in respect to reference of the terms “Cabinet Secretary” and the “Principal Secretary”, to allow for nomination of nine youths through a competitive process by the Cabinet Secretary responsible for youth affairs to be members of the Council and to confer upon the Council the power to create branches from the ward to the national level and such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.

PART IV

4.0 COMMITTEE OBSERVATIONS

25. Having considered the submissions made by the public in line with Article 118 of the Constitution and Standing Order 127, the Committee observed as follows-

- (i) The proposed amendments to clause 2 and 3(a) of the Bill are necessary to align the National Youth Council Act No. 10 of 2009 with Article 260 of the Constitution in respect to reference of the terms “Cabinet Secretary” and the “Principal Secretary”.
- (ii) Article 55(b) of the Constitution provides that the state shall take measures, including affirmative action programmes, to ensure that the youth *have opportunities to associate, be represented and participate in political, social, economic and other spheres of life*.
- (iii) The proposed amendment to clause 3(b) of the Bill although intended to depoliticize the membership of the Council, it does not foster the dictates of Article 55(b) of the Constitution which provides that the State should take measures to ensure that the youth have opportunities to be represented and participate in political, social, economic and other spheres of life.
- (iv) Section 4 of the National Youth Council Act, 2009 outlines the key functions of the Council which include regulating and coordinating activities and initiatives relating to the youth. The primary role of the Council is to deal with matters relating to youth affairs and hence there is need for the youth to directly participate and be represented in the Council.
- (v) The proposed amendment to clause 3(b) hence negates the right of the youth to choose and elect their own leaders who shall champion the youth agenda.
- (vi) Whereas the proposed amendment to clause 3(b) seeks to confer upon the Cabinet Secretary responsible for matters relating to the youth with the power to nominate nine youths to the Council, in the submissions by the Ministry of Youth, Arts and Sports, the Ministry expressed reservations with the amendment and observed that there is need to retain the spirit of youth participation through a democratic process of coming up with the Council.
- (vii) Section 5(1) of the National Youth Council Act, 2009 provides for the membership of the Council which comprises of a Chairperson, four Principal Secretaries, the Attorney-General, eight youths elected by the youth, not more than eight youths nominated by the National Youth Congress and the Secretary. From the foregoing, the youths have sixteen representatives out of the total membership of twenty-two persons which is adequate representation to the Council.
- (viii) The proposed amendment to clause 5 of the Bill is necessary to align the functions of the Council with the devolved administrative structures.

- (ix) The various proposed amendments by the stakeholders including proposing to abolish the Youth Advisory Board, streamline the functions of the Council, provide for the remuneration of members of the Council, amend the qualifications for appointment to the Council, rationalize of the membership of the Council to align with the Mwongozo Code of Governance and include other representations into the Board, may offend the provisions of Article 118 of the Constitution on public participation and Standing Order 133(5) which provides that no amendment may be moved to a Bill that deals with a different subject and unduly expands the scope of the Bill.
- (x) The Cabinet Secretary, Ministry of Youth, Arts and Sports should consider conducting a review of the Act to address among other issues matters relating to the composition of the Council and the Youth Advisory Board as contained in its memorandum.


PART V

5.0 COMMITTEE RECOMMENDATIONS

Pursuant to Standing Order 127, the Committee recommends that the Bill does proceed for Second Reading subject to the following amendment—

CLAUSE 3

THAT, clause 3 of the Bill be amended by deleting paragraph (b).

SIGNED:  DATE: 

HON. ALICE NG'ANG'A, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION



THE REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT – SECOND SESSION – 2023
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION
MEMBERS ATTENDANCE SCHEDULE

Date: 28/07/2023 Start Time 12:30pm End Time 1:00pm

Venue: HILTON GARDEN INN, MACHAKOS COUNTY

Agenda: ADOPTION of the Report on The National Youth Council (Amendment) Bill.

NO.	NAME	SIGNATURE
1	Hon. Alice Wambui Ng'ang'a, MP. – Chairperson	
2	Hon. Kosgei Hilary Kiplangat, MP. – Vice Chairperson	
3	Hon. Wetangula Timothy Wanyonyi, MP.	
4	Hon. (Dr.) James Wambura Nyikal, MP.	
5	Hon. Pareyio, Agnes Mantaine, MP.	
6	Hon. Nyenze Edith Vethi, MP.	
7	Hon. (Dr.) Gogo Lilian Achieng', MP.	
8	Hon. Maina Betty Njeri, MP.	
9	Hon. Mark Ogolla Nyamita, MP.	
10	Hon. Linet Chepkorir, MP.	
11	Hon. Suleka Hulbale Harun, MP.	
12	Hon. Wainaina Michael, Wambugu, MP.	
13	Hon. Barre Hussein Abdi, MP.	
14	Hon. Nduyo Susan Ngugi, MP.	
15	Hon. Abdullahi Amina Dika, MP.	

Forwarded by:

Signed: Date: 2/8/2023

Mr. Sakana Saoli
Third Clerk Assistant – Committee Clerk

Approved By:

Sign: Date: 2/8/23

for Mr. Peter K. Chemweno
Director
Directorate of Departmental Committees

MINUTES OF THE 51ST SITTING OF THE DEPARTMENTAL COMMITTEE ON
SOCIAL PROTECTION HELD ON FRIDAY, 28TH JULY, 2023 AT HILTON GARDEN
INN HOTEL, MACHAKOS COUNTY, AT 10.30 AM.

PRESENT

1. Hon. Alice Wambui Ng'ang'a, M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P. - Vice - Chairperson
3. Hon. Timothy Wanyonyi, M.P.
4. Hon. Michael Wambugu, M.P.
5. Hon. (Dr.) Lilian Gogo, M.P.
6. Hon. Edith Nyenze, M.P.
7. Hon. Susan Ngugi, M.P.
8. Hon. Suleka Hulbale Harun, M.P.
9. Hon. Betty Njeri Maina, M.P.
10. Hon. Agnes Pareyio, M.P.

APOLOGIES

1. Hon. Mark Nyamita, M.P.
2. Hon. Barre Hussein Abdi, M.P.
3. Hon. Linet Chepkorir, M.P.
4. Hon. (Dr.) James Nyikal, M.P.
5. Hon. Amina Abdullahi Dika, M.P.

COMMITTEE SECRETARIAT

1. Ms. Hellen Ekadeli - Clerk Assistant I
2. Ms. Jemimah Waigwa - Senior Legal Counsel
3. Mr. Sakana Saoli - Clerk Assistant III
4. Ms. Grace Maneno - Research Officer III
5. Mr. Boniface Mugambi - Sergeant-at-arms
6. Ms. Pauline Sifuma - Hansard Officer
7. Mr. Cosmas Akhonya - Audio Officer III

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. Consideration and Adoption of the report of National Youth Council (Amendment) Bill, 2023
5. Any Other Business
6. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2023/261: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer quarter to eleven o'clock (10:45 a.m.) Introductions was done by the Members and the Secretariat.

MIN. NO. NA/DC-SP/2023/262: ADOPTION OF THE AGENDA

The agenda was adopted having been proposed by, Hon. Susan Ngugi, M.P. and seconded by Hon. Agnes Pareiyo, M.P.

MIN. NO. NA/DC-SP/2023/263: CONFIRMATION OF MINUTES

This agenda was deferred to a later date.

MIN. NO. NA/DC-SP/2023/264: CONSIDERATION OF THE REPORT OF THE COMMITTEE ON THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2023.

The Committee considered the Report of the Committee on the National Youth Council (Amendment) Bill, 2023 and made the following observations:

- (1) The proposed amendments to clause 2 and 3(a) of the Bill are necessary to align the National Youth Council Act No. 10 of 2009 with Article 260 of the Constitution in respect to reference of the terms "Cabinet Secretary" and the "Principal Secretary".
- (2) Article 55(b) of the Constitution provides that the state shall take measures, including affirmative action programmes, to ensure that the youth *have opportunities to associate, be represented and participate in political, social, economic and other spheres of life*.
- (3) The proposed amendment to clause 3(b) of the Bill although intended to depoliticize the membership of the Council, it does not foster the dictates of Article 55(b) of the Constitution which provides that the State should take measures to ensure that the youth have opportunities to be represented and participate in political, social, economic and other spheres of life.
- (4) Section 4 of the National Youth Council Act, 2009 outlines the key functions of the Council which include regulating and coordinating activities and initiatives relating to the youth. The primary role of the Council is to deal with matters relating to youth affairs and hence there is need for the youth to directly participate and be represented in the Council.

