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REPUBLIC OF KENYA

Rt. Hon. Speaker
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J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 12/05/25

13TH PARLIAMENT | 4TH SESSION

THE SENATE

STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND
HUMAN RIGHTS



13/05/25

REPORT ON CONSIDERATION OF THE COUNTY CIVIC
EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF 2024)

PAPERS LAID	
DATE	14/5/2025
TABLED BY	for my leader
COMMITTEE	
CLERK AT THE TABLE	Behndlo Bant



Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

May, 2025

DC-EG
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LIST OF ABBREVIATIONS AND ACRONYMS

COG	Council of Governors
CRBH	Coastal Region Budget Hub
KCCS	Kiambu County Civil Society
KDCWG	Kenya Devolution CSOs Working Group
MCDT	Mombasa County Development Trust
CRA	Commission on Revenue Allocation
OAG	Office of the Attorney-General
SDD	State Department for Devolution
UON WEE	University of Nairobi African Women Studies Research Centre (Women Economic Empowerment Hub)

PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on Justice, Legal Affairs and Human Rights is established under the Standing Orders of the Senate and is mandated *'to consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights.*

Membership of the Committee

The Committee comprises -

- | | |
|--|--------------------|
| 1. Sen. Wakili Hillary Sigei, CBS, MP | - Chairperson |
| 2. Sen. Veronica W. Maina, MP | - Vice-chairperson |
| 3. Sen. Raphael Chimera Mwinzagu, MP | - Member |
| 4. Sen. Karen N. Nyamu, MP | - Member |
| 5. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 6. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |
| 7. Sen. Crystal Kegehi Asige, MP | - Member |
| 8. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |

Minutes of the Committee in considering the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) are attached to this Report as ***Annex 1***.

FOREWORD BY THE CHAIRPERSON

Honourable Speaker,

The County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) was published on 28th February, 2024 and was read a First Time in the Senate on Tuesday, 30th April, 2024, wherefore it stood committed to the Standing Committee on Justice, Legal Affairs and Human Rights. The Bill is sponsored by Sen. Esther Okenyuri, MP.

Honourable Speaker,

The County Civic Education Bill, 2024 seeks to enable citizens to understand their rights and responsibilities, participate actively in the governance of their country and contribute to the development of their communities, 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.

Honourable Speaker,

In compliance with Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee placed an advertisement in the *Daily Nation* and *Standard* newspapers on Tuesday, 7th May, 2024 inviting the public to submit comments on the Bill by way of written memoranda. The Committee received submissions from ten stakeholders, including the Office of the Attorney-General, Council of Governors, State Department for Devolution, Commission on Revenue Authority and various non-governmental organizations.

The Committee proceeded to consider the Bill together with the submissions received thereon. An overview of the submissions is set out at Chapter Two of this Report, while the detailed observations by the Committee are set out at Chapter Three.

Of note, it is the recommendation of the Committee that the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) be not proceeded with. The Committee had occasion to deliberate this with the sponsor of the Bill so as to understand the basis for the recommendation by the Committee. Our recommendation in this regard is that amendments may be proposed to the County Governments Act to strengthen the framework for the provision of civic education in the counties, and the Committee will be at hand to support and work with the sponsor of the Bill on this.

Honourable Speaker,

I wish to thank the Offices of the Speaker and the Clerk of the Senate for the logistical and technical support accorded to the Committee during the consideration of the Bill. The Committee further wishes to thank the Stakeholders who submitted written comments which greatly enriched our consideration of the Bill.

Honourable Speaker,

It is now my pleasant duty, according to Standing Order 148 (1) of the Senate Standing Orders, to present the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024).

Signed

Date.....

7th May 2025.

SEN. WAKILI HILLARY KIPROTICH SIGEL, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS
AND HUMAN RIGHTS

CHAPTER ONE: INTRODUCTION

1.1 Introduction

1. The County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) is sponsored by Senator Esther Okenyuri, MP and was published on 28th February, 2024. The Bill was thereafter read a First Time in the Senate on Tuesday, 30th April, 2024 and referred to the Standing Committee on Justice, Legal Affairs, and Human Rights for consideration. A copy of the Bill is attached to this Report as *Annex 2*.

1.2 Objects of the Bill

2. The principal object of the County Civic Education Bill, 2024 is to provide a legal framework to guide the conduct of civic education in the country. The rationale for a legal framework on civic education is the importance civic education plays in shaping citizen attitudes, behaviours and values which will enable citizens to be aware of their rights and responsibilities so as to effectively participate in governance.

1.3 Overview of the Bill

3. **Clause 3** of the proposed Bill sets out the object of the Bill, which is to provide a framework for–
 - (a) ensuring sustained citizens engagement in the implementation of the Constitution;
 - (b) improving understanding, appreciation and engagement in the operationalisation of the devolved system of government;
 - (c) institutionalizing a culture of constitutionalism;
 - (d) enhance knowledge and understanding of electoral system and procedures;
 - (e) ownership and knowledge on the principal economic, social and political issues facing county administrations and their form, structures and procedures; and
 - (f) appreciation for the diversity of Kenya's communities as building blocks for national cohesion and integration.
4. Under **clause 4**, the National Government and county governments are obligated to facilitate the establishment of channels and forums for civic education, develop approaches for civic education programmes, and promote linkages between universities and research institutions and members of the public for continuous

civic education. To achieve these, the county executive committee member is required to –

- (a) establish county civic education programmes;
- (b) enter into partnerships for civic education with educational institutions;
- (c) establish programmes for the certification and admission of non-state actors into the county civic education programmes;
- (d) establish mechanisms for access to civic education and information; and
- (e) put in place mechanisms to enable entities from marginalized groups to access civic education programmes.

5. **Clause 5** of the Bill makes it mandatory for public official to undergo mandatory civic education and training on their roles, responsibilities and obligations.
6. **Clause 6** of the Bill obligates county governments to establish county civic education programmes.
7. **Clause 7** of the Bill requires the county executive committee member to establish a county civic education unit. The functions of the county civic education unit as provided for under clause 8 include –
 - (a) developing a comprehensive civic education plan for the county;
 - (b) overseeing the implementation of civic education programmes within the county;
 - (c) mobilizing resource to support the implementation of civic education programmes in the county;
 - (d) monitoring and evaluating 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;
 - (e) collaborating with relevant county government departments and other stakeholders involved in civic education activities to ensure a coherent and integrated approach to civic education in the county; and
 - (f) undertaking 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.
8. Under **clause 9**, each county government is required to annually budget for civic education within the county. Additionally, it is provided that the National Government may issue conditional grants to county governments for purposes of supporting civic education.

9. **Clause 11** of the Bill provides for registration of non-State actors who provide civic education. Under **clause 12**, an entity eligible for registration as a civic education provider is required to make application for registration in the prescribed form and may pay prescribed fees. The application for registration shall include a statement setting out the name of the entity, the registered office of the entity, the entity's place of incorporation or registration and a description of the civic education programmes the entity intends to offer.
10. **Under clause 13**, an application for registration as a civic education provider shall be considered within a period of sixty days. Where an application is successful, the name and particulars of the applicant shall be entered into a register and a certificate of registration issued as provided for under clause 14.
11. **Clause 16** of the Bill sets out circumstances under which an application for registration as a civic education provider may be rejected. An application for registration may be rejected where false or misleading information is provided, the application fails to comply with the law or the object to be pursued is found to be unlawful or incompatible with public interest.
12. Once an entity has been registered as a civic education provider, **clause 17** provides that such registration may be cancelled where it is believed that civic education programmes offered fall outside of the framework prescribed by section 100 of the County Governments Act, are for an unlawful cause or a purpose prejudicial to public interest, failure to comply with any directive issued, failure to comply with the law, or on determination that false information or statements were submitted at the time of registration, or the entity having ceased operations.
13. Before deregistering an entity, **clause 18** provides that the entity shall be issued with a compliance notice which shall set out the non-compliance and the steps to be taken in order to ensure compliance as well as the period within which to comply with the notice. The period for compliance may be extended as it may be determined by the county civic education unit.
14. Where an application for registration is rejected or an order for deregistration is issued, **clause 19** of the Bill provides that a person aggrieved by the decision may apply to the county executive committee member for review of the decision. The application shall be made within thirty days from the date of the decision and the decision on review shall be made within sixty days from the date of receipt of the application for review.

15. **Clause 20** of the Bill makes it an offence to make an application containing false information. Such an offence attracts a fine not exceeding five hundred thousand shillings or to imprisonment for a term of one year, or to both fine and imprisonment.
16. **Clause 21** of the Bill obligates the county civic education unit to annually make reports to the county executive committee member. The annual report shall set out the progress and impact of civic education programmes as well as the utilization of allocated resources.
17. Under **clause 22** of the Bill, the Cabinet Secretary is given powers to make regulation. The regulations may provide for standards and guidelines for civic education in counties, payment of registration fees, civic education dissemination in educational institution curriculum, monitoring and evaluation of civic education programmes and initiatives, reporting and accountability on county civic education programme, and the coordination and collaboration amongst the various actors both at the National and county level.
18. **Clause 23** provides for the enactment of county legislation for purposes of giving further effect to the provisions of the Bill once becomes law.

CHAPTER TWO: PUBLIC PARTICIPATION IN THE BILL

2.1 Introduction

19. Pursuant to Article 118 (1) (b) of the Constitution and Standing Order 145(5) of the Senate Standing Orders the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee placed an advertisement in the *Daily Nation* and the *Standard* newspapers on Tuesday, 7th May, 2024 inviting members of the public to submit comments on the Bill by way of written memoranda. A copy of the advertisement is attached as *Annex 3*.
20. Following the invitation, the Committee received submissions from the following Stakeholders:
 - a) Mombasa County Development Trust (MCDT);
 - b) We Care, Community-Based Organization;
 - c) Coastal Region Budget Hub (CRBH);
 - d) Kenya Devolution CSOs Working Group (KDCWG);
 - e) Kiambu County Civil Society (KCCS);
 - f) University of Nairobi African Women Studies Research Centre (Women Economic Empowerment Hub) (UoN WEE);
 - g) Office of the Attorney-General (OAG);
 - h) Council of Governors (COG);
 - i) State Department for Devolution (SDD); and
 - j) Commission on Revenue Authority (CRA).
21. Copies of the submissions are attached to this Report collectively as *Annex 4*, while a summary in the form of a matrix is attached as *Annex 5*.

2.2 Overview of the Stakeholders' submissions on the Bill

Long Title

22. The OAG and the SSD proposed that the word "civil" used in the title of the Bill be replaced with the word "civic", so as to align with the terminologies used in the Constitution and other legal frameworks.

Clause 1

23. SDD proposed that the short title of the Bill is amended and cited as "*the National and County Government Civic Education Bill, 2024*" so as to promote

intergovernmental relations in accordance with Article 6(2) of the Constitution that states that the governments at the National and County levels are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation.

Clause 2

24. CRBH, KDCWG and KCCS proposed that the definition of the term “non-Governmental Organization’ be deleted. The Stakeholder observed that the Non-Governmental Organizations Co-ordination Act. – No. 19 of 1990 which defined the term ‘Non-Governmental Organization’ has since been repealed, and thus should be replaced with “public benefit organization” which means an organization as provided under section 5 of the Public Benefits Organizations Act, 2013.
25. CRBH proposed the inclusion of a provision defining the term “*facilitative structures*” which has been used in clause 4(2)(g) for the reason that the term facilitative structures used in the Bill does not relate to the buildings hence the need for clarity.
26. SDD proposed amendment to the definition of “*the Cabinet Secretary responsible for matters relating to devolution*” and replace with “*the Cabinet Secretary related to the matters of Devolution and Intergovernmental Relations,*” to align it with other devolution related legislations.
27. The Stakeholder further proposed an amendment to the definition of the word “*the County Executive Committee Member responsible for matters relating to devolution*” and replace with the “*the County Executive Committee Member responsible for matters relating to Civic Education and Public Participation*” to align to other related legislation and established County structures.
28. COG and CRA proposed that the clause be amendment by inserting a definition of the word “*civic education*” for purposes of ensuring clarity on meaning and scope of the phrase which is the core of the proposed law and to provide for a holistic definition of civic education which has affected civic education. COG provided the definition as follows –

“civic education” means to have an informed and empowered citizenry through the provision of information and learning experiences in governance

affairs on the basis of enhanced knowledge, understanding and ownership of the Constitution.

29. CRA further proposed amendment in the definitions of the word “Cabinet Secretary” by adding “or equivalent cabinet secretary” at the end, and in the definition of the word “county executive committee member” by deleting the word “devolution” and inserting the words “civic education and public administration or equivalent.

Clause 3

30. UoN WEE proposed a further amendment to the Bill by introducing two new sub-clauses after sub-clause (i) as follows;
 - (j) enhance awareness on the historical discrimination of special interest groups of women, youth, persons with disability and minority and marginalized communities in the social economic and political spheres of the nation.*
 - (k) curation of affirmative action solutions to bridge the historical discrimination of special interest groups of women, youth, persons with disability and minority and marginalised communities in the social, economic and political spheres of the nation.*
31. The Stakeholder pointed out that women, youth, people with disabilities, minorities, and marginalized communities have historically faced societal, economic, and political disadvantages. The Stakeholder observed that new constitution recognized the need to elevate the status of these groups, acknowledging their deplorable situation. Further, the Stakeholder observed that Parliament has broad authority to enact affirmative action policies that favour specific groups under the constitutional framework.
32. SDD proposed that the proposed amendment in Clause 3(d) is rephrased to read:–
“Knowledge on the devolved system of governance, context and implication” Delete 3(h) and replace with “Promoting public understanding and ownership of County Projects, Programmes and socioeconomic Plans.” For purposes of clarity and avoidance of repetition. Align to the National and County governments Economic Blueprint.
33. COG proposed further amendment to the proposed provision to enrich the Bill and ensures that it covers the entire scope of civic education as envisioned in the Constitution and the County Governments Act by inserting the following Clause

(j) effective implementation of paragraph 14 part 2 of the Fourth Schedule of the Constitution;

(k) effective implementation of Part X of the County Governments Act and other laws;

(l) ensuring that county governments plan for and adequately budget for civic education.

