

SPECIAL ISSUE

Kenya Gazette Supplement No. 39 (Senate Bills No. 4)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

NAIROBI, 28th February, 2024

CONTENT

Bill for Introduction into the Senate—

PAGE

The County Civic Education Bill, 2024

37

THE SENATE
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SENATE BILL

OF THE SENATE



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KENYA GAZETTE SUPPLEMENT

SENATE BILL, 2024

IN THE SENATE

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 THE SENATE
 18 MAR 2024
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THE COUNTY CIVIC EDUCATION BILL, 2024

ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

1. Short title.
2. Interpretation.
3. Object.

PART II – COUNTY CIVIC EDUCATION

4. Role of National and county governments.
5. Mandatory civic education training.
6. County civic education programmes.

PART III – COUNTY CIVIC EDUCATION UNITS

7. County civic education unit.
8. Functions of the county civic education unit.
9. Funding of civic education.
10. Management of the unit.

**PART IV – COUNTY CIVIC EDUCATION
PROVIDERS**

11. Registration of county civic education providers.
12. Application for registration as a county civic education provider.
13. Consideration of application and registration.
14. Certificate of registration.

15. Effect of admission into county civic education programme.
16. Refusal to admit an entity into a county civic education programme.
17. Grounds for de-registration.
18. Notice of non-compliance.
19. Application from an order of refusal or de-registration.

PART V — MISCELLANEOUS PROVISIONS

20. False statements.
21. Monitoring and evaluation.
22. Regulations.

THE COUNTY CIVIC EDUCATION BILL, 2024

A Bill for

AN ACT of Parliament to provide a legal framework for undertaking civil education in counties.

ENACTED by the Parliament of Kenya, as follows —

PART I — PRELIMINARY

1. This Act may be cited as the County Civic Education Act, 2024.

Short title.

2. In this Act,—

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to devolution;

“county executive committee member” means the county executive committee member responsible for matters relating to devolution;

“Unit” means the county civic education unit established under section 6; and

“Non-governmental organization” has the meaning assigned to it under section 2 of the Non-Governmental Organizations Co-ordination Act.

No. 19 of 1990.

3. The object of this Act is to provide a framework for —

Object.

- (a) sustained citizens’ engagement in the implementation of the Constitution;
- (b) improved understanding, appreciation and engagement in the operationalisation of the devolved system of government;
- (c) institutionalising a culture of constitutionalism;
- (d) knowledge of the transformed political system, context and implications;
- (e) enhanced knowledge and understanding of the electoral system and procedures;
- (f) enhanced awareness and mainstreaming of the Bill of Rights and national values;
- (g) heightened demand by citizens for service delivery by institutions of governance at the county level;

- (h) ownership and knowledge on the principal economic, social and political issues facing county administrations and their form, structures and procedures; and
- (i) appreciation for the diversity of Kenya's communities as building blocks for national cohesion and integration.

PART II – COUNTY CIVIC EDUCATION

4. (1) The National and county governments shall promote civic education by —

Role of National and county governments.

- (a) collaborating to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution;
 - (b) facilitating the establishment of channels and forums for civic education;
 - (c) mainstreaming civic education programmes in the governments' activities and programmes;
 - (d) ensuring that a percentage of the budget of the National and county governments and other entities is set aside for civic education programmes;
 - (e) creating and developing sustainable and innovative approaches towards civic education programmes; and
 - (f) promoting the linkages between universities and research institutions and members of the public for continuous civic education.
- (2) The county executive committee member shall for purposes of subsection (1) —
- (a) enter partnerships with local and international educational institutions in order to promote the growth of civic education;
 - (b) establish programmes for the certification and admission of non-governmental organizations and other non-state actors into the county civic education programmes;
 - (c) establish online and other platforms for access to information;

- (d) establish and develop online civic education programmes, access to fiscal and non-fiscal support;
- (e) keep and maintain a directory of Non-Governmental Organizations and other non-state actors providing civic education;
- (f) put in place mechanisms to enable access to entities from marginalized groups to access civic education programmes; and
- (g) put in place facilitative structures that ensure the access to civic education at the national and county levels.

5. Public officials, including elected and appointed officials at national and county levels shall undergo mandatory civic education and training on their roles, responsibilities, and obligations as public servants.

Mandatory civic education training.

6. (1) In realising the objectives of this Act, every county government shall establish county civic education programmes.

County civic education programmes.

(2) The county executive committee member shall for purposes of subsection (1) —

- (a) establish online and other innovative platforms setting out information on existing civic education programmes; and
- (b) prescribe a criterion for the evaluation of entities, programmes and structures set up for the purposes of implementing this Act.