- (5) The proposed amendment to clause 3(b) hence negates the right of the youth to choose and elect their own leaders who shall champion the youth agenda.
- (6) Whereas the proposed amendment to clause 3(b) seeks to confer upon the Cabinet Secretary responsible for matters relating to the youth with the power to nominate nine youths to the Council, in the submissions by the Ministry of Youth, Arts and Sports, the Ministry expressed reservations with the amendment and observed that there is need to retain the spirit of youth participation through a democratic process of coming up with the Council.
- (7) Section 5(1) of the National Youth Council Act, 2009 provides for the membership of the Council which comprises of a Chairperson, four Principal Secretaries, the Attorney-General, eight youths elected by the youth, not more than eight youths nominated by the National Youth Congress and the Secretary. From the foregoing, the youths have sixteen representatives out of the total membership of twenty-two persons which is adequate representation to the Council.
- (8) The proposed amendment to clause 5 of the Bill is necessary to align the functions of the Council with the devolved administrative structures.
- (9) The various proposed amendments by the stakeholders including proposing to abolish the Youth Advisory Board, streamline the functions of the Council, provide for the remuneration of members of the Council, amend the qualifications for appointment to the Council, rationalize of the membership of the Council to align with the Mwongozo Code of Governance and include other representations into the Board, may offend the provisions of Article 118 of the Constitution on public participation and Standing Order 133(5) which provides that no amendment may be moved to a Bill that deals with a different subject and unduly expands the scope of the Bill.
- (10) The Cabinet Secretary, Ministry of Youth, Arts and Sports should consider conducting a review of the Act to address among other issues matters relating to the composition of the Council and the Youth Advisory Board as contained in its memorandum.

In light of the foregoing, the Committee recommended that pursuant to Standing Order 127, the Bill does proceed for Second Reading subject to the following amendment—

CLAUSE 3

THAT, clause 3 of the Bill be amended by deleting paragraph (b).

MIN. NO. NA/DC-SP/2023/265: ADOPTION OF THE REPORT

The Committee unanimously **adopted** the report of the National Youth Council (Amendment) Bill, (National Assembly Bill No. 1 of 2023) with an amendment.

MIN. NO. NA/DC-SP/2023/266: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business the meeting was adjourned at 12:50 p.m.

Signed.....



Date.....

03/08/2023

HON. ALICE WAMBUI NGÁNGÁ, M.P.

(Chairperson)

**MINUTES OF THE 46TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
SOCIAL PROTECTION HELD ON TUESDAY, 13TH JUNE, 2023 AT SIMBA
CONFERENCE HALL, BOMA HOTEL, SOUTH C AT 10.00 AM.**

PRESENT

1. Hon. Alice Wambui Ng'ang'a, M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P. - Vice - Chairperson
3. Hon. Suleka Hulbale Harun, M.P.
4. Hon. Michael Wambugu, M.P.
5. Hon. (Dr.) James Nyikal, M.P.
6. Hon. Susan Ngugi, M.P.
7. Hon. Agnes Pareyio, M.P.
8. Hon. Barre Hussein Abdi, M.P.
9. Hon. Linet Chepkorir, M.P.

APOLOGIES

1. Hon. Timothy Wanyonyi, M.P.
2. Hon. (Dr.) Lilian Gogo, M.P.
3. Hon. Mark Nyamita, M.P.
4. Hon. Edith Nyenze, M.P.
5. Hon. Amina Abdullahi Dika, M.P.
6. Hon. Betty Maina, M.P.

COMMITTEE SECRETARIAT

1. Ms. Hellen Ekadeli - Clerk Assistant I
2. Mr. Sakana Saoli - Clerk Assistant III
3. Ms. Noel Amutabi - Legal Counsel II
4. Mr. Boniface Mugambi - Sergeant-at-arms
5. Ms. Grace Maneno - Research Officer III
6. Ms. Faith Oira - Protocol Officer
7. Mr. Collins Mahamba - Audio Officer

IN-ATTENDANCE

1. Mr. Ismail Maalim Madey - Principal Secretary, State Department for Youth Affairs and the Arts
2. Ms. Margaret Kiogora - Ag. CEO, National Youth Council
3. Mr. Kennedy Ochieng' - Secretary, Directorate of Youth Development

AGENDA

1. Prayers/Preliminaries
2. Adoption of the Agenda
3. Confirmations of Minutes

4. Matters Arising
5. **Meeting with Ag. CEO of National Youth Council**
6. Any Other Business
7. Adjournment/Date of Next Meeting

MIN. NO. NA/DC-SP/2023/224: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order fifteen minutes past ten o'clock (10.15 p.m.) and prayers said. She thereafter called upon the committee members to introduce themselves followed by the secretariat and the delegation from the Ministry of Youth Affairs, Sports and the Arts.

MIN. NO. NA/DC-SP/2023/225: ADOPTION OF THE AGENDA

The Chairperson invited the Members to adopt the agenda for the day. The agenda was adopted having been proposed by Hon. Suleka Harun, M.P. and seconded by Hon. James Wambura Nyikal, M.P.

MIN. NO. NA/DC-SP/2023/226: CONFIRMATION OF MINUTES

The agenda item was deferred to the next meeting and therefore no matters arising.

MIN. NO. NA/DC-SP/2023/227: SUBMISSIONS BY NYC ON THE NYC (AMENDMENT) BILL.

The acting CEO of the National Youth Council was invited to make her submissions on behalf of the Council. She began by thanking the Committee for inviting their views on the National Youth Council Amendment Bill by Hon. Joshua Kandie, M.P.

She informed the Committee that the main purpose of the Bill was to Depoliticize the membership of the National Youth Council and allow for a competitive recruitment process.

a. Proposals of the Amendment Bill

Section 2

She submitted that of the Bill that possesses interpretation, sought to amend the current provision by deleting the words "Minister" and replacing with "Cabinet Secretary" to match with the current provisions of the Constitution. She submitted that the Council and the Ministry agree with the amendment.

Section 5

She further submitted that the Council and the Ministry concur with the amendments to Part b, c, e and f that contain the word Permanent Secretary by Deleting the Words Permanent Secretary wherever it appears and substituting therefore the words "Principal Secretary". This amendment would make the act in line with the Constitution.

She submitted that the Ministry and the National Youth Council had reservations to the amendment to Paragraph g that sought to depoliticize the National Youth Council stating that

it would deprive the youth of their desired representation in the Council from their different regions.

The Council further proposed that the section 5(1)g be deleted and substituted thereof with the following new provision five youth elected by the youth in such manner as may be prescribed through a regulation. The Committee was hesitant to further amendment away from what the Hon. Joshua Kandie, M.P. sought to amend.

The Council also proposed to have a new clause 5(2A) be inserted immediately after clause 5(2). **The Committee was also hesitant to this proposal as this would change the whole content of the Amendment Bill as the owner of the Bill had intended.**

MIN. NO. NA/DC-SP/2023/228: ANY OTHER BUSINESS

1. The Committee resolved that a meeting be scheduled with National Social Security Fund (NSSF) at the soonest time possible. Members ventilated that they would like to discuss with the management among others;
 - a. Financial and Non-financial performance of the Fund;
 - b. The implications of the increased contribution to the Fund;
 - c. The assets, liabilities and investments of the Fund; and
 - d. The status of payment to retirees from the Fund.
 - e. Usage of the extra remittance since the contribution went to 6%.

The Chairperson directed that questions be prepared adequately and substantively to ensure the Committee is able to have fruitful deliberations with the management of the Fund.

MIN. NO. NA/DC-SP/2023/229: ADJOURNMENT

There being no other business the meeting was adjourned at ten minutes to one o'clock (12:50 PM). The next committee meeting would be held on notice.

Signed.......... Date.....

HON. ALICE WAMBUI NGÁNGÁ, M.P.

(Chairperson)

hey would be retained, but they faced a lot of opposition from the ODM party led by Mr Odinga

Referee of a Dirty, Ugly Game, a memoir that traces the life and times of Ahmed Issack Hassan, is now available in leading bookshops across the country. It is published by Big Books Ltd with funding from the Ford Foundation and the Open Society Initiative of East Africa.



Affairs Manager, Tabitha Mutemi, and the chairman of the North Eastern Province Professionals Forum, Dr. Abdurizak Arale Nunow, both responded to him in subsequent articles.