34. The Stakeholder proposed for a further amendment to the Bill by inserting a clause on guiding principles to read as follows –

Civic education in the county government shall be guided by the following principles –

- a. promotion of empowerment and enlightenment of citizens and government;*
- b. promotion of continual and systematic engagement of citizens and government;*
- c. promotion of national values and principles of devolution in the Constitution;*
- d. provision of adequate funding for civic education;*
- e. adherence to the principles of devolution and separation of power;*
- f. adequate monitoring, evaluation, learning and feedback mechanisms; To enrich the Bill and ensures that it covers the entire scope of civic education as envisioned in the Constitution and the County Governments Act.*

35. OAG submitted that the proposed clause be revised to clearly articulate the objectives of the Bill in order to avoid duplication of functions and inconsistencies with other laws. The Stakeholder noted that Paragraph (d) and (e) address civic education matters of elections. The Stakeholder observed that matters of Civic education touching on elections are a function of the IEBC as provided for under section 4 of the IEBC Act. The Stakeholder added that the provisions of Paragraph (f) which address matters touching on mainstreaming of the Bill of Rights and national values is a mandate of the Kenya National Commission on Human Rights as provided for under section 8 of the Kenya National Human Rights Commission Act. The objectives of the Bill as outlined under paragraphs (g), (h), and (i) are not clear.

Clause 4

36. SSD submitted that the title of Part II of the Bill is amended to read “*National and County Civic Education*” in order to align it with the Section 137 of the County

Government Act which provides “*that the ministries and state Department and County governments to design and coordinate civic education on devolution create capacity and facilitate County Governments.*” to effectively assume their responsibilities in their delivery of civic education to citizens.

37. The Stakeholder submitted further that the proposed provision be amended by introducing a new clause 4(1)(g) to read “*Monitoring and Evaluation of Civic Education*” on account that Monitoring and Evaluation of Civic Education is a key role of both levels of Governments for oversight and policy directions.
38. SSD proposed that the proposed Bill is amended by inserting a new Clause before Clause 4(2) to provide for the establishment of a National Civic Education Steering Committee (NCESC) with a Secretariat in the State Department responsible for devolution and intergovernmental matters as a high-level advisory body with the responsibility of providing direction on delivery of civic education at the national and the county levels. The Stakeholder noted that the Civic Education providers in Kenya include the three arms of government including ministries, departments and agencies; constitutional bodies and non-state actors particularly CSOs. On that account, the Stakeholder noted that the proposed provision of NCESC Committee in the Bill could project a broad representation from all the main groups providing civic education in the country. The Stakeholder proposed that the responsibilities of the NCESC would include:
- i) Ensuring adherence to principles of civic education;*
 - ii) Promoting the values and principles of governance;*
 - iii) Enhancing achievement of objectives of civic education;*
 - iv) Mobilizing resources to facilitate civic education;*
 - v) Developing and guiding on implementation of policy at national and county levels;*
 - vi) Advising the national and county governments on civic education;*
 - vii) Receiving and addressing complaints and grievances on civic education;*
and
 - viii) Monitoring and reviewing implementation of civic education activities.*
39. The Stakeholder further proposed inserting new Clause 4(2) on, “County Civic Education Steering Committee” to read: –
- 4(2) In realizing the objectives of this Act, every county government shall establish a county civic education steering committee.*
- 4(2) The county civic education steering committee shall for purposes of Clause (1)-*
- i) Ensure adherence to principles of civic education;*

- ii) *Promote the values and principles of governance;*
- iii) *Enhance achievement of objectives of civic education;*
- iv) *Mobilize resources to facilitate civic education;*
- v) *Develop and guiding on implementation of policy at national and county levels;*
- vi) *Advise the national and county governments on civic education;* vii. *Convene and coordinating civic education actors at the county level.*
- vii) *Convene at the county level, sector working groups along the thematic areas.*
- viii) *Receive and addressing complaints and grievances on civic education; and*
- ix) *Monitor and reviewing implementation of civic education activities.*

40. SDD further submitted that the provisions of Clause 4(2) should not refer to the county executive member and instead to the county government so that it reads:
"The county government shall for purposes of sub-section (1) ..."
41. The Stakeholder observed that entering into partnerships or agreements is done or entered into by the government not officers. The Stakeholder commented on Clause 4(2)(a) noting that the proposed amendment considers inserting a provision that provides for curriculum on Civic education in schools. The Stakeholder observed that the proposal would inculcate a culture of Civic Education in our leaning institutions.
42. We Care proposed in its submissions that the clause be amended to ensure a clear distinction of roles and powers between the County CECM and the CS for Devolution. The Stakeholder observed that distinction is essential to prevent jurisdictional overlaps, enhance administrative efficiency, ensure accountability, and provide clear guidance on the scope of authority and responsibilities for each office.
43. CRBH proposed that Clause 4(1)(a) be amended by adding the words *"Article 11 and"* immediately before *"Article 33"*
44. Further, the Stakeholder proposed that Clause 4(2)(b) of the Bill is amended by replacing the term nongovernment organization with public benefit organizations n account that the Public Benefit Organizations Act, 2013 No. 18 of 2013 replaced the Non-Governmental Organizations Coordination Act. – No. 19 of 1990 which has since been repealed and had defined the NGO.
45. The Stakeholder proposed that Clause 4(2)(E) be amended by replacing the term nongovernment organization with public benefit organizations for the same reason

that Public Benefit Organizations Act, 2013 No. 18 of 2013 replaced the Non-Governmental Organizations Coordination Act. – No. 19 of 1990 which has since been repealed and had defined the NGO.

46. KDCWG/ KCCS proposed that Clause 4(1)(a) of the Bill is amended by adding the words “non-state actors” immediately after the word collaborating and also amend by adding the words “and Sec 100(4) of the County Government Act” after Article 33 of the Constitution. The Stakeholder submitted that the Sec 100(4) of the County Government Act expressly requires that the design and implementation of the civic education curriculum shall include non state actors
47. Further, the Stakeholder proposed that Clause 4(1) (b) be amended by adding the words “*that reach the lowest level of the administrative unit the village;*” immediately after the word “civic education.” Civic education is desperately needed at the village level and the Act should compel the national and county governments to devolve civic education to the village level.
48. The Stakeholder submitted that Clause 4(1)(d) of the Bill is amended by deleting the words “*a percentage of the budget of the national and county governments and other entities*” immediately after “ensuring that”, and replacing it with new paragraphs showing the exact percentage;
 - (i) *at least 2% of the of County government budget*
 - (ii) *at least 0.1% of the National Government budget And also add a new sentence “and ring-fenced from reallocation to other budget lines” immediately after “education programs.”*
49. The Stakeholder proposed that Clause 4(2)(a) of the Bill is amended by adding the words “*registered non-state actors and local educational institutions*” between the words “enter partnership with” and, “in order to promote”. KDCWG/ KCCS observed that effecting the proposed amendment would enable citizens to exercise sovereign power under Article 1 of the Constitution of Kenya for the reason and need of securing a funding for comprehensive and purposive civic education by the government and guarantee that the budgeted funds are not reallocated during supplementary budgets.

Clause 5

50. UoN WEE proposed that the proposed amendment delete Clause 5 and replace with the following:

- (i) *5(a) 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, failure to which, they will not be formally absorbed into the public service integrated payroll system.*
- (ii) *5(b) The head and the leadership of that office should ensure that all new employees undergo the civic education training.*

51. The Stakeholder observed that the amendment ensures that all officials understand their positions, responsibilities, and ethical standards. This policy increases competence, eliminates corruption, and boosts public trust in government by requiring applicants to be appropriately prepared and dedicated to public service principles.
52. SDD submitted that the proposed amendment is amended by inserting a provision that the mandatory Civic Education Training should be carried out in a recognized training institution. These institutions will run a programme based on a national curriculum and materials developed within acceptable norms and standards by national Government.

Clause 6

53. CRBH submitted that Clause 6(1) of the Bill is amended by replacing the word “*establish*” with the word “*develop*” to ensure that the County Civic Education Steering Committee provides checks and balances in the management of civic education in the counties.
54. SSD submitted that the proposed amendment in Clause 6 (2) of the Bill should be amended to read, “The county executive committee member shall in accordance with Clause 4(2) this is would ensure that the County Civic Education Steering Committee provides checks and balances in the management of the civic education in the countries.
55. The Stakeholder submitted a further new amendment to Clause 6(3) to read:
“The county executive committee member shall in collaboration with stakeholders be responsible for implementing civic education”.
56. The Stakeholder noted that the proposed amendment provides for the responsibilities of the county executive committee member in Civic Education which would in effect give express responsibility to the CECM so ensuring that

Civic Education Unit works with clear chain of command in undertaking the function. CECM can then be held accountable.

Clause 7

57. KDCWG/KCCS proposed that Clause 7 of the Bill is amended by adding the words: "*which shall consist of an equal number of state and non state actors*" immediately after the words, "immediately after the county civic education unit" The Stakeholder proposed that if the amendment is considered, non-state actors should be nominated to the Unit by county networks representing them, based on their expertise. This approach would help prevent frustration among non-state actors during county civic education programs. They recommended establishing a County Civic Education Unit that includes both state and non-state actors, similar to the County Budget and Economic Forum as per Sec 100 of the County Government Act. Additionally, they suggested that the CEC member could be appointed as the head of the unit under section 10 of the Act.
58. SDD submitted that the proposed amendment in the marginal note is amended to read: "...*County Public Participation and Civic Education Units*" Further, In view of the newly proposed 6(3), the Stakeholder submitted that, the provisional section 7 of the Bill could read, "*The county executive committee member shall for purposes of the objectives of this Act and particularly Clause 6(3) designate a unit to be known as the County Public Participation Civic Education Unit.*"
59. UoN WEE submitted that Clause 7 of the Bill is amended by adding the words "*which shall have the two thirds gender representation*" immediately after the words "Unit to be known as the County civic education unit" to promote gender diversity and prevents one gender from dominating the unit.

Clause 8

60. UoN WEE observed in its submissions that Civic education is crucial for addressing the needs of the vulnerable populations such as women, youth, people with disabilities, ad marginalised communities. In that regard, the stakeholder proposed an amendment to Clause 8(a) of the Bill by introducing and inserting a new sub-clause (i) to read;
- (i) *Promote civic education on the plight of special interest groups of women, youth, persons with disability and minority and marginalised communities. Civic education is crucial for addressing the needs of vulnerable populations*

such as women, youth, people with disabilities, and marginalized communities.

61. OAG submitted a proposed amendment on Clause 8(c) to insert the missing words by inserting the words:–
(c) Coordinate with public and private institutions to facilitate the execution of county civic education programmes
62. The Stakeholder further submitted a proposed amendment to correct the grammatical error of the words “including organizing” appearing at the beginning of Clause 8(h) of the Bill.
63. SDD proposed in its submissions that the word “including organizing” appearing in Clause 8(h) is amended and replaced with the word “organize”

Clause 9

64. MCDT submitted a proposed amendment to Clause 9(1) to specify the percentage going towards funding of civic education by allocating 10% of the county’s annual budget, to ensure adequate funding for civic education activities and public participation in the county and increase the scope of reach of civic education to the locals.
65. The Stakeholder suggested amending Clause 9(2) of the Bill by replacing “may” with “shall” to make it mandatory for the National Government to issue conditional grants. This change aims to eliminate any potential misinterpretation of the National Government’s role and responsibility in providing these grants, particularly for civic education in the counties.
66. We care submitted that the proposed amendment should precisely delineate in expressed terms the precise budgetary allocation and the proposed methodology for such allocation. The Stakeholder further submitted that the proposed amendment stipulates in unambiguous terms whether the aforementioned budget should be subject to a cap or not for the reason of ensuring that the proposed system is well funded and operates smoothly through a clearly established budgetary framework. The Stakeholder observed that a budgetary framework ensures that the civic education system is well-funded, transparent, and sustainable, while maintaining fiscal discipline and flexibility to adapt to future needs.

67. KDCWG/ KCCS submitted that the proposed provision outlaying Clause 9(1) is amended by adding the words "*shall ensure that 2%*" appearing immediately after the words "a county government," to specify a percentage of the funding for civic education across all counties. The Stakeholder noted that letting each county government make budget decisions might lead to small allocations, which could undermine the Act's goals.
68. SSD submitted that Clause 9(1) is amended by adding the words "*The National and a County Government shall.... ensure that part of the National and County Government's annual budgets.... in the Country*" on account that a National and County Government have a concurrent role to provide civic education hence the need for funding. Further, the Stakeholder submitted that Clause 9(2) of the Bill is amended to read as:
"The national government may issue conditional grants to county governments to build the capacity of County government entities and fund civic education programmes in the counties".
69. CBRH submitted that Clause 11 is amended by replacing the words "*non-government organization*" with "Public Benefit Organizations" noting that Public Benefit Organizations Act, 2013 No. 18 of 2013 repealed and replaced the Non-Governmental Organizations Coordination Act. – No. 19 of 1990. The Stakeholder pointed out that the said Unit should not be responsible in the registration of Public Benefit Organizations as there are already regulations of the registration and deregistration of PBOs in the Public Benefit Organization Act. The stakeholder submitted that the Unit should closely work with the Authority to ensure that the PBOs providing civic education are duly registered with the Authority. The part should be omitted.
70. SDD proposed a further amendment by inserting a new Clause 11(2) as proposed below, on account that the National Government is responsible for setting out Norms and Standards –
"the Cabinet Secretary responsible for matters relating to Devolution and Intergovernmental relations shall be responsible for accreditation of Civic Education providers,"

Clause 12

71. MCDT submitted that the proposed amendment should allow civic education providers to register without any prescribed fee. The unit should recognize Civic educators during registration submitted that waiving the registration fee for civic

education providers is a strategic move to promote wider participation, support not-for-profit initiatives, and ultimately enhance the effectiveness and reach of civic education efforts.