PART III – COUNTY CIVIC EDUCATION UNITS

7. The county executive committee member shall designate a unit to be known as the county civic education unit.

Establishment of county civic education unit.

8. The functions of the unit shall be to —

Functions of the county civic education unit.

- (a) develop a comprehensive civic education plan for the county, in collaboration with relevant stakeholders, outlining the goals, objectives, strategies, and activities for promoting civic education and civic engagement among the citizens in the county;

- (b) oversee the implementation of civic education programmes and initiatives within the county including civic education workshops, seminars and public awareness campaigns;
- (c) coordinate with public and private institutions the execution of county civic education programmes;
- (d) engage in resource mobilization efforts to secure funding, partnerships and other resources to support the implementation of civic education programmes in the county;
- (e) monitor and evaluate the progress and impact of civic education programmes in the county and provide regular reports to the county executive committee member and the county assembly;
- (f) collaborate with relevant county government departments, agencies, and other stakeholders involved in civic education activities to ensure a coherent and integrated approach to civic education in the county;
- (g) engage in public outreach and engagement efforts to raise awareness about civic education programmes, encourage civic participation, and promote civic values and principles among the citizens in the county;
- (h) including organizing public forums, debates, dialogues, and other civic engagement activities to foster a culture of democracy, human rights, and social responsibility;
- (i) undertake capacity-building initiatives to enhance the knowledge, skills and abilities of civic education facilitators, trainers and other stakeholders involved in civic education programmes in the county; and
- (j) provide regular reports on the progress and impact of civic education programmes in the county.

9. (1) A county government shall ensure that part of the county government's annual budget is allocated towards funding of civic education activities in the county.

Funding of civic education.

(2) The National Government may issue conditional grants to county governments to build the capacity of county government entities and fund civic education activities in counties.

10. The county executive committee member shall designate an officer within the department to be in charge of the affairs of the unit.

Management of the unit.

PART III — COUNTY CIVIC EDUCATION PROVIDERS

11. The unit shall be responsible for the registration of Non-Governmental Organizations and other non-state actors providing civic education in the county as civic education providers under this Act.

Registration of county civic education providers.

12. (1) An entity that is eligible for registration as a civic education provider shall submit an application for registration in the prescribed form and may pay the prescribed fees.

Application for registration as a county civic education provider.

(2) An application for registration under subsection (1) shall include the following particulars —

(a) a statement setting out the following particulars —

- (i) the name of the entity;
- (ii) the proposed registered office of the entity;
- (iii) the entity's place of incorporation or registration;
- (iv) the entity's registration number;
- (v) the registered office of the entity to which all communications may be addressed; and
- (vi) a detailed description of the civic education programme offered.

(3) The unit may require the applicant to submit such further particulars as the unit may from time to time determine.

(4) The unit shall put in place mechanisms to ensure that the admission process of an entity under this section is simple, efficient, accurate and transparent and may for this purpose —

- (a) establish an online platform for the submission of the documents and information specified under subsection (1); and
- (b) devolve and decentralize the registration process to the lowest devolved unit and may establish such registration desks as may be necessary to enable access to registration.

13. (1) The unit shall within sixty days upon receipt of an application under section 10 —

Consideration of application and registration.

- (a) consider the application together with the required documents;
- (b) conduct due diligence on the applicant; and
- (c) if necessary, call for such further information or carry out such inspections as the unit may consider necessary for the determination of the application.

(2) Where the unit is satisfied that an application meets the requirements for registration under this Act, the unit shall, subject to the provisions of this Act, enter the name and particulars of the applicant in the register of county civic education providers kept for that purpose.

14. The unit shall upon entering the name of an applicant in the register, issue to the applicant a certificate of registration.

Certificate of registration.

15. (1) The certificate of registration issued by the unit under section 12 shall be conclusive evidence that the entity —

Effect of admission into county civic education programme.

- (a) has met all the requirements for registration specified under this Act; and
- (b) has been duly registered in accordance with this Act unless it is proved that the registration has been cancelled.

16. (1) The unit may reject an application for the admission of an entity where —

Refusal to admit an entity into a county civic education programme.

- (a) the entity has submitted false or misleading information in its application;
- (b) the application does not comply with the provisions of this act;

- (c) the entity does not meet the criteria specified under this act for the provision of civic education; or
- (d) the object of the entity are likely to be pursued for an unlawful purpose or used for a purpose incompatible with public interest.