Around this time, the commission received an invitation to travel to the Philippines to study a new electoral system that they had introduced. The International Foundation for Electoral Systems (IFES) funded the five-day trip for a few members of the commission. Mike Yard, an expert in election administration and technology, was the IFES country director for Kenya at the time. He worked closely with us in the journey to reforms in our electoral process. IFES had been involved in Kenya since 1992, contributing to the evolution of a more independent and stronger electoral management body, and helping to promote cohesive and non-violent elections. They assisted with logistical planning, training, voter education and electoral technology. Two days before we travelled, my personal assistant, Noor Awadh, came into my office holding a document. She looked perturbed and visibly shaken. She explained that it had probably been accidentally or unintentionally forwarded to her by Oswago's personal assistant, Allan Odongo. "Chairman, you need to have a look at this, this is not good at all," she said.

After reading through the document, I called (Davis) Chirchir, (Ken) Nyaundi and Winnie (Guchu) and showed it to them. They were adversely mentioned in the email trail. It was a dossier on the IIEC, casting aspersions on the integrity of the commissioners and raising the profile of the CEO as the main person behind the success of the electoral body. The document alleged that I was employing relatives while Winnie was accused of nepotism, seeking publicity and supposedly controlling me. We decided that we needed to get to the bottom of the matter discreetly. Chirchir and I were preparing to travel to the Philippines. We agreed to cancel the trip and investigate the matter, so we did not show up at the airport on the day we were to travel. Oswago and three other members of staff were to travel with probably thought we were running late and would be joining them, so they proceeded to board the plane on the morning of the flight.

We summoned Allan to a meeting so he could explain the contents of the documents we were holding. Though looking shocked, he refused to talk and denied having anything to do with it. He claimed that he was not the source, and that he had no clue where it came from. The particular article linked to the contents we found in Allan's computer had been published by a Mr. Boaz Gikonyo in *The Star* newspaper on 2nd August, 2011, and was titled "Tribalism, Nepotism are rife at IIEC". The commissioners had been perturbed by this article as it seemed to lean towards a smear campaign against us.

We decided to investigate the

matter further. This article was among the documents found in Allan's laptop, word for word. It was a shocking discovery for all of us. I was particularly offended by the allegation of nepotism against me. Not only was it false, but I had actually removed my brother from the shortlist for the position of the manager, Voter Education, which he was qualified for. This even created bad blood between us, as he complained to my mother.

We found other write-ups in his laptop, which were probably waiting to be published in the newspaper. Allan was adamant and refused to co-operate on the matter. We informed him that we would confiscate his office laptop. We called in staff from the IT, Risk and Compliance department to scan through it. They discovered that he had deleted all the related information from the computer, which only left us with the hard copy we had printed. He tried to defend himself, but we knew he was involved in something sinister. We decided to carry out a forensic audit on the laptop, which took the staff the whole day. Allan realised he was in deep trouble when the IT team came back in the evening, at about 6pm, with a comprehensive report after retrieving information that had been deleted from the laptop.

They showed us the trail of other articles we had been reading about the commission in the newspapers, particularly those that were written by Boaz Gikonyo. We could see a number of other documents whose source was unknown, including the dates they had been edited, with the trail leading back to Allan. It was unbelievably bizarre that he still denied culpability, even after he was confronted with all the evidence. Interestingly, Nzibo firmly stood by his side and told us that we could not take any action on him as yet, until we probed the matter further. The commission decided to suspend him on the spot until we could deal with the issue and with his boss. We called for a press conference and disclosed the information we had just discovered that day.

Meanwhile, Oswago found out that we were not on the plane, and thereafter he got wind of what had transpired. He called me while still attending the training sessions in the Philippines. I informed him that we were going to sack him, as we had discovered what he and his PA had been up to. "Oh no, Chairman, please wait," he said. "Let me get back, I need to explain this to you."

In panic, he immediately cut short the trip after the first two days. He was full of apologies when we eventually met. As annoying as it was, he displayed the same traits as his PA—denying any involvement in the dossier we had discovered.

"Please Chairman, it was not me. Please give me a little bit more time to investigate my PA and get to the bottom of this thing," he begged.

I let him know that the commis-

sion was not going to be taken for a ride and that he should just admit he was guilty. Many of the documents we discovered contained detailed information about commission meetings we had convened, with him in attendance. The exact timelines when I adjourned the meetings to attend prayers, or at the end of the day were captured, as well as the discussions we had in the meeting. There was no way an outsider could have been the source of these details, and I informed him as much. The evidence pointed at him, as there were mentions of particular conversations by the commissioners.

The commissioners were also fed up, and they were in agreement that he should be sacked, though three of them were still against it. These were Nzibo, (Simiyu Abud) Wasike and (Douglas) Mwashugadi. Nzibo was a former civil servant, and his wife, Dr. Sally Kosgei, was the ODM Member of Parliament for Aldai Constituency, and a minister in the coalition government. As part of the needed strategic considerations in a coalition government, I called the Permanent Secretary to the Prime Minister, Dr. Mohammed Isahaki, to let him know that we were about to sack Oswago. He advised that I should first see the Prime Minister before proceeding with this decision, and I made an ap-

pointment to meet him. The PA to the Prime Minister, Major Idriis Abdurrahman, also reached out to me and told me to be cautious on the matter. The concern of the two was that Oswago was the only 'Luo' face in the top leadership of the commission. When I finally had the Prime Minister's audience, I went straight to the point.

"Prime Minister, we have evidence against Oswago and his PA. They have been leaking information to the media, and the commission has decided to sack him," I said, as I displayed the documents before him. The Prime Minister seemed to be in deep thought. He stood up, walked to the window of his office, and looked outside.

"This is very bad, Chairman, very bad," he said.

He then made a request that the commission should allow Oswago to stay and not sack him, insisting that he would talk to him. He pointed out that it would be good for him as the Prime Minister if Oswago stayed. He reminded me that the commission needed the support of his office. Being in a coalition government meant that the two coalition partners would be critical in the formation of IIEC, which would take over after IIEC's two-year term came to an end in November 2011. It was clear from the Constitution that the President would appoint the new commissioners in consulta-

tion with the Prime Minister.

"Since I was scheduled to travel to Mombasa for a couple of days, I finalised booking for the flight and travelled on the morning the commission meeting was to happen. The IIEC only had a de facto vice chair at the time, so in my absence and that of a vice, no meeting could be convened. I knew that the blazing tempers against Oswago among the commissioners would have subsided by the following week. Gladys was deeply disappointed by this decision. She told me that I had lost a golden opportunity to sack Oswago while the iron was still hot. She had also hoped to take up the CEO position.

Eventually, we confiscated Oswago's official laptop and sent him on administrative leave for two weeks as we conducted a forensic audit. We gave the laptop to our staff, who did the same audit as they had on Allan's machine. It was not a surprise when they retrieved the exact documents and details found in Allan's laptop, though he had also deleted them. It was a terribly disconcerting discovery of all the malicious articles against us that we had been reading in the newspapers. The agenda was to paint me and the commission in negative light. This further deepened the wedge in our interactions, as we could no longer

Continued on Page 10



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

In the Matter of Consideration by the National Assembly of the National Youth Council (Amendment) Bill (National Assembly Bill No. 1 of 2023)

PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA

WHEREAS Article 118(1) of the Constitution of Kenya and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other businesses of Parliament and its Committees;

FURTHER WHEREAS, The National Youth Council (Amendment) Bill (National Assembly Bill No. 1 of 2023) sponsored by the Hon. Joshua Chepyegon Kandie, M.P. was published on 6th February 2023, and read a First Time on 22nd March 2023 and committed to the Departmental Committee on Social Protection for review and reporting to the House;

AND WHEREAS, The principal object of the Bill is to amend the National Youth Council Act to depoliticize the membership of the National Youth Council by allowing competitive recruitment of the youth serving in the council through the office of the County Director of Youth.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Departmental Committee on Social Protection hereby invites stakeholders and the general public to submit memoranda on the Bill. Copies of the Bill are available at the National Assembly Table Office, Main Parliament Building or on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Tuesday, 18th April 2023 at 5.00 p.m.

SAMUEL NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
4th April 2023

"For the Welfare of Society and the Just Government of the People"

Ruto meets House leaders ahead of talks

► President wants Parliament to come up with a win-win situation for both sides of the political divide.

► Ichungwah says they agreed to work under the ambit of Parliament with an ad hoc committee.

DWIN NYARANGI, NAIROBI

President William Ruto met with the Kenya Kwanza parliamentary leadership at State House, Nairobi, yesterday, to discuss the partisan talks with Azimio.

This came a day after the Head of State proposed a bipartisan approach to address issues raised by Azimio leader Raila Odinga.