72. We Care submitted that the proposed amendment in Clause 19(1) of the Bill should be amended to outline the requirements and procedures for registering county civic education providers. Further, it should also justify the fees charged, with standardized amounts payable at set intervals. It was observed that the proposed structure should endeavour to promote accountability, ensuring that providers meet regulatory standards and deliver effective programs.
73. COG in its submissions proposed that Clause 12 to 19 is deleted on account of the following reasons: –
- i) County governments currently perform these functions using structures provided for under the County Governments Act.
 - ii) Entities are registered under various registration regimes including the Public Benefit Organization Act. Hence, they do not need to be further registered in the county governments. The registration proposed is unnecessary.
 - iii) The Bill restricts the functional roles assigned to a county executive. The Bill is a legislative overreach that does not take into account constitutional guardrails that donates power to the executive committee which include managing and coordinating the functions of the county administration and its departments. Assigning roles to a Unit makes the principle duty holder at a very low level which goes against the principles of good governance.
 - iv) It is not clear why the Bill has provided for registration of the providers. Consider accreditation.
74. SDD submitted that Clause 12(1) of the Bill is deleted on account that the role of the civic education providers is to compliment the role of National and County government in provision of civic education. National and County governments can do accreditation of Civic Education providers.
75. Further, SDD submitted that amending Clause 13(2) for clarity and to prevent being overly prescriptive. They proposed it should read:
- “The unit may require the applicant to submit additional information as determined by the unit, subject to the guidance or approval of the County Civic Education Steering Committee.”*

76. The Stakeholder further commented that Clause 12(4)(b) is amended to specify that Civic Education registration be handled at the County Level, as lower units may lack the capacity to process registration.

Clause 19

77. We Care submitted that Clause 19(1) of the Bill clearly outline the procedure, required, documentation, and timeline for filing a complaint, as well as the right to appeal any decision. The document should also specify the credentials and sitting schedules of the judicial officers who will hear complaints. The overall goal is to create a cohesive and functional system. The Stakeholder observed that the proposed amendment would cure and enhance the following;

- i) *Efficiency: Clear procedures and time frames ensure swift resolution of complaints and appeals, reducing delays and backlog.*
- ii) *Transparency: Standardized forms and online tracking enhance transparency and accountability.*
- iii) *Accessibility: Online and in person options make the system accessible to all, regardless of technological proficiency.*
- iv) *Fairness: Qualified judicial officers and a transparent appointment process ensure fair and impartial adjudication.*
- v) *Consistency: Regular sitting intervals and special sessions prevent case pile-up, ensuring consistent case handling.*

78. SDD submitted that Clause 19(3) of the Bill is amended to read:–

“A person aggrieved by the decision of the county executive committee member may within thirty (30) days appeal to the County Civic Education Steering Committee for a review of the decision”.

79. The Stakeholder commented that the proposed provision would ensure transparency, due process and accountability so that an aggrieved party can proceed and appeal to the County Civic Education Steering Committee.

Clause 21

80. KDCWG/KCCS submitted that Clause 13(1) is amended by replacing the words “sixty days” with thirty days on account that it is more appropriate to have Civic Education registration at the County Level as the lower unit may not have the capacity to process registration.

81. KDCWG/KCCS Amend clause 21 by providing that: "This annual report will be submitted to the County Assembly by the County Governor as provided for in Sec. 92(2) of the County Government Act". According to Section 92(2) of the County Government Act, the Governor is required to provide an annual report to the County Assembly regarding citizen participation in county government affairs.
82. MCDT proposed that clause 13(1) of the proposed Bill is amended to change the words 60 days with 21 working days aligned to section 10(3) of the Access to Information Act, Cap 7M.
83. OAG proposed that the application for registration as a county civic education provider is to be made under clause 12(1) and not 10 as indicated.

Clause 15

84. OAG proposed that the Certificate of registration should be provided under clause 14 and not clause 12 as indicated.

Clause 17

85. We Care submitted that the proposed amendment in Clause 17(1) of the Bill unequivocally outline the procedure for deregistration of institutions, along with the establishment of conclusive evidence attesting to the deregistered status of such entities, to ensure transparency and accountability in the deregistration process, prevent legal ambiguities, and provide clear, verifiable documentation for all stakeholders involved. Further, this shall prevent political interference.

Clause 19

86. MCDT submitted that the CECM should work in consultation with an independent committee to address a particular issue. An independent body should be established to seek any appeal for the specific provider. Additionally, there should be an appeal mechanism formed at the national level. The Stakeholder pointed that the involvement of independent bodies and a national-level appeal mechanism ensures that the processes are transparent; these measures introduce checks and balances within the system, preventing any single entity from having unchecked power and ensuring that decisions can be reviewed fairly without bias.
87. We Care pointed out that Clause 19(1) should clearly outline the procedure, required, documentation, and timeline for filing a complaint, as well as the right

to appeal any decision. The Stakeholder noted that the document should also specify the credentials and sitting schedules of the judicial officers who would hear complaints, with the overall goal of creating a cohesive and functional system. The Stakeholder based his submissions on the following grounds:

- i) *Efficiency: Clear procedures and time frames ensure swift resolution of complaints and appeals, reducing delays and backlog.*
- ii) *Transparency: Standardized forms and online tracking enhance transparency and accountability.*
- iii) *Accessibility: Online and in person options make the system accessible to all, regardless of technological proficiency.*
- iv) *Fairness: Qualified judicial officers and a transparent appointment process ensure fair and impartial adjudication.*
- v) *Consistency: Regular sitting intervals and special sessions prevent case pile-up, ensuring consistent case handling.*

88. SDD submitted that Clause 19(3) of the Bill is amended to read:

"A person aggrieved by the decision of the county executive committee member may within thirty (30) days appeal to the County Civic Education Steering Committee for a review of the decision".

89. The Stakeholder noted that the proposed amendment would ensure transparency, due process and accountability so that an aggrieved party can proceed and appeal to the County Civic Education Steering Committee.

Clause 21

90. KDCWG/KCCS submitted a proposed amendment to Clause 21 by providing that:

"This annual report will be submitted to the County Assembly by the County Governor as provided for in Sec. 92(2) of the County Government Act".

91. The Stakeholder observed that Section 92(2) of the County Government Act requires the Governor to provide an annual report to the County Assembly regarding citizen participation in county government affairs.

92. MCDT submitted that Clause 21 is amended to make provision for providing feedback to stakeholders. The Stakeholder noted that the proposed amendment would enhance transparency, accountability, and engagement, leading to more effective and trusted civic education engagement in the County.

93. UoN WEE submitted that Clause 21 of the Bill is amended by adding the words, “including gender disaggregated data on the citizens who have been reached” between, impact of civic education programmes and, and the utilization of allocate resources. The Stakeholder observed that monitoring and evaluating programs helps ensure they accomplish objectives and examine their influence on diverse demographic groups, encouraging inclusivity and gender equity. Tracking resource allocation and utilization helps ensure funds are spent efficiently and effectively.
94. SDD proposed that Clause 21 of the Bill is removed from miscellaneous provisions and include it in clause 4 as one of the roles of the National and county governments.
95. CBRH proposed that Clause 22(1) in the Bill be amended by replacing the word “may” with “must”. The Stakeholder observed that the amendment would make it mandatory for the Cabinet Secretary to make the regulations.
96. UoN WEE proposed that Clause 22(2) of the Bill is amended by introducing a new sub-clause (h) immediately after sub-clause (g) to read;
(g) To provide a national action plan for civic education on affirmative action for the benefit of special interest groups of women, youth, persons with disability and minority and marginalised communities in the social, economic and political spaces of the country.
97. The stakeholder noted that the national action plan would serve as a policy instrument, prescribing the national policy position on promoting the contributions of the aforementioned special interest groups in the national space and informing the development of county civic education plans, as intended in clause 8(a).
98. CBRH proposed that Clause 23 is amended by replacing the word “may” with “must”; to make it mandatory for the County Assembly to enact county legislation to give further effect to the provisions of this Act in the respective county. This is as per Section 101 of the County Government Act.

New Clause

99. SDD proposed a further amendment to the Bill by introducing a new clause on the role of the Cabinet Secretary Devolution and Intergovernmental Relations. The Stakeholder noted that the Cabinet Secretary would provide leadership and Policy

guidance in provision and facilitating of Civic Education. The Stakeholder commented that the amendment could recognize the role of the Cabinet Secretary Devolution and Intergovernmental Relations in provision and facilitating Civic Education.

General Comments

100. We Care observed that the Bill does include a provision for the accessibility of the Civic Education Facilities with regards to Persons with disabilities. This is to promote inclusivity, adhere to principles of equal opportunity, and comply with legal standards pertaining to the rights of individuals with disabilities.
101. COG proposed that the Bill be withdrawn since several counties already had laws in place on civic education at the county level and, while the Bill had borrowed some of the provisions from the county laws on civic education, the Bill failed to recognise the following policy issues –
 - i) the existing structures in counties that support the implementation of civic education programs and seeks to legislate on administrative duties of the county executive committee member, and
 - ii) the critical role that ward or village education forums play in enhancing knowledge and engagement in the operationalisation of the county system of government.

CHAPTER THREE: OBSERVATIONS

3.1 Committee Observations

102. Having considered the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) and the submissions received thereon, the Standing Committee on Justice, Legal Affairs and Human Rights observes that –

- a) civic education plays a critical role in a democratic society by facilitating the citizens to understand their rights, responsibilities and obligations in order for them to effectively participate in governance;
- b) indeed, the people of Kenya recognized the importance of participation in governance by the people and provided for it under Article 10 of the Constitution as one of the values and principles of governance. Further, the government is under an obligation to consult the people when making decisions including when making laws as provided under Article 118 and 196 of the Constitution;
- c) the Bill seeks to provide a legal framework for undertaking civic education in counties. Additionally, clause 5 of the Bill provides for mandatory civic education training in respect of public officials in both the National and county levels of government;
- d) additionally, SSD and CRA proposed that the Bill be revised in clauses 4, 9 and 11 so that the governments at both levels have clear roles and provide budgets in respect of civic education, and the National Government be responsible for accreditation of civic education providers. with a view to bring on board the National government;
- e) COG on its part noted that whereas clause 4 provides for the roles of the National and county governments in promoting civic education, it is not clear why the Bill provides for the National government, yet the Bill is intended for county governments;
- f) CRA went further and proposed that the National Government should also make its own legal framework for civic education to ensure a standardised, comprehensive, and equitable approach to teaching civic knowledge and responsibilities across the entire country thereby fostering a more informed, engaged and cohesive citizenry;

- g) Part IV of the Bill provides for County Civic Education Providers. Under this part, an elaborate procedure for registration of non-State actors who intend to undertake civic education in a county;
 - h) the law requires non-State actors to be registered in various forms including as public benefits organizations under the Public Benefits Organizations Act of 2013, the Societies Act, Cap. 213 of the Laws of Kenya and the Universities Act, Cap 210 of the Laws of Kenya;
 - i) requiring NGOs and Non-State actors to be registered in every county as civic education providers as provided under clause Part IV of the Bill will not only amount to double registration but also may limit the area of operation of an entity who may want to operate in more than one county; and
 - j) there is need to have in place a national law to provide for civic education where the Government has the primary responsibility in providing civic education in the country and that non-State actors are adequately facilitated to complement the Government.
103. During the consideration of amendments to the Bill, the Committee noted that, to align with the feedback received from stakeholders and the Committee's observations, it would be necessary to delete the entire of Part IV of the Bill, which provides for registration of civic education providers in a county. The deletion of this part will however have the unintended effect of leaving the Bill as a shell incapable of implementation on its own.
104. Furthermore, the Committee observes that civic education is currently provided for under Part X of the County Governments Act (Cap. 265, Laws of Kenya). This part provides for—
- (a) principles of civic education, including empowering citizens, ensuring continued engagement of citizens and government and promoting the values and principles of devolution in the constitution (section 98);
 - (b) purposes and objectives of civic education including ensuring sustained citizen engagement in implementation of the Constitution, improving understanding of the devolved system of government, enhancing knowledge of the electoral system and promoting the diversity of Kenya's communities

(section 99). It is worth noting that these purposes and objectives are contained in clause 3 of the Bill;

- (c) section 100 requires every county to establish a civic education unit in their counties. This section also requires the collaboration of both levels of government in determining the contents of the curriculum for civic education, its implementation and involvement of non-state actors in civic education;
- (d) lastly, section 101 requires counties to enact county specific legislation to provide the requisite institutional framework for purposes of facilitating and implementing civic education programmes.

105. In light of the provisions of Part X of the County Governments Act, the Committee observes that aside from the registration of civic education providers, the remaining parts of the Bill have been addressed in the County Governments Act.

CHAPTER FOUR: RECOMMENDATION

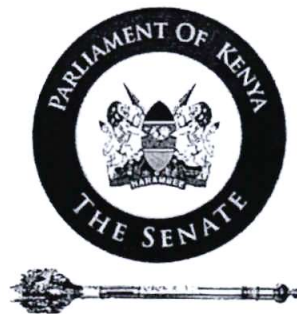
4.1 Committee Recommendation

106. Having considered the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) and the submissions received thereon, the Standing Committee on Justice, Legal Affairs and Human Rights recommends to the Senate **that the Bill be not proceeded with.**

LIST OF ANNEXES

<i>Annex 1</i>	Minutes of the sittings of the Committee in considering the Bill
<i>Annex 2</i>	Copy of the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024)
<i>Annex 3</i>	Advertisement published in the <i>Daily Nation</i> and <i>Standard</i> Newspapers on 7 th May, 2024
<i>Annex 4</i>	Copies of stakeholder submissions on the Bill
<i>Annex 5</i>	Matrix of submissions on the Bill

**ANNEX 1: Minutes of the
Committee in considering the
Bill**



13TH PARLIAMENT | 4TH SESSION

MINUTES OF THE 213TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON 14TH APRIL, 2025 AT 2:30 PM AT GLEE HOTEL, IN KIAMBU COUNTY

PRESENT

- | | |
|--|------------------------------|
| 1. Sen. Crystal Kegehi Asige, MP | - Member (<i>Chairing</i>) |
| 2. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |
| 3. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 4. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |
| 5. Sen. Raphael Chimera Mwinzagu, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---------------------------------------|--------------------|
| 1. Sen. Wakili Hillary Sigei, CBS, MP | - Chairperson |
| 2. Sen. Veronica W. Maina, MP | - Vice-chairperson |
| 3. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|--|
| 1. Mr. Charles Munyua | - Principal Clerk Assistant II |
| 2. Mr. Boniface Kiambi | - Senior Clerk Assistant (<i>Taking Minutes</i>) |
| 3. Ms. Faith Wangui | - Legal Counsel II |
| 4. Ms. Angela Bonaya | - Clerk Assistant III |
| 5. Mr. Jackson Matheshe | - Research Officer III |
| 6. Mr. Josphat Ngeno | - Media Relation Officer |
| 7. Mr. Zenton Williams | - Audio Officer |
| 8. Ms. Gloria Anyango | - Intern |

MIN. NO. 576/2025

PRELIMINARIES

The meeting was called to order at thirty two minutes past two O'clock and opened with a word of Prayer.