(2) The unit shall notify the applicant, in writing, of the decision to reject an application for admission within fourteen days of such rejection.

17.(1) The unit may subject to the provisions of section 16, de-register an entity registered under this Act as a civic education provider where —

Grounds for de-registration.

- (a) the unit has reasonable cause to believe that the entity or its intended civic education programme has among its objects the pursuit of a civic education programme outside of the framework prescribed by section 100 of the County Governments Act, an unlawful cause or a purpose prejudicial to public interest;
- (b) the entity fails to comply with any directive issued by the unit to ensure compliance with the provisions of this Act;
- (c) the members of the entity fail to comply with the provisions of their constitution or rules or the provisions of this Act;
- (d) the entity fails to submit any information required under this Act or requested by the unit in order to ensure compliance with this Act; or
- (e) the unit determines that the entity submitted false information or statements at the time of registration of the civic education programme.

No. 17 of 2012.

(2) The unit shall de-register a civic education programme whose parent entity has ceased operations under this Act.

18.(1) The unit shall, before de-registering a civic education programme under section 15, issue to the entity a compliance notice in the prescribed form.

Notice of non-compliance.

(2) A compliance notice specified under subsection (1) shall —

- (a) be in writing;
- (b) notify the entity of the non-compliance and the steps it is required to take in order to ensure compliance; and
- (c) inform the entity of the period within which it is required to comply with the notice.

(3) The unit may upon request by the entity and where there are sufficient grounds shown by the entity, extend the period of compliance for such period as the unit may consider necessary to ensure compliance.

19. (1) A person who is aggrieved by the decision of the unit under this Part may within thirty days of being notified of the decision, apply to the county executive committee member for a review of the decision of the unit.

Application from an order of refusal or de-registration.

(2) The county executive committee member shall determine an application under subsection (1) within sixty days of receipt of the application under subsection (1) and may confirm, vary or reverse the decision under review.

PART V — MISCELLANEOUS PROVISIONS

20. If an application made under this Act contains any matter which is false in any material fact known to any person signing it, that person commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term of one year, or to both.

False statements.

21. The unit shall submit an annual report to the county executive committee member on the progress and impact of civic education programmes, and the utilization of allocated resources.

Monitoring and evaluation.

22. (1) The Cabinet Secretary may make regulations generally for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may, in consultation with the Council of County Governors, make regulations —

- (a) to set minimum standards and develop guidelines for civic education in counties;
- (b) to provide for payment of registration fees;
- (c) to provide for civic education dissemination in educational institution curriculum;
- (d) for the monitoring and evaluation of civic education programmes and initiatives, including the development of indicators, methodologies, and tools for measuring the impact and effectiveness of civic education activities;
- (e) for the reporting and accountability of county civic education programmes, including the submission of periodic reports on the progress and impact of civic education programmes, and the utilization of allocated resources;
- (f) for the coordination and collaboration among county civic education units, national government agencies, non-governmental organizations, civil society organizations, and other stakeholders involved in civic education programmes and initiatives;
- (g) on any other matters necessary for the effective implementation of this.

23. A county assembly may enact county legislation to give further effect to the provisions of this Act in the respective county.

County
legislation.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The purpose of this Bill is to establish a legal framework for the promotion of civic education in Kenya as an essential tool for building responsible citizenship, civic engagement, and democratic values among the citizens.

Civic education plays a critical role in shaping the attitudes, behaviours and values of individuals towards their community, country and the world at large. It enables citizens to understand their rights and responsibilities, participate actively in the governance of their country and contribute to the development of their communities.

Despite the importance of civic education, Kenya currently lacks a comprehensive legal framework that provides for its promotion and regulation. Civic education activities are often fragmented, *ad hoc* and insufficiently funded resulting in low levels of civic awareness and engagement among the citizens.

This Bill seeks to address this gap by establishing a legal framework that defines the roles and responsibilities of various stakeholders involved in civic education, including the national and county governments and non-governmental organizations.

The enactment of this Bill into law will contribute significantly to the promotion of responsible citizenship, civic engagement, and democratic values among the citizens of Kenya, which are critical for building a prosperous, peaceful, and democratic nation.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill confers on the Cabinet Secretary the powers to make regulations under the Act. The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110(1) (a) of the Constitution as it contains provisions that affect the functions and powers of the county governments. The Bill provides for the role of county governments in relation to civic education which is provided for under section 100 of the County Governments Act, 2012. The Bill therefore concerns county governments.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 22nd February, 2024.

ESTHER OKENYURI,
Senator.