"We are convinced that the issues raised by the opposition shall be handled by Parliament to focus on our economic information programme, that is why we met to establish a framework for the bipartisan strategy," said Ruto.

The President met with Deputy President Rigathi Gachagua, National

Assembly Majority Leader Kimani Ichungwah, Senate Majority Leader Aaron Cheruiyot, National Assembly Majority Whip Silvanus Osoro and National Assembly Deputy Majority Leader Owen Baya.

Others were Senate Deputy Majority Leader Tabitha Karanja, National Assembly Deputy Majority Whip Naomi Waqo and Senate Majority Whip Steve Lelegwe.

Ichungwah who spoke to journalists after the meeting said the Kenya Kwanza leadership in Parliament had agreed on a framework for the proposal made by the President and the counter-proposal made by Raila.

The National Assembly Majority Leader said they agreed to work under the ambit of Parliament with an ad hoc committee in place and they were already consulting with the Minority leadership to ensure consensus.

Ichungwah said they are yet to agree on the number of members of the ad hoc committee and whether they need experts as was proposed by Azimio.

"What I know is the President is not going to take the country into a 2018 situation like where there was a handshake but he is keener on the bipartisan approach since even our



National Assembly Majority Leader Kimani Ichungwah.

opponents may be having better ideas on how some of these issues should be handled," he said.

The National Assembly Majority Leader said the President wants Parliament to take its rightful role in addressing the issues raised by the opposition since he had already sent a memorandum to the House in December last year, which among



Senate Majority Leader Aaron Cheruiyot.

others, proposed the creation of the office of Leader of Official Opposition.

"The President is basically asking Parliament to play its rightful role in looking into the proposals made by the opposition and come up with a win-win situation for both sides of the political divide. We are engaging our colleagues in ensuring this is achieved," he said.

Ichungwah said their opponents

have acknowledged that disruption of economic activities was doing more harm than good by making the cost of living even higher and that demonstrations will never be a solution to the challenges faced by all Kenyans.

National Assembly Minority Leader Opiyo Wandayi told The Standard that the Azimio leadership stood by what Raila said on Sunday evening in Nairobi.

"We are only waiting for the formation of the bipartisan ad hoc committee so that we can keenly look at the issues raised by our leader Raila and how the Kenya Kwanza administration will ensure the issues are urgently addressed," said Wandayi.

The Director of Public Prosecution Nordin Haji has dropped charges against six Azimio politicians for participating in demonstrations which is a clear indicator that the government has heeded one of the demands made by Raila.

Senate Minority Leader Stewart Madzayo, National Assembly Minority Leader Opiyo Wandayi, Kilifi South MP Richard Chonga and Malindi MP Amina Mnyazi had their cases dropped, with the prosecution saying this will pave way for alternative settlement among the aggrieved parties.

enyarangi@standardmedia.co.ke



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

In the Matter of Consideration by the National Assembly of the National Youth Council (Amendment) Bill (National Assembly Bill No. 1 of 2023)

PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA

WHEREAS Article 118(1) of the Constitution of Kenya and National Assembly Standing Order 7(3) require Parliament to facilitate public participation and involvement in the legislative and other businesses of Parliament and its Committees;

AND WHEREAS, The National Youth Council (Amendment) Bill (National Assembly Bill No. 1 of 2023) sponsored by the Hon. Joshua Chepyegon Kandie, M.P. was published on January 2023, and read a First Time on 22nd March 2023 and committed to the Departmental Committee on Social Protection for review and reporting to the House;

AND WHEREAS, The principal object of the Bill is to amend the National Youth Council Act to politicize the membership of the National Youth Council by allowing competitive recruitment of the youth serving in the council through the office of the County Director of Youth.

AND WHEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 7(3), the Departmental Committee on Social Protection hereby invites stakeholders and the general public to submit memoranda on the Bill. Copies of the Bill are available at the National Assembly Table Office, Main Parliament Building or on www.parliament.go.ke/the-national-assembly/house-business/bills.

Memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Tuesday, 18th April 2023 at 5.00 p.m.

SAMUEL NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
4th April 2023

"For the Welfare of Society and the Just Government of the People"



ANNOUNCEMENT

Following the tragic accident that occurred in Naivasha on 30th March, 2023 involving the Pwani University bus that was ferrying students to a sports event at the University of Eldoret, we regret to inform the public that we lost three (3) members of staff and nine (9) students. Burial arrangements are being made by the families of the deceased in liaison with the University. We would like to take this opportunity to thank the following for their support during this difficult time:-

- Ministry of Education
- Ministry of Health
- Ministry of Interior and National Administration
- County Government of Kilifi
- County Government of Nakuru
- County Administration of Nakuru
- Egerton University
- Kenya Medical Training College (Kilifi)
- Kenyatta National Hospital
- The Nairobi Women's Hospital
- Nakuru Level 6 Hospital
- Naivasha Level 4 Hospital
- St. Joseph Rift Valley Mission Hospital
- Mt. Longonot Hospital
- Kijabe Mission Hospital
- Kenya Red Cross
- National Police Service, especially the Traffic Police, Nakuru
- Local public and residents of Naivasha
- Njoro Day Secondary School
- Njoro Central Secondary School
- Standard Gauge Railway Management
- Other individuals and well-wishers
- Special thanks to Kilifi County leaders, Hon. Gideon Mung'aro and his team, Hon. Aisha Jumwa, Hon. Owen Baya and Hon. Gertrude Mbeuyu.

We extend our sincere condolences to the bereaved families. May the departed souls rest in eternal peace. The University wishes quick recovery to survivors of the accident. Parents and guardians who may require further information, are requested to get in touch with the University.

Pwani University, P. O. Box 195-80108 | Kilifi, Kenya
Tel: +254 725 91 61 45 | +254 776 36 89 46
email: info@pu.ac.ke | website: www.pu.ac.ke



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
REF: NA/DC-SP/CORR/2023/018

6th June, 2023

Ms. Margaret Kiogora, CHRP(K)
Ag. Chief Executive Officer
National Youth Council
ABSA Towers, 12th Floor
NAIROBI

Dear *Ms Kiogora*

**RE: CONSIDERATION OF THE NATIONAL YOUTH COUNCIL (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL, No. 1 of 2023)**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216 and is mandated, *inter alia*, "to study and review all legislation referred to it".

The National Youth Council (Amendment) Bill (National Assembly Bill, No. 1 of 2023) (*copy attached*) was read a First Time in the House on 22nd March, 2023 and committed to the Departmental Committee on Social Protection for consideration and reporting to the House in line with the provisions of Standing Order 127.

During its meeting held on **Tuesday, 30th May, 2023** the Committee resolved to hold a meeting with the National Youth Council, and the sponsor of the Bill, Hon. Joshua Chepyegon Kandie, M.P. to deliberate on the proposed amendments.

In this regard, the Committee invites the National Youth Council to deliberate on the Bill and;

- a. Provide a brief on the proposed National Youth Council (Amendment) Bill, 2023;
- b. Provide information on the current composition of the National Youth Council and the implications of the proposed amendments; and
- c. Inform the Committee on the processes for election, nomination and appointment of the persons appointed under section 5(1) (g) and (h) of the National Youth Council Act, 2009.

The sponsor of the Bill, Hon. Joshua Chepyegon Kandie, M.P. is expected to present to the Committee his views and objects of reasons for the proposed amendments of the Bill.

The purpose of this letter is therefore to invite you for a meeting with the Committee that will be held on **Tuesday, 13th June, 2023 at 10:30 am in 2nd Floor, Continental House, Parliament Buildings.**

You are required to submit 20 copies of your written submissions and soft copies sent to ena.parliament.go.ke.

The Liaison Officers of the Committee are **Ms. Hellen Ekadeli** who may be contacted on Tel No. 0733-132-322 and email address hellen.ekadeli@parliament.go.ke or **Mr. Saoli Sakana** on Tel. No. 0719-646-697 and email address sakana.saoli@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy:

Mr. Ismail Maalim Madey
Principal Secretary
State Department for Youth Affairs and the Arts,
Ministry of Youth Affairs, the Arts and Sports,
Kenya National Library Headquarters
NAIROBI

Hon. Joshua Kandic, MP
Baringo Central Constituency
C/O National Assembly
P O Box 41842-00100
NAIROBI



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For: CLERK OF THE NATIONAL ASSEMBLY

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Principal Secretary
State Department for Youth Affairs and the Arts,
Ministry of Youth Affairs, the Arts and Sports,
Kenya National Library Headquarters
NAIROBI

Hon. Joshua Kandie, MP
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C/O National Assembly
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Hon. Joshua Kandie, MP
Baringo Central Constituency
C/O National Assembly
P O Box 41842-00100
NAIROBI





MINISTRY OF YOUTH AFFAIRS,
THE ARTS & SPORTS

① DDC
Please deal.
31/03/23

② Kkadele
Deal
31/3/23

NATIONAL YOUTH COUNCIL

NATIONAL YOUTH COUNCIL

ABSA TOWERS 12TH FLOOR, P.O. BOX 23677-00100 GPO, NAIROBI, Tel:(020)2013920

Email: info@nationalyouthcouncil.go.ke, www.nationalyouthcouncil.go.ke

Ref NYC/13/1 Vol. XI

28th March 2023

The Clerk of the National Assembly,
Parliament Buildings,
P.O. Box 41842 - 00100,
NAIROBI.