MIN. NO. 577/2025

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Daniel Kitonga Maanzo, EBS, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 578/2025

REPORT OF THE COMMITTEE ON THE KENYA
POLICY ON PUBLIC PARTICIPATION
(SESSIONAL PAPER NO. 3 OF 2023)

The Committee resumed consideration of the Committee Report on the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023).

Members observed that the observations and recommendations made at the 211th meeting had been incorporated in the Report.

Thereupon, the Committee adopted the Report after it was proposed by Sen. Okiya Omtatah, MP and seconded Sen. Dan Maanzo, MP.

MIN. NO. 579/2025

REPORT OF THE COMMITTEE ON THE COUNTY
CIVIC EDUCATION BILL, 2024 (SENATE BILLS
NO. 4 OF 2024)

The Committee resumed consideration of the Committee Report on the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024).

Members observed that the observations and recommendations made at the 210th meeting had been incorporated in the Report.

Thereupon, the Committee adopted the Report after it was proposed by Sen. Prof. Tom Ojienda, MP and seconded by Sen. Okiya Omtatah, MP.

MIN. NO. 580/2025

LEGISLATIVE PROPOSAL: THE DRAFT
CONSTITUTION OF KENYA (AMENDMENT) BILL,
2025, SPONSORED BY SEN. OKONG'O MOGENI,
CBS, SC, MP.

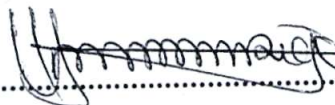
In the absence of the sponsor, the Committee deferred consideration of the legislative proposal to a later date.

MIN. NO. 581/2025

ADJOURNMENT

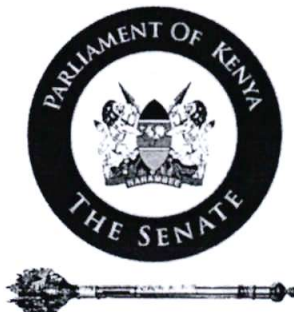
The Chairperson adjourned the meeting twenty six minutes past four O'clock. The next meeting would be held on Wednesday, 16th April, 2025 at 8:00 a.m.

SIGNED:



DATE:

6/5/2025



13TH PARLIAMENT | 4TH SESSION

MINUTES OF THE 210TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON TUESDAY, 8TH APRIL, 2025 AT 8:00 AM VIRTUALLY ON THE ZOOM ONLINE MEETING PLATFORM

PRESENT

- | | |
|-------------------------------------|--|
| 1. Sen. Veronica W. Maina, MP | - Vice-chairperson (<i>Chairing</i>) |
| 2. Sen. (Prof.) Tom Ojienda, SC, MP | - Member |
| 3. Sen. Andrew Omtatah Okoiti, MP | - Member |
| 4. Sen. Crystal Kegehi Asige, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|---------------|
| 1. Sen. Wakili Hillary Sigei, CBS, MP | - Chairperson |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Member |
| 3. Sen. Karen Njeri Nyamu, MP | - Member |
| 4. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Principal Clerk Assistant II |
| 2. Mr. Boniface Kiambi | - Senior Clerk Assistant |
| 3. Ms. Faith Wangui | - Legal Counsel II |
| 4. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 5. Mr. Jackson Matheshe | - Research Officer III |
| 6. Mr. Josphat Ngeno | - Media Relations Officer |
| 7. Mr. Zenton Williams | - Audio Officer |
| 8. Ms. Gloria Anyango | - Intern |

MIN. NO. 559/2025

PRELIMINARIES

The meeting was called to order at twenty-three minutes past eight O'clock and opened with a word of Prayer.

MIN. NO. 560/2025

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 561/2025**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- a) The Minutes of the 207th Sitting were held as a true record of proceedings having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.
- b) The Minutes of the 208th Sitting were held as a true record of proceedings having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.
- c) The Minutes of the 209th Sitting were held as a true record of proceedings having been proposed by Sen. (Prof.) Tom Ojienda, SC, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 562/2025**MATTERS ARISING FROM PREVIOUS MINUTES**

Min. No. 547/2025

Meeting with the Ethics and Anti-Corruption Commission to Deliberate on the Status of Implementation of the Resolution of the Senate on the Current State of the Nation

Members enquired whether the EACC had submitted the detailed response as directed by the Committee. The meeting was informed that the Committee resolution was conveyed to EACC, and that the Secretariat was following up for the response.

MIN. NO. 563/2025**THE COUNTY CIVIC EDUCATION BILL, 2024
(SENATE BILLS NO. 4 OF 2024)**

The Committee resumed consideration of the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024). Members recalled that –

- i) During the Third Session, the Committee considered the Bill, together with the submissions received thereon, upon which it resolved to recommend that the Bill be not proceeded with;
- ii) On commencement of the Fourth Session, the Committee resumed consideration of the Bill, where it resolved to await Division at Second Reading stage on the Bill. In the event the Bill would pass Second Reading stage, the Committee would then consider amendments to be introduced at the Committee of the Whole House Stage; and
- iii) On 20th March, 2025, the Senate approved that the Bill be read a Second Time. The Bill was now scheduled for Committee of the Whole House stage.

The Committee was then taken through the draft Committee amendments to the Bill. During deliberations, Members observed that –

- a) Part X of the County Governments Act (CAP 265) set out the principles, purpose and objectives of civic education, as well as for the design and implementation framework for civic education at the county level;

- b) Instructively, section 101 of the Act provided that the institutional framework for civic education at the county level would be provided under county legislation; and
- c) Several counties had put in place frameworks for civic education in line with the County Governments Act.

Members further observed that, if the consequence of the proposed amendments was that the Bill would be rendered a shell, it would not warrant further processing in the House and there was need to further think through the best way to enhance the implementation of civic education in the counties. This could be done through amendments to the County Governments Act (CAP 265), better implementation of the National Civic Education Framework, and capacity building programs for the county governments on implementation of the civic education curriculum.

Thereupon, Members resolved to recommend –

- i) That the Bill be not proceeded with; and
- ii) That the implementation of civic education in the counties continue to be guided by provisions of the County Governments Act (Cap 265), the legislation enacted by the counties pursuant to section 101 of the County Governments Act (Cap 265), and the policy framework, curriculum and guidelines that may be formulated from time to time.

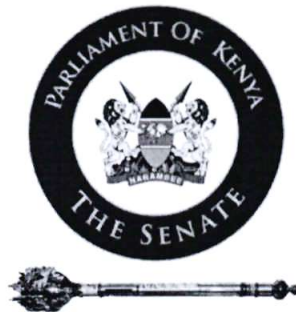
MIN. NO. 564/2025

ADJOURNMENT

The Vice Chairperson adjourned the meeting one minute to nine O'clock. The next meeting would be held on Wednesday, 9th April, 2025 at eight O'clock.

SIGNED: 

DATE: 6/5/2025



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 194TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON TUESDAY, 3RD DECEMBER, 2024 AT 8.00 AM VIA THE ZOOM MEETING PLATFORM

PRESENT

- | | |
|--------------------------------------|-----------------------------------|
| 1. Sen. Wakili Hillary Sigei, MP | - Chairperson (<i>Chairing</i>) |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice Chairperson |
| 3. Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 4. Sen. Catherine Muyeka Mumma, MP | - Member |
| 5. Sen. Veronica W. Maina, MP | - Member |
| 6. Sen. Andrew Omtatah Okoiti, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 2. Sen. Hamida Ali Kibwana, MP | - Member |
| 3. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Senior Legal Counsel |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Lynn Aseka | - Clerk Assistant III |
| 5. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 6. Mr. Jackson Matheshe | - Research Officer III |
| 7. Mr. Josephat Ng'eno | - Media Relations Officer |
| 8. Ms. Judith Aoka | - Assistant Audio Officer |

MIN. NO. 476/2024

PRELIMINARIES

The Chairperson called the meeting to order at seventeen minutes past eight O'clock and opened with a word of prayer.

MIN. NO. 477/2024

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Fatuma Adan Dullo, CBS, MP.

MIN. NO.478/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the 191st sitting were confirmed as a true record of the proceedings after being proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP.

The Minutes of the 192nd sitting were confirmed as a true record of the proceedings after being proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. Veronica W. Maina, MP.

MIN. NO. 479/2024

CONSIDERATION OF REPORTS OF THE COMMITTEE ON THE COUNTY CIVIC EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF 2024), THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 17 OF 2024), THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 2 OF 2024) AND SESSIONAL PAPER NO. 3 OF 2023 ON THE KENYA POLICY ON PUBLIC PARTICIPATION

a) The County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024)

During deliberations,

- i) Members noted that the framework for civic education as proposed in the Bill was difficult to implement as the Bill in its current form required entities to re-register in each county of operation. Further, that there was need for a national civic education law that caters for civic education at both levels of government.
- ii) it was therefore noted that it would be better for the mover to re-introduce the Bill as a Bill that caters for civic education at national level.
- iii) the Committee therefore, resolved to reject the Bill and that the same be captured in the recommendation in the Report.

Thereafter, the Committee adopted the Report with amendments having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP.

b) The Constitution of Kenya (Amendment) Bill, 2024 (Senate Bills No. 17 of 2024)

The Committee deferred consideration of this Report.

c) The County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024)

The Committee was taken through the Report on the County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024).

Thereafter, the Committee adopted the Report having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP

d) Sessional Paper No. 3 of 2023 on the Kenya Policy on Public Participation

The Committee deferred consideration of this Report.

MIN. NO. 480/2024

ANY OTHER BUSINESS

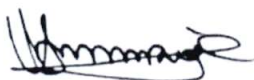
Members were reminded of the joint sitting of the Committee with the National Assembly Departmental Committee on Justice and Legal Affairs to be held on Wednesday, 4th December, 2024 at 10:00 a.m. at a venue to be confirmed.

The agenda of the meeting would be to adopt the harmonized report on the framework for actualization of the recommendations for amendment to the Constitution as contained in the Reports of the National Dialogue Committee and the Multi-Sectoral Working Group on the Implementation of the Two-Thirds Gender Principle.

MIN. NO. 481/2024

ADJOURNMENT

The Chairperson adjourned the meeting at five minutes past nine O'clock. The next meeting was scheduled to be held on Wednesday, 4th December, 2024.



SIGNED:

DATE: 5/12/2024



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 192ND SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 20TH NOVEMBER, 2024 IN COMMITTEE ROOM 5, FIRST FLOOR, PARLIAMENT BUILDINGS AND ON THE ZOOM ONLINE MEETING PLATFORM

PRESENT

- | | |
|--------------------------------------|-----------------------------------|
| 1. Sen. Wakili Hillary Sigei, MP | - Chairperson (<i>Chairing</i>) |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice Chairperson |
| 3. Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 4. Sen. Veronica W. Maina, MP | - Member |
| 5. Sen. Karen Njeri Nyamu, MP | - Member |
| 6. Sen. Andrew Omtatah Okoiti, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 2. Sen. Hamida Ali Kibwana, MP | - Member |
| 3. Sen. Catherine Muyeka Mumma, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Legal Counsel I |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Lynn Aseka | - Clerk Assistant III |
| 5. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 6. Mr. Jackson Matheshe | - Research Officer III |
| 7. Mr. Josephat Ng'eno | - Media Relations Officer |
| 8. Ms. Judith Aoka | - Assistant Audio Officer |
| 9. Ms. Karen Aleyo | - Attachee |

MIN. NO. 460/2024

PRELIMINARIES

The Chairperson called the meeting to order at twenty-eight minutes past eight O'clock and opened with a word of prayer.

MIN. NO. 461/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP.

MIN. NO.462/2024

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 1) The Minutes of the 186th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.
- 2) The Minutes of the 187th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.
- 3) The Minutes of the 188th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.
- 4) The Minutes of the 189th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Fatuma Adan Dullo, CBS, MP.
- 5) The Minutes of the 188th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO.463/2024

THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL, 2024 (SENATE BILLS NO. 26 OF 2024)

The Committee resumed consideration of the draft Report and observed that the comments by Members had since been incorporated as Committee observations at Chapter Three of the Report.

Thereupon, the Committee adopted the Report on the Political Parties (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 26 of 2024), having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Raphael Chimera Mwinzagu, MP.

MIN. NO.464/2024

THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL, 2024 (SENATE BILLS NO. 28 OF 2024)

The Committee resumed consideration of the draft Report and observed that the comments by Members had since been incorporated as Committee observations at Chapter Three of the Report.

Thereupon, the Committee adopted the Report on the Election Offences (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 28 of 2024), having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Karen Njeri Nyamu, MP.

MIN. NO.465/2024

THE ELECTIONS (AMENDMENT) (NO. 2) BILL,

2024 (SENATE BILLS NO. 29 OF 2024)

The Committee resumed consideration of the draft Report and observed that the comments by Members had since been incorporated as Committee observations at Chapter Three of the Report.

Thereupon, the Committee adopted the Report on the Elections (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 29 of 2024), having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP.

MIN. NO.466/2024

**THE COUNTY CIVIC EDUCATION BILL, 2024
(SENATE BILLS NO. 4 OF 2024)**

The Committee commenced consideration of the draft Report on the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024).

During deliberations, Members –

- a) observed the need to provide clarity on the nexus and areas of convergence between civic education and public participation;
- b) proposed that the two aspects be addressed by the same legislation as opposed to different pieces of legislation;
- c) noted the need for a harmonized legislative framework on civic education that would apply to both levels of government, as opposed to having separate legislative frameworks for the national and county levels of government; and
- d) recalled that majority of Court decisions on public participation had enumerated civic education as a key component or parameter for meaningful public participation.

Thereupon, the Committee resolved to defer further consideration of the draft Report to a later date.

MIN. NO.467/2024

**THE CONSTITUTION OF KENYA (AMENDMENT)
BILL, 2024 (SENATE BILLS NO. 17 OF 2024)**

The Committee deferred consideration of the agenda item.

MIN. NO.468/2024

**THE COUNTY GOVERNMENTS ELECTION LAWS
(AMENDMENT) BILL, 2024 (SENATE BILLS NO. 2
OF 2024)**

The Committee deferred consideration of the agenda item.

MIN. NO.469/2024

**COUNTY GOVERNMENTS (STATE OFFICERS'
REMOVAL FROM OFFICE) PROCEDURE BILL,
2024 (SENATE BILLS NO. 34 OF 2024)**

The Committee resumed consideration of the submissions on the Bill.

During deliberations, Members –

- a) observed that there was need to allow a reasonable period for a Governor to serve in office before a motion for impeachment could be introduced. However, in the case of gross violation of the Constitution or the commission of crimes under national or international law, it should be possible to introduce such a motion immediately; and
- b) noted the proposed amendment in the Bill to require that all impeachment proceedings be processed through a special committee and resolved that the Senate should retain the discretion to determine, on a case-by-case basis, whether to consider such a matter in plenary or by way of committee.

Due to the lapse of time, the Committee deferred further consideration of the Bill.

MIN. NO.470/2024 **ANY OTHER BUSINESS**

Members were reminded of the breakfast meeting with the National Council for Law Reporting (NCLR), scheduled to take place on Thursday, 21st November, 2024 at the NCLR Offices in Upper Hill, Nairobi.

MIN. NO. 471/2024 **ADJOURNMENT**

The session Chairperson adjourned the meeting at twenty-five minutes past nine O'clock. The next meeting was scheduled to be held on Thursday, 21st November, 2024 at 8.00 am.

SIGNED: 

DATE: 20th November, 2024



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 170TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 2ND, OCTOBER, 2024 AT 8.00 A.M. AND ON THE ZOOM ONLINE MEETING PLATFORM

PRESENT

- | | |
|------------------------------------|------------------------------|
| 1. Sen. Fatuma Adan Dullo, MP | - Member (<i>Chairing</i>) |
| 2. Sen. Hamida Kibwana, MP | - Member |
| 3. Sen. Catherine Muyeka Mumma, MP | - Member |
| 4. Sen. Veronica W. Maina, MP | - Member |
| 5. Sen. Andrew Omtatah Okoitai, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|---------------------|
| 1. Sen. Wakili Hillary Sigei, MP | - Chairperson |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice -chairperson |
| 3. Sen. William Cheptumo Kipkorir | - Member |
| 4. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Legal Counsel I |
| 3. Ms. Lynn Aseka | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 4. Ms. Angela Bonaya | - Clerk Assistant III |
| 5. Mr. Josephat Ng'eno | - Media Relations Officer |
| 6. Ms. Judith Aoka | - Assistant Audio Officer |
| 7. Mr. Abdalla Mbore | - Serjeant-at-Arms |

MIN. NO. 345/2024

PRELIMINARIES

The Session Chairperson called the meeting to order at twenty-nine minutes past eight O'clock and opened with a word of prayer.

The agenda of the meeting was adopted having been proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Andrew Omtatah Okioti, MP.

MIN. NO. 347/2024

**CONSIDERATION OF THE SUBMISSIONS
RECEIVED FROM THE PUBLIC ON THE COUNTY
CIVIC EDUCATION BILL, 2024 (SENATE BILLS
NO. 4 OF 2024) - RESUMPTION**

The Committee resumed consideration of the submissions received from the public on the County Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) from Clause 9 as left off in the previous meeting.

Due to lapse of time the Committee resolved to resume consideration of the matrix of Stakeholders submissions on the Bill at a meeting of the Committee to be held at a later date.

MIN. NO. 348/2024

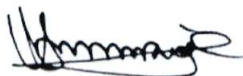
ANY OTHER BUSINESS

Members were informed that due to the Special Motion under consideration by the National Assembly and the public participation scheduled to be held on Friday, 4th October, 2024, the Joint Retreat had been postponed to a later date.

MIN. NO. 349/2024

ADJOURNMENT

The Session Chairperson adjourned the meeting at ten minutes past nine O'clock. The next meeting was scheduled to be held on Thursday, 3rd October, 2024 at eight O'clock.



SIGNED:

DATE: 13/11/2024



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 161ST SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON THURSDAY, 8TH, AUGUST, 2024 AT 8.00 A.M VIA THE ZOOM ONLINE MEETING PLATFORM

PRESENT

- | | |
|--|----------------------------------|
| 1. Sen. Wakili Hillary Kiprotich Sigei, MP | - Chairperson(<i>Chairing</i>) |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice Chairperson |
| 3. Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 4. Sen. Catherine Muyeka Mumma, MP | - Member |
| 5. Sen. Veronica W. Maina, MP | - Member |
| 6. Sen. Andrew Omtatah Okoiti, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 2. Sen. Hamida Ali Kibwana, MP | - Member |
| 3. Sen. Karen Njeri Nyamu, MP | - Member |

IN ATTENDANCE

- | | |
|-----------------------------|---------------------|
| 1. Sen. Esther Okenyuri, MP | - Nominated Senator |
|-----------------------------|---------------------|

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Legal Counsel I |
| 3. Ms. Lynn Aseka | - Clerk Assistant III |
| 4. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 5. Mr. Jackson Matheshe | - Researcher III |
| 6. Mr. Josephat Ng'eno | - Media Relations Officer |
| 7. Ms. Judith Aoka | - Assistant Audio Officer |
| 8. Ms. Marion Kibet | -Attachee |

MIN. NO. 302/2024

PRELIMINARIES

The Chairperson called the meeting to order at twenty five minutes past eight O'clock and opened with a word of prayer.

The agenda of the meeting was adopted having been proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Veronica W. Maina, MP.

The Committee resumed consideration of stakeholders' submissions on the County Civic Education Bill, 2024 (Senate Bills. No. 4 of 2024) from Clause 4 as left off in the previous meeting.

During deliberations, Members –

- (i) noted that in terms of setting aside a budget for civic education, there was need to make use of the existing budgetary frameworks such that costs are mainstreamed into the relevant ministries at both national and county government level to cascade down to the civic education programmes at grassroot level.
- (ii) saw the need to note and cater for the unique needs and cultural differences of various special interest groups during service delivery for effective civic education.
- (iii) observed that there was need to cascade civic education to the village level by using innovative ways to relay information such as through vernacular radio stations.
- (iv) noted that the proposal in Clause 5 to train public officials on civic education at national and county level was flawed as public servants are usually trained on how to deliver on their mandate whereas civic education is preserved to be targeted to the general public.
- (v) observed that for purposes of uniformity, each county executive committee as an entity should design a mechanism through which the respective county will carry out civic education rather than leave each individual county executive committee member to come up with mechanisms which may vary as proposed in clause 6 of the Bill.

Due to lapse of time and the need to have more members present to give input, the Committee resolved to resume consideration of the matrix of stakeholders submissions on the Bill at a meeting of the Committee to be held during the week of 26th August, 2024.

The Committee was taken through a matrix containing submissions from the following six stakeholders-

- (i) National Gender and Equality Commission
- (ii) Innovate4Change Initiative
- (iii) Disability Advocacy & Services Kenya (DASK)
- (iv) Health NGO's Network (HENNET)
- (v) Natural Justice
- (vi) Mombasa County Development Trust (MCDT)

During deliberations, Members,

- (i) noted that public participation was a constitutional principle that often attracted litigation and that there was need to ensure that the rulings of the court were captured in the Policy on Public Participation.
- (ii) observed that public participation was greatly linked to civic education since for there to be meaningful public participation, the citizenry needed to be adequately informed.
- (iii) also noted that public participation was critical in service delivery of public institutions and there was need for feedback mechanisms to be put in place for the public to raise any concerns or comments with regard to services offered.

The Committee resolved to resume deliberations on the Sessional Paper at a later date, at which the Office of the Attorney General would be invited to attend.

In light of the upcoming *Senate Mashinani* sittings to be held from 23rd to 27th September, 2024 in Busia County, the Committee resolved to schedule a meeting with the counterpart Committees in the Western region, for experience sharing and capacity building on the mandate, role and functions of the Committee. The Secretariat was tasked to work on a proposal identifying key training areas and areas of interest by the counties.

(i) Working Retreat of the Committee

The Committee was informed that there was need to meet during the recess to process all pending bills, petitions and statements before the Committee. Members were informed that the Senate Liaison Committee would be meeting to allocate funds to committees.

In this regard, Members resolved that, subject to allocation of funding by the Liaison Committee, the Committee holds a working retreat from 26th to 30th August, 2024 in Machakos County.

(ii) Petition by Mkupuo Network Awareness

The Committee was informed that stakeholders would be invited to submit their submissions on the Petition during the proposed working retreat of the Committee that will be held from 26th to 30th August, 2024.

The Sessional Chairperson adjourned the meeting at eighteen minutes past ten O'clock. The next meeting was scheduled to be held on notice.



SIGNED:

DATE: 13/11/24



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 142ND SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 29TH MAY, 2024 AT 8.00 A.M VIA ZOOM

PRESENT

- | | |
|--|---------------------------------|
| 1. Sen. Wakili Hillary Kiprotich Sigei, MP | - Chairperson(<i>Charing</i>) |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice Chairperson |
| 3. Sen. Fatuma Adan Dullo, CBS, MP | -Member |
| 4. Sen. Catherine Muyeka Mumma, MP | -Member |
| 5. Sen. Veronica W. Maina, MP | - Member |
| 6. Sen. Karen Njeri Nyamu, MP | -Member |
| 7. Sen. Andrew Omtatah Okoiti, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 2. Sen. Hamida Ali Kibwana, MP | -Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Ms Lilian Waweru | -Legal Counsel II |
| 2. Ms. Lynn Aseka | - Clerk Assistant II |
| 3. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 4. Mr. Jackson Matheshe | - Researcher III |
| 5. Ms. Charity Kanze | - Researcher III |
| 6. Mr. Josephat Ng'eno | - Media Relations. |
| 7. Ms. Judith Aoka | - Assistant Audio Officer |
| 8. Ms. Marion Kibet | - Attachee |

MIN. NO. 197/2024

PRELIMINARIES

The Chairperson called the meeting to order at thirteen minutes past eight O'clock and opened with a word of prayer.

MIN. NO. 198/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 199/2024**CONFIRMATION OF MINUTES OF PREVIOUS**

The minutes of the 126th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Raphael Chimera Mwinzagu, MP.

The minutes of the 127th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Raphael Chimera Mwinzagu, MP.

The minutes of the 128th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

The minutes of the 129th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP.

The minutes of the 131st sitting were confirmed as a true record of the proceedings after being proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Veronica W. Maina, MP.

The minutes of the 132nd sitting were confirmed as a true record of the proceedings after being proposed by Sen. Karen Njeri Nyamu, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

The minutes of the 133rd sitting were confirmed as a true record of the proceedings after being proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

The minutes of the 134th sitting were confirmed as a true record of the proceedings after being proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

The minutes of the 131st sitting were confirmed as a true record of the proceedings after being proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Catherine Muyeka Mumma, MP.

MIN. NO. 200/2024**CONSIDERATION OF THE COUNTY CIVIC
EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF
2024)**

The Committee was taken through a Bill Digest on the Civic Education Bill, 2024 (Senate Bills No. 4 of 2024) as contained in Committee Paper No. 58.

The Committee noted that the object of the Bill is to provide a legal framework to guide the conduct of civic education in the country. Members noted that the rationale for a legal framework on civic education is the importance civic education plays in shaping citizen attitudes, behaviours and values which will enable citizens to be aware of their rights and responsibilities so as to effectively participate in governance.

The Committee further noted that civic education is crucial in a democratic nation as it enhances public participation in decision making and legislation as envisaged in Article 10 of the Constitution. In this regard, it was proposed that the Bill in question be enhanced to cater for a national civic education framework rather than focus on civic education at county level only.

On the proposal in the Bill to register civil society organisations, questions arose as to whether this would create a second phase of registration of civil society organisations which is already provided for by the Public Benefits Act, 2013 which recently became operational on 9 the May, 2024.

Appreciating the importance of civic education, the Committee noted that the Bill needed to be subjected to extensive public participation which would entail conducting public hearings in various counties across Kenya. To cater for this, the Committee noted that there was need to request the Senate to create a special budget to cover the costs of conducting public hearings across different counties. In addition, the Committee needed to write to key stakeholders inviting them to submit their memoranda on the Bill.

It was agreed that in light of the upcoming recess of the Senate, members would consult each other and give directions on when they would consider the stakeholder submissions on the Bill.

MIN. NO. 201/2024 **ANY OTHER BUSINESS**

The Committee noted that since the National Prayer Breakfast was scheduled to be held the following day i.e. on 30th May, 2024, the meeting that had been scheduled for the same day be postponed to a future date to be communicated.

MIN. NO. 202/2024 **ADJOURNMENT**

The Chairperson adjourned the meeting at eight minutes past ten O'clock. The next meeting was scheduled to be after recess.



SIGNED:

DATE: 2/7/24

***ANNEX 2: Copy of the County
Civic Education Bill, 2024
(Senate Bills No. 4 of 2024)***

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

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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 —

- (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;

Functions of the county civic education unit.

- (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.

***ANNEX 3: Advertisement
published on 7th May, 2024***



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT | THIRD SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sitting of the Senate held on Tuesday, 30th April, 2024, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before **Tuesday, 21st May, 2024 at 5.00 p.m.**

	Bill	Committee Referred To	Email Address
a)	The County Civic Education Bill, 2024 (Senate Bills No.4 of 2024)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@parliament.go.ke
b)	The County Statistics Bill, 2024 (Senate Bills No.5 of 2024)	Standing Committee on Finance and Budget	financebudgetcomm.senate@parliament.go.ke
c)	The County Oversight and Accountability Bill, 2024 (Senate Bills No.3 of 2024)	Standing Committee Devolution, and Intergovernmental Relations	Senate.devolution@parliament.go.ke

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

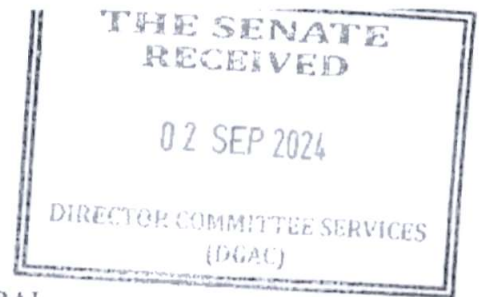
J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.

***ANNEX 4: Copies of
stakeholder submissions on
the Bill***



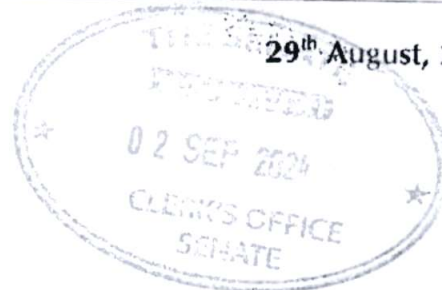
REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE



Our Ref: AG/LDD/589/1/100

Mr. J.M. Nyeng'enyne, CBS
Clerk of the Senate
Parliament Building
P.O Box 41842-00100
NAIROBI.