ATTN: Hon. Joshua Chepyegon Kandie, MP

RE: **NATIONAL YOUTH COUNCIL AMENDMENT BILL, 2023 (N.A BILL NO. 1 OF 2023)**

Receive greetings and complements from the National Youth Council.

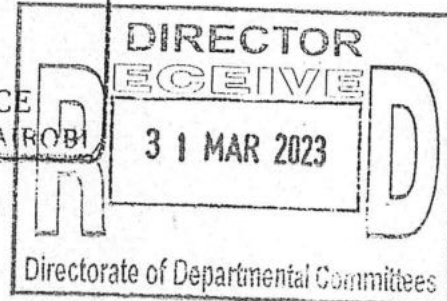
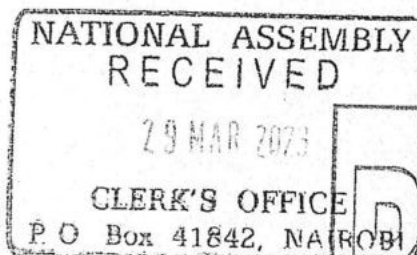
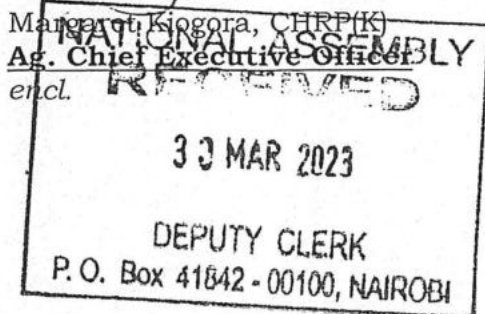
Reference is made to the above subject matter.

Our attention is drawn to The National Youth Council (Amendment) Bill (N.A. Bill No. 1 of 2023), which has recently been tabled in parliament. The principal object of the tabled Bill is to amend the National Youth Council Act to depoliticize the membership of the National Youth Council by allowing for competitive recruitment of the youth serving in the council through the office of the County Directors of Youth. To this end, NYC is utterly grateful for your noble effort that will ensure the institution is fully operational.

The purpose of this letter is to request for a meeting, at your convenience, to deliberate on the tabled Bill vis a vis our proposed areas for further amendment. We enclose herewith a brief on our proposed areas of amendment for your ease of reference.

For further information and clarifications please contact my office through; ceo@nationalyouthcouncil.go.ke or; mkiogora@nationalyouthcouncil.go.ke or via phone on; 0721933413

We look forward to fruitful deliberations and continued collaboration.





MINISTRY OF YOUTH AFFAIRS,
THE ARTS & SPORTS



NATIONAL YOUTH COUNCIL

NATIONAL YOUTHCOUNCIL

ABSA TOWERS 12TH FLOOR, P.O. BOX 23677-00100 GPO, NAIROBI, Tel: (020) 2013920

Email: info@nationalyouthcouncil.go.ke, www.nationalyouthcouncil.go.ke

OUR PROPOSED AMENDMENTS TO THE NATIONAL YOUTH COUNCIL ACT

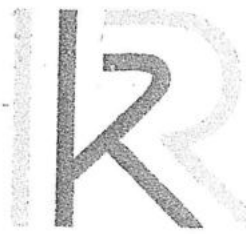
1.0 Our Proposed Amendments

1.1 Our proposed sections for amendments to the principal Act are as follows;

1. **Section 2** to remove obsolete terms and definitions and replace with current operational terms in line with the constitution;
2. **Section 4** to harmonize and streamline the functions of NYC;
 - a) **Paragraph b** be deleted and substituted therefor with the following new provision *"monitor, promote and popularize the National Youth Policy and other policies targeting the youth"*;
 - b) **Paragraph c** be deleted as policy review is a ministerial function;
 - c) **Paragraph d** be deleted as the function of resource mobilization within the government is domiciled under National Treasury;
 - d) **Paragraph e** be deleted and substituted therefor with the following new provision *"lobby for policies and legislation on issues affecting the youth"*
 - e) **Paragraph f** be deleted and substituted therefor with the following new provision *"Facilitate linkage with other organizations for resource mobilization and to ensure the youth gain access to resources and services appropriate to their needs"*;
 - f) **Paragraph g** be deleted as the function is captured within the reviewed function f;
 - g) **Paragraph h** be deleted and substituted therefor with the following new provision *"Implement Mentorship programmes aimed at inspiring and promoting the spirit of unity, patriotism, volunteerism and community service among the youth"*;
 - h) **Paragraph i** be deleted as formulation of guidelines is a ministerial function;
 - i) **Paragraph j** be deleted as the function is captured within the reviewed function h;
 - j) **Paragraph k** be deleted and substituted therefor with the following new provision *"Implement programmes that ensure the government and policy makers are kept informed of the views and aspirations of the youth"*;
 - k) **Paragraph n** be deleted and substituted therefor with the following new provision *"Take steps to ensure the inclusion of youth in decision-making bodies, boards, agencies and other institutions, and organizations of similar nature"*;
 - l) **Paragraph o** be deleted and substituted therefor with the following new provision *"Monitor, promote and popularize affirmative action programmes and funds targeting the youth"*; and

Ministerial Function.
Within reviewed function.

- m) **Paragraph p** be deleted and substituted therefor with the following new provision "*perform any other functions that may be prescribed by written law and in furtherance of the above named functions*".
3. **Section 5** to allow for an alternative and cost effective way of properly constituting the Council;
- a) Reduce the number of members constituting the Council and having elections under paragraph g being conducted by the IEBC;
 - b) Reduce the number of members constituting the Council and have the Youth Serving Organizations conduct the elections;
 - c) Reduce the number of members constituting the Council and remove elections and substitute with a competitive recruitment process for the council members under paragraph g;
4. **Section 9** to amend the part on remuneration of the Council and allow for the remuneration of Council Members to be determined by SRC and be subject to approval by the CS responsible for finance;
5. **Section 16** to amend the Composition of the Youth Advisory Board and allow for membership similar to other Boards of State Corporations; and
6. **Section 17** to amend the functions of the Youth Advisory Board and avert any potential clash with those of the Council;
- a) **Paragraph a** be deleted and substituted therefor with the following new provision "*Receive and review plans, reports, financial statements and budgets and make recommendations to the Council*".



KEVIN RUTTO

Ms. Amutabi,
Please prepare a
summary of
the submitted
on the proposed
the amendment to
the National Youth
Council Bill, 2023

14th April 2023

Council

Amendment
Bill, 2023
24/4/2023

Hellen Kipkoech
pls facilitate

17/4/23

REF:KR/1/R1/2023

OFFICE OF THE CLERK
THE NATIONAL ASSEMBLY
MAIN PARLIAMENT BUILDINGS
P.O BOX 41842-00100
NAIROBI.

Dear Clerk,

**RE: MEMORANDA ON THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL
2023**

Above matter refers;

Pursuant to 118(1) of the constitution of Kenya and National Assembly standing order 127(3) that requires parliament to facilitate public participation and involvement in legislative and other businesses of parliament and its committees hereby submit my memorandum on **the National Youth Council (amendment) Bill 2023**.

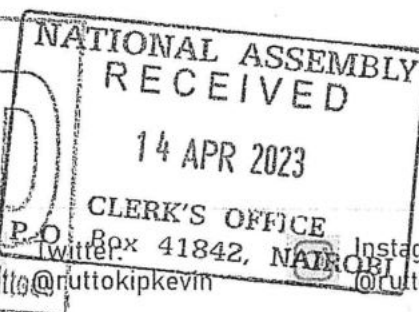
I acknowledge the deliberate effort made by the Government of Kenya to appropriately equip and empower the youth to attain and realize their full potential. The National Youth Council Act 2009 gave birth to the National Youth Council as a representative body advancing the voice of the youth.