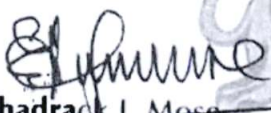
ATT: PETER K. CHEMWENO

RE: COMMENTS ON THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO.4 OF 2024)

We are writing in reference to your letter dated 15th July, 2024, under Ref. SEN/DGAC/DGC/JLAHRC/2024/31(a), and ours of even reference dated the 25th July, 2024, with regard to the County Civic Education Bill, (Senate Bills No.4 of 2024).

We have consulted the State Department for Devolution for policy guidance with regard to the said Bill and to this end, we hereby forward their response for your consideration.

We trust this is in order.


Hon. Shadrack J. Mose
SOLICITOR-GENERAL

Encl.

Copy to: **Ms. Dorcas Agik Oduor, SC, OGW, EBS**
HON. ATTORNEY GENERAL

DGAC ①

DAF

kindly deal

② Had- Governance
Lead Clerk - JLAHRC

kindly deal

02/09/2024

02/09/2024

SHERIA HOUSE, HARAMBEE AVENUE

P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995

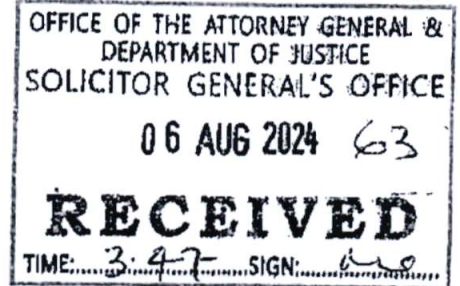
E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE

CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224070/2240737

07 AUG 2024

REPUBLIC OF KENYA



**OFFICE OF THE DEPUTY PRESIDENT
STATE DEPARTMENT FOR DEVOLUTION ***
Office of the Principal Secretary

Fax No: 2217869
Telephone: +254-020-2215245
Web: <https://www.devolution.go.ke> Email:
ps@devolution.go.ke

Telposita Towers
Kenyatta Avenue
P.O. Box 30004-00100
NAIROBI

Ref No. MDP/DD/L/GEN VOL. IV (1)

5th August, 2024

Hon. Shadrack J. Mose
The Solicitor General
Office of the Attorney General & Department of Justice
Sheria House
P.O Box 40112 00100
NAIROBI

Dear *Solicitor General,*

RE: COMMENTS ON THE COUNTY CIVIC EDUCATION BILL, (SENATE
BILLS NO. 4 OF 2024)

We acknowledge receipt of your letter Ref: AG/LDD/589/1/100 dated 25th July, 2024 on the above subject matter.

This is to further inform you that the State Department for Devolution received a similar letter Ref: SEN/DGAC/DGC/JLAHRC/2024/31(g) dated 15th July, 2024 from the Clerk of the Senate inviting us to submit a memorandum on the above Bill for consideration by the Standing Committee on Justice, Legal Affairs and Human Rights which we did on the 31st July, 2024 after seeking an extension of the date of submission as the letter of the request by the Senate was received late in our offices.

Kindly find attached our policy statement and our memoranda of the above Bill as submitted to the Senate for your reference.

Yours *Sincerely*
T. Mbaika

Teresia Mbaika, CBS
PRINCIPAL SECRETARY

REPUBLIC OF KENYA



OFFICE OF THE DEPUTY PRESIDENT STATE DEPARTMENT FOR DEVOLUTION

POLICY STATEMENT BY THE STATE DEPARTMENT FOR DEVOLUTION ON THE CIVIC EDUCATION BILL 2024

The Constitution of Kenya 2010 provides for civic education as an important national value and principle of governance.

Civic education also known as citizen education or democracy education can broadly be defined as “the provision of information and learning experiences to equip and empower citizens to participate in democratic processes”. The purpose of civic education therefore is to have an informed citizenry that actively participates in the governance affairs of the society on the basis of enhanced knowledge, understanding and ownership. It plays a key role in enabling citizens effectively participate in national development governance and development processes.

The basic foundation of civic education in Kenya is anchored in the Constitution of Kenya which places citizens at the center of governance and development processes. Such Articles include;

- Article 10 (2). Public Participation is provided for as a national value and principle of governance.

Citizen participation is supported by the following Articles of the CoK:

- Article 33 (1) provides for freedom to seek, receive or impart ideas/information to the public.
- Article 35 (1) & (3) provides for access to information by all citizens.
- Article 174 (c) gives powers of self-governance to the people and enhances their participation in the exercise of state powers and making decisions that affect them.

- Article 184 (c) Participation of residents in the governance of Urban Areas and Cities.
- Article 196 (1) (b) County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees

Part X of County Governments Act Cap 265 provides for the principles, objectives, design, implementation and institutional framework for civic education.

It provides that national and county governments shall facilitate the implementation of programs for civic education through a comprehensive civic education curriculum developed and delivered through partnerships with non-state actors that targets all and especially women, minority, marginalized, youth, persons with disability and others less likely to access information through mainstream delivery systems.

Civic Education is further propounded in Sections 3,11,21,24, Second Schedule to the Urban Areas and Cities Act Cap 275 and Sections 3,4, 5(d), 20 (g), 29 and 39 of the Intergovernmental Relations Act Cap 265F respectively.

The civic education as anticipated in the County Government Act creates a link between the two levels of government in provision of civic education that is intended to enhance citizens' capacity to participate through improved understanding, appreciation and mainstreaming the bill of rights and national values; to empower citizens with necessary knowledge, confidence and skills to internalize and apply values and principles of devolution.

Although the law effectively guarantees public participation and civic education in Kenya, there continues to be a gap as there is an uncoordinated approach thus making it ineffective in promoting quality public participation.

A review of the provision of Civic Education has revealed gaps which hamper the full realization of Civic Education in Kenya. Such challenges

include inadequate public participation, lack of curriculum and delivery method, poor coordination and lack of a legal framework on public participation on Civic education.

In line with the legal provisions, the Ministry of Devolution with an overall objective to provide policy and guidelines for undertaking Civic Education in the country in collaboration with other state agencies and non state actors developed several Civic Education initiatives such as the Kenya National Civic Education Program (KNICE), the guidelines on Civic Education and finally the draft National Civic Education Framework, 2024.

The National Civic Education Framework once approved will provide a structured coordination to reduce duplication of effort, prevent wastage of resources and orient all the providers on the objectives of Civic Education as laid down in the constitution.

The State Department notes that most of the principles that are captured in the Civic Education Bill 2024, under review are similar to the content of the National Civic Education Framework as developed by the State Department and therefore we are in consensus with the development of the Bill which will form the overarching framework for Civic Education in Kenya.

To guide further on the State Department's policy position on the Bill, we herewith attach our copy of the memorandum as submitted to the Senate for your perusal and action.



**OFFICE OF THE DEPUTY PRESIDENT
STATE DEPARTMENT FOR DEVOLUTION**

**SUBMISSION TO THE SENATE STANDING COMMITTEE ON JUSTICE LEGAL AFFAIRS AND
HUMAN RIGHTS.**

MEMORANDA ON THE COUNTY CIVIC EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF 2024).

**STATE DEPARTMENT FOR DEVOLUTION (SDD) -COMMENTS ON THE COUNTY CIVIC
EDUCATION BILL, 2024 (SENATE BILLS NO.4 OF 2024)**

INTRODUCTION

Mandate of the State Department for Devolution

The Mandate of the State Department for Devolution is derived from the Constitution of Kenya, the County Government Act, Chapter 265, Intergovernmental Relations Act, Chapter 265F, and the Presidential Executive Order No.2/2023 which outlines its role as;

- Coordination of Intergovernmental Relations between the National government and County government.
- Capacity Building and Technical Assistance to Counties,
- To provide policy and leadership in the Devolved system of government.

The legal foundation for Civic Education is as follows:

A. Constitution of Kenya

- Article 10 (2)(a) identifies public participation as an important national value and principle of governance binding all state organs, state officers, public officers and all persons in the interpretation as well as the implementation of the Constitution.
- Article 33 (1) (a), 35; 38; 42; 50 provide for mechanisms of Civic education
- Article 88(4)(g) Voter education as an electoral process.
- Article 174 and 175 on the objects and principles of devolution in the promotion of democratic exercise of power and participation of people in decision making.

- Article 196 mandates County Assemblies to facilitate public participation in the legislative processes of the County.
- Article 201-203; 221 Public participation in Budget making.
- Article 232 (d) people shall be involved in decision making.

B. Legislations

- County Government, Cap 265 section 98-101; 137.
- Intergovernmental Relations, Cap 265F section 4(d).
- Urban Areas and Cities, Cap 275 section 3(c).

C. Policy on the Devolved system of Government in Kenya, 2016

BACKGROUND TO CIVIC EDUCATION

Since the enactment of the COK, there has been good progress in Civic education and Civic engagement in Kenya. Government Agencies and Civil Society Organization (CSOs) have provided civic education in various forms. In the past Civic education initiatives focused on a wide range of issues and themes, however many of these were not provided under a common curriculum. The COK and introduction of devolution raised the need to ensure provision of comprehensive civic education on the devolved system of government. A review of the provision of civic education in Kenya has revealed gaps which hamper the full realization of civic education in Kenya. Such challenges include: Inadequate public participation, inadequate competencies and skills, weak coordination, lack of curriculum and delivery method, poor coordination, lack of a legal framework on public participation on civic education.

Despite these challenges, there are opportunities to enhance public participation and civic education by National and County Governments through development of a legislative framework for provision of civic education.

The lessons learnt from past civic education initiatives continue to inform design and delivery of Civic education by different actors in Kenya. Over the past 15 years several civic education initiatives with a national reach have been developed and implemented. The lessons learnt and emerging issues have necessitated the development of a National Civic Framework to guide civic education at both National and County Governments.

The State Department for Devolution in exercise of its above mandate has reviewed the Bill shared and comments as follows;

Clause of the bill	Provision	Comment	Justification
Title	Long Title an Act of Parliament..... undertaking civil education....	Replace “civil” with “civic”	To align with the terminologies used in the Constitution (COK) and other legal frameworks.
1	Part I- Preliminary Short title	Clause 1 Rename the bill from County Civic Education to “ National and County	Promote intergovernmental relations in accordance with Article 6 (2) of the Constitution

	Government Civic Education Bill, 2024”	of Kenya that states that the Governments at the National and County levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.
2-interpretation	<p>Clause 2 Amend the definition of “the Cabinet Secretary responsible for matters relating to devolution” and replace with the words “the Cabinet Secretary related to the matters of Devolution and Intergovernmental Relations.”</p> <p>Amend the definition of the word “the County Executive Committee Member responsible for matters relating to devolution” and replace with the “the County Executive Committee Member responsible for matters relating to Civic Education and Public Participation”</p>	<p>To align with other devolution related legislations.</p> <p>To align to other related legislation and established County structures.</p>

		Amend the word “Non-governmental organization coordination Act...”under section 2 of the Non-Governmental Organization Co-ordination Act” to read the “Public Benefits Organization Act No 18 of 2013”	To align with the Public Benefits Act No 18 of 2013.
		Replace “No 19 of 1990” of the marginal notes with No 18 of 2013	
3	Object of this Act	Rephrase 3(d) to read “Knowledge on the devolved system of governance, context and implication “ Delete 3(h) and Replace with “Promoting public understanding and ownership of County Projects, Programmes and socio-economic Plans.”	For purposes of clarity and avoidance of repetition. Align to the National and County governments Economic Blueprint
	The Role of Cabinet Secretary responsible for matters.....	Introduce a marginal note on “the role of the Cabinet Secretary Devolution and	To recognize the role of the Cabinet Secretary Devolution and Intergovernmental

		<p>Intergovernmental Relations”.</p> <p>Insert after section 3 of the Bill a new provision on the Role of the Cabinet Secretary responsible for matters relating to Devolution and Intergovernmental relations in Civic Education matters as follows:</p> <p>(a) The Cabinet Secretary will provide leadership and Policy guidance in provision and facilitating of Civic Education.</p>	<p>Relations in provision and facilitating Civic Education.</p>
4	<p>PART II – COUNTY CIVIC EDUCATION</p> <p>- Role of national and county governments</p>	<p>Amend the title of Part II to read National and County Civic Education</p>	<p>This is to align it with the Section 137 of the County Government Act which provides “that the ministries and state Department and County governments to design and coordinate civic education on devolution create capacity and facilitate County Governments” to</p>

		<p>Clause 4(1) Introduce a new role for 4(1) (g) after 4(h) to read “Monitoring and Evaluation of Civic Education”.</p> <p>Introduce a new marginal note to read “4(2) for the establishment National Civic Education Steering committee”</p> <p>Insert a new Clause before 4(2) to provide for the establishment of a National Civic Education Steering Committee (NCESC) with a Secretariat in the State Department responsible for devolution and intergovernmental matters.</p>	<p>effectively assume their responsibilities in their delivery of civic education to citizens.</p> <p>Monitoring and Evaluation of Civic Education is a key role of both levels of Governments for oversight and policy direction.</p> <p>To provide for the establishment of the Committee</p> <p>The NCESC will be a high-level advisory body with the responsibility of providing direction on delivery of civic education at the national and the county levels. We recognize that the Civic Education providers in Kenya include the three arms of government including ministries,</p>
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	<p>The Committee will have broad representation from all the main groups providing civic education in the country.</p> <p>The responsibilities of the NCESC will include:</p> <ul style="list-style-type: none"> i) Ensuring adherence to principles of civic education; ii) Promoting the values and principles of governance; iii) Enhancing achievement of objectives of civic education; iv) Mobilizing resources to facilitate civic education; v) Developing and guiding on implementation of policy at national and county levels; vi) Advising the national and county governments on civic education; vii) Receiving and addressing complaints and 	<p>departments and agencies; constitutional bodies and non-state actors particularly CSOs.</p> <p>The purpose of the NSESC is to coordinate the various Civic Education providers</p>
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		<p>grievances on civic education; and</p> <p>viii) Monitoring and reviewing implementation of civic education activities.</p> <p>Introduce a marginal note on “the role of the County Executive Committee member after 4(1)”</p> <p>A new Clause 4(2) should be introduced, “County Civic Education Steering Committee”.</p> <p>It should then read: 4(2) In realizing the objectives of this Act, every county government shall establish a county civic education steering committee.</p> <p>4(2) The county civic education steering</p>	
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		<p>committee shall for purposes of Clause (1)-</p> <ol style="list-style-type: none"> i. Ensure adherence to principles of civic education; ii. Promote the values and principles of governance; iii. Enhance achievement of objectives of civic education; iv. Mobilize resources to facilitate civic education; v. Develop and guiding on implementation of policy at national and county levels; vi. Advise the national and county governments on civic education; vii. Convene and coordinating civic education actors at the county level. viii. Convene at the county level, sector working groups along the thematic areas. 	
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		<p>ix. Receive and addressing complaints and grievances on civic education; and</p> <p>x. Monitor and reviewing implementation of civic education activities.</p> <p>Clause 4(2) should not refer to the county executive member but the county government so that it reads: "The county government shall for purposes of sub-section (1) ..."</p> <p>In the former 4(2) (a) which should now be section 4(3) (a) insert "into" between "enter" and "partnerships" To read: enter into partnerships with"</p>	<p>This is because entering into partnerships or agreements is done or entered into by the government not officers.</p>
		<p>Clause 4 (2)(a) Consider inserting a provision to provide for curriculum on Civic education in schools.</p>	<p>This will inculcate a culture of Civic Education in our learning institutions.</p>