However, there are several legislative gaps that Parliament need to address beyond this specific amendment to give effect to article 55 of the constitution 2010 that requires the state to take measures including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life.

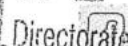
I do appreciate the opportunity to contribute to this bill and therefore propose the following enclosed amendments. I am available on +254724297477 or kevorutto@gmail.com for any clarifications or questions.

Yours Faithfully

KEVIN RUTTO



Email:
Kevorutto@gmail.com



Facebook:
Directorate of Departmental Committee



Twitter:
[@ruttokipkevin](https://twitter.com/ruttokipkevin)



Instagram:
[@ruttokipkevin](https://www.instagram.com/ruttokipkevin)



KEVIN RUTTO

S/N	CURRENT PROVISION IN THE AMENDMENT BILL	PROPOSED RECOMMENDATION	JUSTIFICATION
1	Section 5 of the principal act is amended in by deleting (b)paragraph (g) of the subsection (1) and substituting therefore the following new paragraph (g) (g) nine youths nominated through a competitive process by the cabinet secretary responsible for youth affairs	Amend the clause to capture the role of the youth in electing their representative to the National Youth Council Therefore, I propose that Section 5 of the principal act be amended in by deleting (b)paragraph (g) of the subsection (1) and substituting therefore the following new paragraph (g) (g) nine youth elected in a manner prescribed by the cabinet secretary responsible for youth affairs	I am of the view that the clause violates article 55 of the constitution of Kenya 2010. The Youth should have opportunities to associate, be represented by one of their own and participate in political, social, economic and other spheres of life. Therefore, I object the amendment of section 5 (g) as it is. The depolitization aspect can be sorted out in the regulations of electing the youth representatives without taking away the right of the youth to participate in electing their representatives
2	Section 5 of the principal act	Amend the clause for additional stakeholders to the council I propose Section 5 of the principal Act be amended; in sub section (1) by— inserting the following new paragraph immediately after paragraph (f)— (fa) a youth representative of the council of Governors (fb) a youth representative of the county assemblies	I am of the view that bill concerns county governments in terms 110 of the constitution. Therefore, representative of the Council of Governors and County Assemblies Forum (CAF) being the voices of the County Executive and County Assembly respectively be added in the composition of the council in section 5 of the principal act.

Yours faithfully

KEVIN RUTTO



Email:
Kevorutto@gmail.com



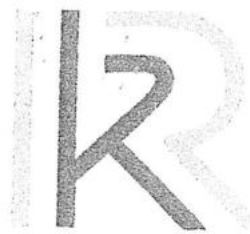
Facebook:
Kevin Rutto



Twitter:
@ruttokipkevin



Instagram:
@ruttokipkevin



KEVIN RUTTO

3	The principal object of the bill is to amend the National Youth Council Act to depoliticize the membership of the National Youth Council by allowing the competitive recruitment of the youth serving in the council through the office of the County Directors of Youth.	The principal object of the bill negates the provisions of article to article 55 of the constitution 2010 that requires the state to take measures including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life	There are other alternatives that can be provided in the guidelines of election of Youth representatives to the national Youth to depoliticize the membership of the national youth council
4	This bill does not delegate the legislative powers nor does it limit fundamental rights and freedoms	The bill as it limits the fundamental rights and freedoms of the youth in electing the representative of their choice	I am of the view that the council belong to the youth and they must play a central role in the affairs of the council

Yours faithfully

KEVIN RUTTO



Email:
Kevorutto@gmail.com



Facebook:
Kevin Rutto



Twitter:
@ruttokipkevin



Instagram:
@ruttokipkevin

MEMORANDUM ON THE NATIONAL YOUTH COUNCIL AMMENDMENT BILL

THE NATIONAL ASSEMBLY BILL OF 2023 (13TH PARLIAMENT)

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

TO: CLERK OF THE NATIONAL ASSEMBLY,
P.O BOX 41842-00100, NAIROBI,
PARLIAMENT BUILDINGS.

FROM: NORTH RIFT AMBASSADORS,
INTER PARTIES YOUTH FORUM,
KENYA YOUNG MEMBERS OF COUNTY ASSEMBLIES,
YOUTH SENATE ORGANISATION,
UZALENDU AFRIKA INITIATIVE,
ARTICLE 43,
MWAFFRIKA MWENZANGU,
NUBIAN YOUTH COUNCIL,
ANC POLITICAL PARTY YOUTH LEAGUE,
SIMAMA COMMUNITY BASED ORGANIZATION.



DATE: 17TH APRIL 2023

SUBJECT: **PROPOSALS FOR CONSIDERATION TO THE NATIONAL
YOUTH COUNCIL AMMENDMENT BILL TO THE NATIONAL
ASSEMBLY BILL OF 2023, DURING COMMITTEE STAGE &
SUBSEQUENT READINGS IN THE HOUSE**

WE the youth in the Republic of Kenya under article 36 of the Constitution of Kenya 2010 have come together to submit a joint memorandum outlining key issues for consideration into the Bill in reference.

RECOGNISING that public participation is a right under our constitution, we appreciate the National Assembly for giving the public an opportunity to submit their view on the Bill.

APPRECIATING that the youth aged 35 years and below comprise 80% of Kenya's population according to data from the National Council for Population & Development¹ released in 2021. The Government of Kenya over the past decades has made significant investment targeting the youth in education, access to capital, health among other different sectors.

¹ <https://ncpd.go.ke/wp-content/uploads/2021/02/Brief-56-YOUTH-BULGE-IN-KENYA-A-BLEESING-OF-A-CURSE.pdf>

In the past elections, we are seeing a remarkable trend of increase in youth leaders across both houses of parliament and county assemblies. This truly affirms our position that they youth in Kenya are key players to steer our country's development, growth and transformation in these current times we live in and beyond. Any conversation and process to define youth involvement in governance must therefore be centered to consider views of the youth in Kenya.

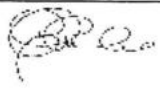

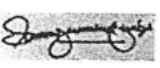




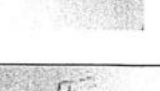
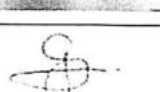
HOWEVER, worth noting is that the youth are the most affected by modern day challenges facing Kenya. A high percentage of our educated youth are unemployed, a good number of youth engage in harmful vices and the fact is youth despite being the majority are marginalized in government decision making at both national and sub-national levels.




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1. National Assembly Departmental Committee on Social Protection should ensure the bill provides more clarity and propose accountability frameworks to this Council. As a council representing the youth in Kenya, accountability must be to the youth and a clear framework and structures should be suggested. Looking at past Councils, it must be clear through this amendment the tenure of office and age limit barring those who circumnavigate around allowable youth age in the Republic of Kenya as provided in the Act. Also, on accountability, we must see clear separation of powers beyond the Chair. It is not in the spirit of the constitution to create 'imperial' chair of councils who only answers to the line ministry Principal Secretary or Cabinet Secretary. The Council must have its own checks and balances- desirably linked to our devolved structure of governance and therefore promoting representation.
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3. The proposed amendment to the Act is an opportunity to review the Act and make it alive to our devolved dispensation. What structures will exist to promote participation and representation across counties or regions in Kenya. This can be looked up alongside point #1 above to enhance accountability.
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6. Considering how diverse the youth of Kenya are, we propose expansion of the Council from 9 to 17 members.
7. Parliament should make this Bill to be a money bill under article 114 and ensure operations of the Council are supported by the exchequer with the relevant Principal Secretary as the accounting officer. This will promote sustainability and enables this council to indecently effect its mandate.

We the undersigned hope that our submissions will be considered. We look forward to an opportunity to engage the committee on this matter using avenues stipulated by Parliament Standing orders and guide operations of committees.

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11	Ruth Bolo	Kenya Young Members of County Assemblies	Nairobi	34663567	
12	Peter Kiprotich Segei	ANC Party, Bomet Chapter	Bomet County	33501679	

Details of Contact person(s)

Contact person 1

NAME: Sankale Ole Keis
 ORGANISATION: Youth Senate Kenya
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 EMAIL ADDRESS: sankale@youthsenatekenya.org

Contact person 2

NAME: Hon. Chris Mark
 ORGANISATION: Kenya Young Members of County Assemblies
 MOBILE NUMBER: 0710150288
 EMAIL ADDRESS: chrismarkmc@gmail.com



THE CENTRE

Collaborative Centre for
Gender and Development

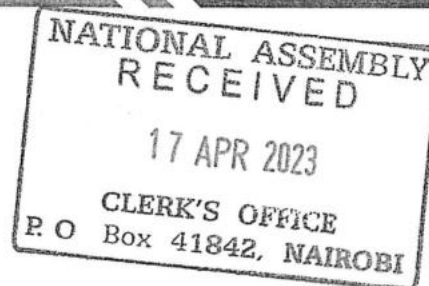
A Centre for Policy, Advocacy on Gender Equality and Non-Discrimination

Helena Asadelli

Dear

Mr. Samuel Njoroge

TO: MR. SAMUEL NJOROGE
THE CLERK OF THE NATIONAL ASSEMBLY,
P.O BOX 41842-00100,
NAIROBI.