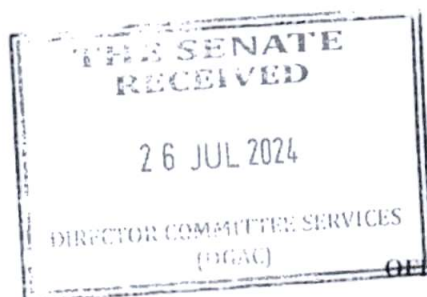
	5- Mandatory Civic Education	Clause 5 Insert a provision that the mandatory Civic Education Training shall be carried out in a recognized training institution.	These institutions will run a programme based on a national curriculum and materials developed within acceptable norms and standards by national Government.
6	County civic education programs	<p>Clause 6 (2) should read, "The county executive committee member shall in accordance with Clause 4(2)-</p> <p>(a) establish.....civic education programmes; and</p> <p>(b) prescribe..... this Act.</p> <p>a) Add a new Clause 6(3) to read: "The county executive committee member shall in collaboration with stakeholders be</p>	<p>This will ensure that the County Civic Education Steering Committee provides checks and balances in the management of civic education in the counties.</p> <p>To provide for the responsibilities of the county executive committee member in Civic Education.</p> <p>This will give express responsibility to the CECM so as to ensure the Civic Education Unit works with clear chain of command in undertaking the function.</p>

		responsible for implementing civic education”.	CECM can then be held accountable.
7	Establishment of county civic education unit	<p>Amend to read: “...County Public Participation and Civic Education Units”</p> <p>In view of the newly proposed 6(3), the section 7 could read, “The county executive committee member shall for purposes of the objectives of this Act and particularly Clause 6(3) designate a unit to be known as the County Public Participation Civic Education Unit.”</p>	Public engagement and civic education are interconnected therefore align with the existing structures in the county governments.
8	Functions of the County Civic Education Unit	Clause 8(h) delete the word “including organizing” replace with the word “organize” .	

9	Funding of civic education	<p>Clause 9(1) add the word “The National and a County Government shall.... ensure that part of the National and County Government’s annual budgets.... in the Country”.</p> <p>Clause 9(2) Amend to read as: “The national government may issue conditional grants to county governments to build the capacity of County government entities and fund civic education programmes in the counties”.</p>	The National and County Government have a concurrent role to provide civic education hence the need for funding.
11	Part III – County Civic Education Providers.	Insert a new Clause 11(2) in 11.... “the Cabinet Secretary responsible for matters relating to Devolution and Intergovernmental relations shall be responsible for accreditation of Civic Education providers” .	The National Government is responsible for Norms and Standards.

12	Application for registration as a county civic education provider	<p>delete Clause 12 (1)</p> <p>Clause 12(3) Amend to read: “The unit may require the applicant to submit such further information as the unit may from time to time determine subject to the guidance and/or approval of the County Civic Education Steering Committee”.</p> <p>Delete Clause 12(4) (b)</p>	<p>The role of the civic education providers is to compliment the role of National and County government in provision of civic education. National and County governments can do accreditation of Civic Education providers.</p> <p>For clarity and to avoid being over prescriptive.</p> <p>It is more appropriate to have Civic Education registration at the County Level as the lower unit may not have the capacity to process registration.</p>
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19	Application from an order of refusal or de-registration	Clause 19(3) Amend to read: “A person aggrieved by the decision of the county executive committee member may within thirty (30) days appeal to the County Civic Education Steering Committee for a review of the decision”.	This is to ensure transparency, due process and accountability so that an aggrieved party can proceed and appeal to the County Civic Education Steering Committee.
21	Part V -Miscellaneous provisions	Remove Clause 21 Monitoring and Evaluation from the miscellaneous provisions and underscore it as one of the roles of the National and County governments in clause 4(1) (g) of the bill.	



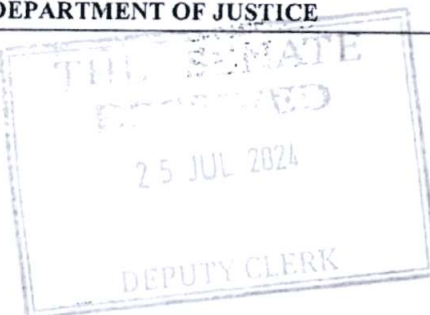
OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

25 JUL 2024

FJC

Our Ref: AG/LDD/589/1/100

Mr. J. M. Nyeng'enyne, CBS
Clerk of the Senate
Parliament Building
P. O. Box 41842-00100
NAIROBI.



25th July, 2024.

② Had-bwema
Lead Clerk-JLAS

① DGAC

DAG

Kindly deal

26/07/24

Kindly deal

RE: COMMENTS ON THE COUNTY CIVIC EDUCATION BILL, (SENATE BILLS NO.4 OF 2024).

We write in reference to the above captioned subject matter and your letter under Ref. No. SEN/DGAC/DGC/JLAHRC/2024/31(a) dated the 15th July, 2024, the receipt of which is acknowledged, forwarding the County Civic Education Bill, 2024 for our comments.

25/07/2024

After a thorough scrutiny of the contents of the said Bill, we wish to address certain areas of concern that have been identified during our review process;

1. In the long title, delete the word "civil" and substitute with the word "civic".
2. In clause 3 that proposes the objects of the Act, paragraph (d) and paragraph (e) are the mandate of the Independent Electoral and Boundaries Commission under section 4 of the Independent Electoral and Boundaries Commission Cap 7C, which provides that—

4. As provided for by Article 88(4) of the Constitution, the Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament and, in particular, for—

(c) voter education;

Paragraph (f) that proposes provision of a framework for enhanced awareness and mainstreaming of the Bill of Rights and national values, is the mandate of the Kenya National Commission on Human Rights under the Kenya National Commission on Human Rights Act (Cap 71) which provides that—

8. The functions of the Commission shall be to—

- (a) promote respect for human rights and develop a culture of human rights in the Republic;

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/073252995
E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

ISO 9001:2008 Certified



(b) promote the protection and observance of human rights in public and private institutions;

(c) monitor, investigate and report on the observance of human rights in all spheres of life in the Republic;

In addition to this, the objectives of the Bill outlined in paragraphs (g), (h), and (i) are unclear. Therefore, we propose revising clause 3 to clearly articulate the objectives of the Bill, in order to avoid duplication of functions and inconsistencies with other Acts of Parliament.

3. In clause 8 (c), there are missing words between the words "institutions" and "the". We propose that paragraph (c) be amended to read:

(c) coordinate with public and private institutions to facilitate the execution of county civic education programmes;

4. In clause 8(h), there is a grammatical error. We propose that paragraph (h) be amended to read:

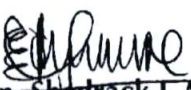
(h) organize public forums, debates, dialogues, and other civic engagement activities to foster a culture of democracy, human rights, and social responsibility;

5. In clause 13(1), the application should be made under clause 12(1) and not clause 10.

6. In clause 15, the certificate of registration should be provided under clause 14 and not clause 12.

Subsequently, it is important to highlight that the policy on the subject matter, lies within the mandate of the State Department for Devolution. To this end, we have therefore shared the proposal with the State Department for Devolution for policy guidance.

We trust this is in order.


Hon. Shadrack J. Mose
SOLICITOR-GENERAL



UNIVERSITY OF NAIROBI
AFRICAN WOMEN STUDIES RESEARCH CENTRE
WOMEN'S ECONOMIC EMPOWERMENT HUB

P.O Box- 30197-00100 **Tel:** 0705 541746

Email: weehub@uonbi.ac.ke **Web:** weehub.uonbi.ac.ke



INTRODUCTION

The African Women Studies, UON WEE Hub takes a keen interest in Kenya's Fiscal Policy situation with the view of supporting the increased participation of women in the Kenyan Economy. The engagements of the African Women Studies, UON WEE Hub on Kenya's Fiscal Policy environment is a deliberate approach to support the policymakers (National Treasury, County Assemblies and Parliament) by providing alternative choices on matters that directly affect the plight of women in the country and their involvement in economic activities. The focus is on women's economic empowerment by pin-pointing the inclusion, omission, reduction and increment of the funds that have an impact on the economic empowerment and participation of women in the economy. The analysis and proposals given is in line with the critical areas that the AWSC UON WEE Hub attaches importance in uplifting the lives of women which are Health, Primary Education, Water and Sanitation, Clean and Affordable Energy and Unpaid Domestic and Care Work. Directing efforts on policies aimed at improving food security, Women's Economic Empowerment, childcare, financial inclusion, social protection among other issues would directly impact on the abilities of women to engage more in the economy and that would yield accelerated growth.

MEMORANDA ON THE COUNTY CIVIC EDUCATION BILL, 2024

CLAUSE/SECTION	MARGINAL NOTE	PROPOSED AMENDMENT	JUSTIFICATION
3	Objects	<p>Include a new sub-clause as follows:</p> <p>(j) enhance awareness on the historical discriminialisation of special interest groups of women, youth, persons with disablity and minority and marginalised communities in the social, economic and political spheres of the nation.</p> <p>(k) curation of affirmative action solutions to bridge the historical discriminialisation of special interest groups of women, youth, persons with disablity and minority and marginalised communities in the social, economic and political spheres of the nation</p>	<p>Special interest groups of women, youth, persons with disability, minority and marginalised communities have historically been disadvantaged in the social, economic and political spheres of the nation. The advent of the new constitution appreciated this unfortunate fact and pronounced itself on the need to advance the place of these groups. The constitutional architecture grants extensive latitude to Parliament to legislate on affirmative action measures for the benefit of the said groups.</p>
4	Role of Natonal and County	Introduce a new sub clause as follows:	Critical to cement the joint collaboration of National and County

CLAUSE/SECTION	MARGINAL NOTE	PROPOSED AMENDMENT	JUSTIFICATION
	Governments.	(g) Creating programmes around raising awareness and curating of affirmative action solutions to advance the place of special interest groups of women, youth, persons with disability and minority and marginalised communities in the social, economic and political spheres of the nation.	governments in the promotion of special interest groups.
5	Mandatory Civic Education Training	Amend to read as follows: 5(a) 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, failure to which, they will not be formally absorbed into the public service integrated payroll system.	Ensures that all officials possess a consistent and thorough understanding of their roles, responsibilities, and ethical standards. This measure promotes competence, reduces corruption, and enhances public trust in government by ensuring that only those who are adequately prepared and committed to public service principles can formally enter and remain within the public administration system.

CLAUSE/SECTION	MARGINAL NOTE	PROPOSED AMENDMENT	JUSTIFICATION
		5(b) The head and the leadership of that office should ensure that all new employees undergo the civic education training	
7	Establishment of the county civic education unit	Amend the clause to read as as follows: The county executive committee member shall designate a Unit to be known as the County civic education unit, which shall have the two thirds gender representation.	This will ensure that the unit are not dominated by a particular gender and promote representation of all genders
8	Functions of the County Civic Education Unit.	Amend sub clause (a) as follows: (a) develop a comprehensive civic education plan for the county, in collaboration with relevant stakeholders, outlining the goals, objectives, strategies, and activities for promoting education and civic engagement among the	Critical to cement the need for civic education on the plight of special interest groups of women, youth, persons with disability and minority and marginalised communities.

CLAUSE/SECTION	MARGINAL NOTE	PROPOSED AMENDMENT	JUSTIFICATION
		<p>citizens in the county; without prejudice to the foregoing the plan shall:</p> <p>(1) <u>Promote civic education on the plight of special interest groups of women, youth, persons with disability and minority and marginalised communities</u></p>	
21	Monitoring and Evaluation	<p>Ammend the clause to read as follows:</p> <p>The unit shall submit an annual report to the county executive committee member on the progress and impact of civic education programmes, including gender disaggregated data on the citizens who have been reached and the utilization of allocate resources.</p>	<p>This makes the monitoring and evaluation process impactful and it ensures that the programs are meeting their objectives and allows for the assessment of their impact on different demographic groups, promoting inclusivity and gender equity. Additionally, tracking resource allocation and utilization ensures that funds are being used efficiently and effectively.</p>

CLAUSE/SECTION	MARGINAL NOTE	PROPOSED AMENDMENT	JUSTIFICATION
22	Regulations (2)	<p>Include a new sub-clause as follows:</p> <p>To provide a national action plan for civic education on affirmative action for the benefit of special interest groups of women, youth, persons with disability and minority and marginalised communities in the social, economic and political spaces of the country.</p>	<p>The national action plan will serve as a policy document that will prescribe the national policy position on advancing the contribution of the aforementioned special interest groups in the national space and will inform the development of county civic education plans envisaged under clause 8 (a).</p>



KIAMBU COUNTY CIVIL SOCIETY



Clerk,
Senate of Kenya
Parliament Buildings
NAIROBI
17th May, 2024

**MEMORANDUM FOR PUBLIC PARTICIPATION INPUT TO THE COUNTY CIVIC
EDUCATION BILL, 2024**

About Kiambu County Empowerment Network (KCEN):

KCEN is county network of Kiambu County Civil Society Organisations mainly focusing on governance and development. KCEN has 26 member organisations spread across different sub counties and its key objective is creating a platform for synergy among member organisations to address the challenges of governance and citizen involvement in Kiambu County. KCEN is a member organisation of the Kenya Devolution CSOs Network.