APRIL 17TH, 2023

SUBJECT: MEMORANDUM ON THE NATIONAL YOUTH COUNCIL
(AMENDMENT BILL, 2023)

1. INTRODUCTION

The Collaborative Centre for Gender and Development (CCGD) was established in 1996 by a small group of academics, researchers, and development experts to build capacity in gender-responsive planning, advocacy, and programming. It has since grown into a dependable policy research and advocacy resource organization with a program present at the county, national and regional levels. CCGD conducts and utilizes research evidence for its advocacy work. It seeks to promote and contribute to a transformative shift in gender relations through gender-responsive capacity building and institutional development of all sectors in planning, budgeting, programming, implementation, monitoring, and evaluation. To accelerate the achievement of gender equality, CCGD works through multisector partnerships between international, regional, and national government agencies as well as civil society and private sector interests to promote institutional accountability to gender-responsive governance and equitable development that secures rights and enables empowerment of in particular women and girls. CCGD contributes to supporting policy solutions that create greater investments in gender equality gains to protect the rights of -in particular women and to realize holistic development as envisaged in the UN Strategic Development Goals (SDGs).

2. BACKGROUND

Following the publication on public participation by the National Assembly on the National Youth Council Amendment Act, 2023, the following are the joint Collaborative Centre for Gender and Development analysis and proposals on the bill:

Constitutional alignment



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info@ccgdcentre.org



Overbay Apartments, Church Road-
Rhapta Road cross roads Westlands
P.O.BOX 27559-00506, NAIROBI-KENYA.



<https://ccgdcentre.org/>



THE CENTRE

Collaborative Centre for Gender and Development

A Centre for Policy, Advocacy on Gender Equality and Non-Discrimination

- CCGD has recognized the bill's alignment with the current governance system that will facilitate adoption and implementation by devolved governments as primary actors. It will inform resource allocation to support youth development by the County Youth departments.
- The explicit mention of gender, sex, and ability of membership will ensure gender sensitivity of the council and promote inclusion in representation

3. PROPOSALS

1. Abolish the Youth advisory board to be replaced by the Youth council members

The council will assume the role of the advisory board on youth development therefore, there is no justification for having a council and a board within a structure. Recommendation: Abolish advisory boards that will be replaced by the youth council

2. Section 5

- a) On the alternate, CCGD recommends the inclusion of a representative from the Ministry of Gender.

Youth, the highest population in Kenya, inform gender discussions where equality is anchored. Young women as a marginalized and vulnerable group are always left out in development decision-making spaces due to the socially constructed roles they perform that limit their participation. The youth population of people with disabilities is in most cases ignored as an interested party. The proposed composition of the council requires someone with gender knowledge to guide and support mainstreaming of affirmative action to include marginalized youth and ensure equality

- b) Amend the education requirement of the Chairperson from *Undergraduate* holder to a *Minimum of Completed Secondary school education with demonstratable leadership knowledge and capacity on youth issues*

Kenya has a wealth base of youth with a leadership track record that is not pegged on university education. CCGD is cognizant of poverty and other vulnerabilities that young people are exposed to particularly in the ASAL areas that limit their full access to higher education opportunities.

3. Section 6: Power of the Council; Development of an Accountability Framework of the Council



+254 746 167 190



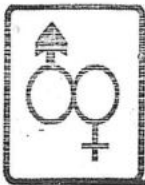
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A Centre for Policy, Advocacy on Gender Equality and Non-Discrimination

As the council will be able to attract and receive knowledge and financial resources, there should be an accountability mechanism/framework that will ensure the received resources are adequately used on the youth development agenda.

Recommendation: Inclusion of an accountability mechanism

4. Development of a Third schedule

The amendment from *Elective* to *Competitive* creates an equal opportunity for the youth to participate and present their interest in becoming the Chairpersons. However, a schedule needs to be developed that, will guide on the following:

- Recruitment process with specific mentions of the requirements of council members
- Term of the council of three years with a possible renewal based on performance to a maximum of two terms or a maximum of one term of three years
- The considerable age limit of those interested to join the council should be of 32 years at the time of the application

These are the humble proposals on the National Youth Council Amendment Bill, 2023 by Collaborative Centre for Gender and Development.

Yours sincerely,

Purity Jebor

Youth Coordinator

Collaborative Centre for Gender and Development (CCGD)

p.jebor@ccgdcentre.org

COLLABORATIVE CENTRE FOR
GENDER AND DEVELOPMENT
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YSO CONSORTIUM MEMORANDUM ON
NATIONAL YOUTH COUNCIL
AMENDMENT BILL 2023

Hellen Ekeaddi

pls facilitate

W W W

19/4/23

For further inquiries, reach out to the Secretariat of the Consortium

SIASA PLACE info@siasaplace.org

That this Memoranda is submitted to the **National Assembly of the Republic of Kenya** through the **Hon. Joshua Kandie**, Baringo Central Member of Parliament pursuant to:

Article 37 of The Constitution of Kenya: Providing for the Right of every Kenyan to present petitions to public authorities in General.

Article 55(b) of the Constitution mandates the state to take measures for the youth have opportunities to be represented and participate in political, social, economic spaces. Further on, in preparation for Africa's youth bulge and succession planning, cognizant of best practices of the Commonwealth Youth Council, East Africa Youth Commission and Africa Youth Commission,

Article 55(b) necessitates an urgent move to harness the youth demographic dividend for economic prosperity of the nation.

Article 118 (1) (b) of The Constitution of Kenya: Requiring Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Article 119 (1) Providing for every person's right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

That the Memoranda is on the matter of The National Youth Council Amendment Bill 2023, being a Bill for AN ACT of Parliament to **depoliticize the membership of the National youth council by allowing competitive recruitment of the youth serving in the council through the office of the County Directors of Youth.**

Rationale

The pioneers of the establishment of the National Youth Council had envisioned a great institution where young people would exercise their democratic right to elect their representatives at the Council. Since establishment of the initial council by way of elections in 2012, the council has not had elections for varied reasons including insufficient resources to conduct nationwide elections.

In 2019, an amendment bill was tabled by the then youth representative in the national assembly Hon Gideon Keter seeking to depoliticize the council to enable its operations. However, the young people insisted on the elections process and further the election guidelines were developed. Despite the development of elections guidelines, 3 years later elections have not taken place.

For the secretariat to function effectively, the council needs to be in place to take care of certain functions prescribed in the act such as hiring of Chief Executive Officer. For this purpose, the youth serving organizations have found it reasonable to adopt a model that would ensure the running of the institution and also ensures participation of young people through an open and transparent competitive recruitment process.

To which some of the candidates who participate in the process can form the assembly of the council and respective county chapters.

That the undersigned being Youth Serving Organizations variously registered in accordance with the Laws in the Republic of Kenya and implementing objectives, initiatives, programs and activities in furtherance of the Welfare and interests of the Youth in the Republic.

And as such there being a direct and legitimate interest in the provisions of The National Youth Council Bill 2019, the composition of the council, its management and effective functioning.

The undersigned having reviewed the provisions of The National Youth Council Bill 2019 and have proposed the following amendments:

1.	Preliminary	1. Introduce "Assembly of the council"	- Accountability framework	- Define the "Assembly of the council" as the supreme body that will consist of delegates who will be the top two candidates in all the 47 counties during the recruitment process	The Assembly of the council will be responsible for representing young people in the annual delegates conference
2.		2. Introduce "County Youth Chapter"	- In the spirit of devolution, the council should be devolved	- Define the "County Youth Chapter as the representative council at the county level that acts as liaison to the National Youth Council".	Mainstreaming youth work both in the county government and National Government.
3.	Section 5 (1)	Remove secondment (e) & (f)	Bloated council with too many secondments	- Retain secondment from mother ministry, finance because of resources and attorney general because of any legal cases that may arise.	Remain a lean team that is able to make quick decisions and efficient use of resources allocated to NYC. The 12 is beyond recommended by Mwongozo but the secondment from Finance, youth affairs and attorney general are critical.
4.	Section 5 (1) (g)	Remove "competitive process by the cabinet secretary responsible for youth affairs"	Youth ownership of the process rather than control by the authority offices.	- The Nine Youth are competitively recruited from the county level to the National by the recruitment panel as described in the proposed recruitment schedule.	The process should ensure youth involvement in a competitive process all the way from the grass root level to the National level
5.	Section 5 (1) (h)	Remove the section	Will be cured by the recruitment process	- The recruitment panel should ensure there is inclusivity in gender/ sex, PLWDs and regional balance.	To manage the members of the council to a reasonable number that can make swift decisions, the recruitment process can ensure inclusivity.
6.	Section 5 (2) a	Replace Undergraduate degree from a recognized institution with KCSE certificate	The position should match for legislators whose qualifications are KCSE Certificate.	The qualifications should be retained like those of elective positions. Maximum qualifications to be KCSE Certificate	The court ruling on qualifications of Members of the County Assembly, senators and other high ranking jobs, it is only fair that this positions matches the provision of the ruling.

7.	Section 6 (1)	Add Functions of the Council	Disbandment of the Advisory Board	Receive and approve the plans, reports, financial statements and the budget of the Council;	The council will be qualified, to be achieved from the recruitment process and will be full liable of the institution.
8.	Section 16, 17 & 18	Delete "Establishment of the board, Functions of the board & conduct of business of the board"	The council will be qualifies and fully responsible of the council	Eliminate two parallel governance structures that could stifle the operations	The full authority of reviewing accounts, governance should be in full authority of the council

THIRD SCHEDULE

The Youth serving organizations consortium proposes introduction of the third schedule that will describe the composition of the recruitment panel.

The Composition of the Recruitment Panel;

1. County Director of Youth
2. Youth serving organizations representative (2)
3. Office of the Attorney General
4. Faith based Representative

The recruitment panel should ensure that the council constituted in inclusive and adheres to the tenets of the constitution on equality and non-discrimination. This involves; gender/ sex inclusion, regional balance and People Living with Disability.

Dated the.....**18TH April**2019

The Above Memorandum submitted by 30 Youth Serving Organization and Youth Groups is hereby signed by the representatives of the Consortium

Youth Serving Organizations Consortium Co-Convenor

Nerima Wako –Siasa Place

Youth Serving Organizations Consortium Co-Convenor

Dennis Mungo-Youth Alive! Kenya

Youth Serving Organizations Consortium Member (Convenor)

Collins Mureithi –CEFA

Youth Serving Organization Consortium Member (Convenor)

Zaina Kombo- Amnesty International Kenya

MEMORANDUM ON THE NATIONAL YOUTH COUNCIL AMMENDMENT BILL

THE NATIONAL ASSEMBLY BILL OF 2023 (13TH PARLIAMENT)

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

TO: CLERK OF THE NATIONAL ASSEMBLY,
P.O BOX 41842-00100, NAIROBI,
PARLIAMENT BUILDINGS.

FROM: NORTH RIFT AMBASSADORS,
INTER PARTIES YOUTH FORUM,
KENYA YOUNG MEMBERS OF COUNTY ASSEMBLIES,
YOUTH SENATE ORGANISATION,
UZALENDU AFRIKA INITIATIVE,
ARTICLE 43,
MWAFFRIKA MWENZANGU,
NUBIAN YOUTH COUNCIL,
ANC POLITICAL PARTY YOUTH LEAGUE,
SIMAMA COMMUNITY BASED ORGANIZATION.

DATE: 17TH APRIL 2023

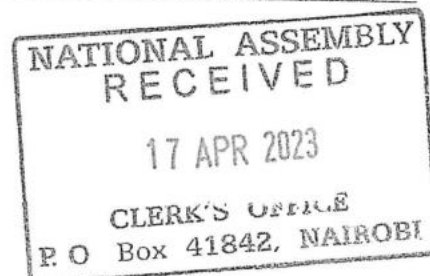
SUBJECT: **PROPOSALS FOR CONSIDERATION TO THE NATIONAL
YOUTH COUNCIL AMMENDMENT BILL TO THE NATIONAL
ASSEMBLY BILL OF 2023, DURING COMMITTEE STAGE &
SUBSEQUENT READINGS IN THE HOUSE**

WE the youth in the Republic of Kenya under article 36 of the Constitution of Kenya 2010 have come together to submit a joint memorandum outlining key issues for consideration into the Bill in reference.

RECOGNISING that public participation is a right under our constitution, we appreciate the National Assembly for giving the public an opportunity to submit their view on the Bill.

APPRECIATING that the youth aged 35 years and below comprise 80% of Kenya's population according to data from the National Council for Population & Development¹ released in 2021. The Government of Kenya over the past decades has made significant investment targeting the youth in education, access to capital, health among other different sectors.

¹ <https://ncpd.go.ke/wp-content/uploads/2021/02/Brief-56-YOUTH-BULGE-IN-KENYA-A-BLEESING-OF-A-CURSE.pdf>



In the past elections, we are seeing a remarkable trend of increase in youth leaders across both houses of parliament and county assemblies. This truly affirms our position that they youth in Kenya are key players to steer our country's development, growth and transformation in these current times we live in and beyond. Any conversation and process to define youth involvement in governance must therefore be centered to consider views of the youth in Kenya.

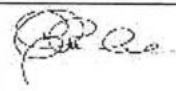



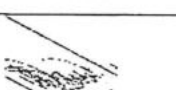
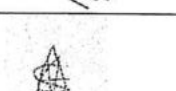

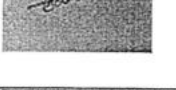
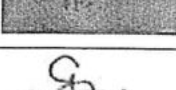
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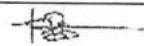
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 EMAIL ADDRESS: sankale@youthsenatekenya.org

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 MOBILE NUMBER: 0710150288
 EMAIL ADDRESS: chrismarkmc@gmail.com

M Gmail

Secretary Youth <secretaryyouthke@gmail.com>

(no subject)

1 message

kinuthia ndungujimmy <kinuthiandungujimmy@gmail.com>

To: secretaryyouthke@gmail.com

From: James Kinuthia Ndung'u.

0720145776,

P.O BOX 34303-00100,

NAIROBI,

KENYA.

kinuthiandungujimmy@gmail.com

Kinuthia Ndung'u / Allen Ekadala
Pls facilitate
12/4/23

April 2023 at 14:16

TO: CLERK OF THE NATIONAL ASSEMBLY,
SAMUEL NJORGE.
P.O BOX 41842-00100.
NAIROBI.

MO: PARTICIPATION ON THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL.

In compliance with Article 118(1), I wish to take part in the amendment process of the National Youth Council Bill No.1 of 2023.

I fully support the amendment of the National Youth Council Act to depoliticize the membership of the National Youth Council by allowing the competitive recruitment of the youth serving in the council through the office of the County Directors of youth.

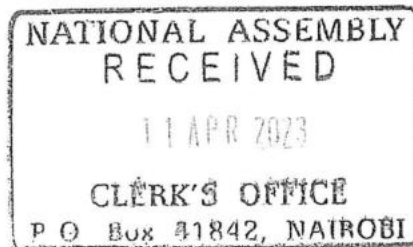
However, with reference to the Bill's section 5 subsections (g) and (h), I wish to know whether the youth have already been appointed and the criteria that was used during the process. If not yet, I wish to seek the right path for the appointment and join the voice of the youth in the country. I also urge the council to engage more youths (across the 47 counties) in their projects and programs for their success and to curb issues of failure in their engagement.

I support the National Youth Council Bill. I support the youth's voice and always ready to work with them for a better and safe future of our youths across the country.

Yours sincerely,

Kinuthia Ndung'u

Kinuthia Ndung'u,



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Secretary Youth <secretaryyouthke@gmail.com>

(no subject)

1 message

kinuthia ndungujimmy <kinuthiandungujimmy@gmail.com>
To: secretaryyouthke@gmail.com

From: James Kinuthia Ndung'u,
0720145776,
P.O BOX 34303-00100,
NAIROBI,
KENYA,
kinuthiandungujimmy@gmail.com

TO: CLERK OF THE NATIONAL ASSEMBLY,
SAMUEL NJOROGE,
P.O BOX 41842-00100,
NAIROBI.

Rosemary Njoroge / Helen Ekadahi
Pls facilitate
12/4/23
1/1 Digital forms

Apr 2023 at 14:16

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