About Bunge Mashinani Initiative (BMI)

BMI is a registered NGO and the host organisation for KCEN with the key objective of organising communities to take charge of their own development and governance at the grassroots. We do this through targeted community leaders' training and community civic education through the Bunge Mashinani School of Governance, and facilitating meaningful public participation with a major focus on the county budget cycle. The organisation creates a Bunge Mashinani (grassroots parliament) forum for the citizens to be more directly engaged in governance as enshrined in the Constitution of Kenya 2010, The Public Finance Management Act, The County Government Act 2012 and other enabling laws. We draw our mandate from article 1 of the Constitution of Kenya 2010 that donates all sovereign power to the People of Kenya and gives them a say on governance and development processes through provisions on public participation. Bunge Mashinani Initiative is purely non-political.

Context for the submission to the Bill:

KCEN through its host organisation Bunge Mashinani Initiative with support from the Kenya Devolution Programme funded by the Foreign, Commonwealth and Development Office (FCDO) through Act! has been lobbying for the funding of civic education by the County Government of Kiambu as per Sec. 100 of the County Government Act. This work has been informed by data from a survey conducted in 2023 by the KDCWG titled "*DEVOLUTION @ 10: A Citizens' perspective*" which revealed a major need for structured civic education to citizens. KCEN also conducted a more focused survey for Kiambu County on the "*Level of Citizen Awareness on Devolved*

Processes in Kiambu". The report returned similar findings as those of the national level with levels of citizen awareness on governance found to be very low. Both reports are available to provide more information on this subject.

One of the outcomes of this advocacy work was that citizens did a public petition to the County Assembly of Kiambu demanding for an allocation of 1% of the county budget each year to fund civic education starting from FY 2024/2025. The proposal was captured in the CIDP, ADP and the CFSP report for 2024/2025. Despite the public petition being supported by 5,060 signatures from the people of Kiambu and the proposal for funding of civic education being captured in all the relevant budget documents, the budget estimates for FY 2024/2025 did not capture the allocation of 1% for civic education revealing why a national legal framework is of crucial importance to this push for citizens to be more enlightened.

As a network, we are therefore keen on the County Civic Education Bill, 2024 current in Senate for consideration.

Proposals for consideration in the Bill:

Section to Amend	Current Provision	Proposed Ammendment	Justification for the Amendment
Sec. 2-	"Non-governmental organization" has the meaning assigned to it under section 2 of the Non-Governmental Organizations Co-ordination Act.	"Non-governmental organization" has the meaning assigned to it under section 2 of the Non-Governmental Organizations Co-ordination Act and the Public Benefits Organisations Act, 2013.	The Public Benefits Organisations Act, 2013 came into effect on 10 th May, 2024 and also defines public benefit organisations which have the capacity to undertake civic education
Sec. 4 (1)	(1) The National and county governments shall promote civic education by — (a) collaborating to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution;	(1) The National and county governments shall promote civic education by — (a) collaborating with non-state actors to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution and Sec 100(4) of the	The County Government Act Sec 100(4) expressly requires that the design and implementation of the civic education curriculum shall include non-state actors

		County Government Act;	
Sec. 4 (1)	(b) facilitating the establishment of channels and forums for civic education;	(b) facilitating the establishment of channels and forums for civic education that reach the lowest level of the administrative unit- the village;	Civic education is desperately needed at the village level and the Act should compel the national and county governments to devolve civic education to the village level.
Sec. 4 (1)	(d) ensuring that a percentage of the budget of the National and county governments and other entities is set aside for civic education programmes	(d) ensuring that; (i) at least 2% of the of the County Governments budget (ii) at least 0.1% of the National Government budget is set aside for civic education programmes and ring-fenced from reallocation to other budget lines.	To enable citizens exercise sovereign power under Article 1 of the Constitution of Kenya, there is need to secure funding for comprehensive and purposive civic education by government and guarantee that the budgeted funds are not reallocated during supplementary budgets
Sec. 4 (2)	(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;	(2) The county executive committee member shall for purposes of subsection (1) — (a) enter partnerships with registered non-state actors and local educational institutions in order to promote the growth of civic education;	Registered Non-State Actors bring more value than international educational institutions in county civic education programmes as they are in touch with the citizens
Sec. 7	7. The county executive member shall designate a Unit to be known as the County Civic Education Unit.	7. The county executive member shall designate a Unit to be known as the County Civic Education Unit which shall consist of an equal number of state and non-state actors. The non-state actors will be nominated to the Unit by the county	To deal with the risk of county governments frustrating non-state actors in county civic education programmes and in line with Sec 100 of the County Government Act, the County Civic Education Unit should be constituted by state and non-state actors just like

		network(s) representing non-state actors based on their respective expertise.	the County Budget and Economic Forum. The head of the unit can be appointed by the CEC member as provided for in sec. 10 of the Act
Sec. 9	9. (1) A county government shall ensure that part of the county government's annual budget is allocated to civic education activities in the county.	9. (1) A county government shall ensure that 2% of the county government's annual budget is allocated to civic education activities in the county.	There is need for the Act to expressly state a percentage of the budget that should go to civic education for all counties. If this is left to each county government to decide, other county governments may allocate insignificant budgets that defeat the objects of this Act
Sec. 13	13. (1) The unit shall within sixty days upon receipt of an application under section 10	13. (1) The unit shall within thirty days upon receipt of an application under section 10	The processing period should be reduced from 60 days to 30 days
Sec. 21	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.	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. This annual report will be submitted to the County Assembly by the County Governor as provided for in Sec. 92(2) of the County Government Act	Sec 92(2) of the County Government Act provides that the Governor shall submit an annual report to the County Assembly on citizen participation in the affairs of the county government.

Signed:

Michael K. Mburu - Clerk, Bunge Mashinani Initiative
Rosemary Kinuthia - Chairperson, Kiambu County Empowerment Network



KENYA DEVOLUTION CSOs WORKING GROUP

Host Organisation Contacts:

Act Change Transform (Act!) Nairobi Office:

Woodlands Road, Off Dennis Pritt/ Lenana Road Kilimani

P.O. Box 76390-00508. Nairobi-Kenya

Tel: +254 20 8179231/ 8179240

Cell: +254 722203721/ 771634555

Clerk,
Senate of Kenya
Parliament Buildings
NAIROBI
17th May, 2024

SUBMISSIONS TO THE COUNTY CIVIC EDUCATION BILL, 2024 BY THE KENYA DEVOLUTION CSOs WORKING GROUP (KDCWG)

About the Kenya Devolution CSOs Working Group:

The Kenya Devolution CSOs Working Group is a national umbrella body of county civil society networks operating across the 47 counties and working towards strengthening of devolution in Kenya. The KDCWG, established with support from the Kenya Devolution Programme, has a membership of over 11,000 grassroots organisations spread across the counties with a common objective of addressing national issues that affect devolution and hence service delivery to the people of Kenya. The KDCWG is led by a National Steering Committee.

Background of the submissions:

The KDCWG appreciates the proposed County Civic Education Bill, 2024 sponsored by Senator Esther Okenyuri that seeks to address important gaps in the delivery of structured and coordinated civic education to the people of Kenya. We place high premiums on the role of civic education in deepening public participation towards better governance and development in Kenya. We therefore welcome this proposed legislation with the changes proposed as below.

Proposed Amendments to the County Civic Education Bill, 2024:

Section to Amend	Current Provision	Proposed Amendment	Justification for the Amendment
Sec. 2-	"Non-governmental organization" has the meaning assigned to it under section 2 of the Non-Governmental Organizations Co-ordination Act.	"Non-governmental organization" has the meaning assigned to it under section 2 of the Non-Governmental Organizations Co-ordination Act and the Public Benefits Organisations Act, 2013.	The Public Benefits Organisations Act, 2013 came into effect on 10 th May, 2024 and also defines public benefit organisations which have the capacity to undertake civic education
Sec. 4 (1)	(1) The National and county governments shall promote civic education by — (a) collaborating to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution;	(1) The National and county governments shall promote civic education by — (a) collaborating with non-state actors to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution and Sec 100(4) of the County Government Act;	The County Government Act Sec 100(4) expressly requires that the design and implementation of the civic education curriculum shall include non-state actors
Sec. 4 (1)	(b) facilitating the establishment of channels and forums for civic education;	(b) facilitating the establishment of channels and forums for civic education that reach the lowest level of the administrative unit- the village;	Civic education is desperately needed at the village level and the Act should compel the national and county governments to devolve civic education to the village level.
Sec. 4 (1)	(d) ensuring that a percentage of the budget of the National and county governments and other entities is set aside for civic education programmes	(d) ensuring that; (i) at least 2% of the of the County Governments budget (ii) at least 0.1% of the National Government budget is set aside for civic education programmes and ring-fenced from reallocation to other budget lines.	To enable citizens exercise sovereign power under Article 1 of the Constitution of Kenya, there is need to secure funding for comprehensive and purposive civic education by government and guarantee that the budgeted funds are not reallocated during supplementary budgets

Sec. 4 (2)	(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;	(2) The county executive committee member shall for purposes of subsection (1) — (a) enter partnerships with registered non-state actors and local educational institutions in order to promote the growth of civic education;	Registered Non-State Actors bring more value than international educational institutions in county civic education programmes as they are in touch with the citizens
Sec. 7	7. The county executive member shall designate a Unit to be known as the County Civic Education Unit.	7. The county executive member shall designate a Unit to be known as the County Civic Education Unit which shall consist of an equal number of state and non-state actors. The non-state actors will be nominated to the Unit by the county network(s) representing non-state actors based on their respective expertise.	To deal with the risk of county governments frustrating non-state actors in county civic education programmes and in line with Sec 100 of the County Government Act, the County Civic Education Unit should be constituted by state and non-state actors just like the County Budget and Economic Forum. The head of the unit can be appointed by the CEC member as provided for in sec. 10 of the Act
Sec. 9	9. (1) A county government shall ensure that part of the county government's annual budget is allocated to civic education activities in the county.	9. (1) A county government shall ensure that 2% of the county government's annual budget is allocated to civic education activities in the county.	There is need for the Act to expressly state a percentage of the budget that should go to civic education for all counties. If this is left to each county government to decide, other county governments may allocate insignificant budgets that defeat the objects of this Act
Sec. 13	13. (1) The unit shall within sixty days upon receipt of an application under section 10	13. (1) The unit shall within thirty days upon receipt of an application under section 10	The processing period should be reduced from 60 days to 30 days
Sec. 21	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.	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. This annual	Sec 92(2) of the County Government Act provides that the Governor shall submit an annual report to the County Assembly on citizen participation in the affairs of the county government.

		report will be submitted to the County Assembly by the County Governor as provided for in Sec. 92(2) of the County Government Act	
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Signed:

Civic Education and Public Participation Committee
National Steering Committee

Kenya Devolution CSOs Working Group.

Members:

Michael K. Mburu	- Committee Convener
Beneldine Kipruto	- Member
Sherry Muthaura	- Member
Malusha Abedi	- Member (co-opted)
Evans Boss Kibet	- National Convener

MEMORANDUM ON THE COUNTY CIVIC EDUCATION BILL, (Senate Bills. No. 4 of 2024)

THE CHAIRPERSON,

The Senate Standing Committee on Justice, Legal Affairs and Human Rights.

Thro'

The Clerk of the Senate,

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

FROM;

WECARE COMMUNITY-BASED ORGANIZATION

P.O.BOX PRIVATE BAG,

MASENO, KENYA

wecare518@gmail.com

+254797680921

&

MASENO TRANSPARENCY & INTEGRITY CLUB,

P.O BOX PRIVATE BAG,

MASENO KENYA,

Joyachungo123@gmail.com

0748815519

RE: SUBMISSION OF MEMORANDUM ON THE COUNTY CIVIC EDUCATION BILL, (Senate Bills. No. 4 of 2024)

INTRODUCTION.

WeCare Community Based Organization is a registered youth-led organization in Kenya whose sole purpose is to enhance and strengthen the capacity of citizens, especially the youth to meaningfully and effectively participate in the governance and development process through public participation and driving public policy innovation to help build a free, just, and sustainable community.

BACKGROUND

WeCare Community-based organization has analyzed the County Civic Education Bill 2024 herein referred to as 'The Bill' presented before the National Assembly on 24 February 2024. Following the provisions as set out in the Bill, it is duly noted that the amendments are proposed to the Civic Education Legal Framework.

The primary objective of the bill is to establish a legal framework for the promotion of civic education in Kenya to facilitate building responsible citizenship, civic education and democratic values among the citizens. We concur with the stipulations outlined in the County civic education Bill, save for certain provisions to which we harbor reservations. Said reservations are expounded upon hereinafter.

PART II

Section 4; Role of National and County Government

Recommendation; The proposed part should clearly distinguish the functions and the extent of powers of the County Executive Committee member and the Cabinet Secretary for devolution.

Justification; This distinction is essential to prevent jurisdictional overlaps, enhance administrative efficiency, ensure accountability, and provide clear guidance on the scope of authority and responsibilities for each office.

PART III

Section 9 ;Funding of civic education

Recommendation; The proposed section should expressly delineate the precise budgetary allocation and the proposed methodology for such allocation. Furthermore, it should unambiguously stipulate whether the aforementioned budget shall be subject to a cap or not.

Justification; To ensure the proposed system is well-funded and operates smoothly, it is crucial to establish a clear budgetary framework. A budgetary framework ensures that the civic education

system is well-funded, transparent, and sustainable, while maintaining fiscal discipline and flexibility to adapt to future needs.

Section 11 & 12- Registration of county civic education providers

Recommendation;The proposed section should delineate the requisites and procedures governing the registration of county civic education providers. Moreover, it should establish a rationale for the fees levied, specifying standardized amounts payable at designated intervals.

Justification;Enhancing Accountability:A structured registration and fee system promotes accountability among civic education providers, ensuring they meet regulatory requirements and deliver effective programs.

This type of approach ensures that civic education providers are properly vetted, qualified, and committed, fostering a robust system that effectively educates the public on their rights and responsibilities in the complaint and appeal process.

Section 17 (1) Grounds for de-registration

Recommendation;The provision should unequivocally outline the procedure for the deregistration of institutions, along with the establishment of conclusive evidence attesting to the deregistered status of such entities.

Justification;This is essential to ensure transparency and accountability in the deregistration process, prevent legal ambiguities, and provide clear, verifiable documentation for all stakeholders involved.Further, this shall prevent political interference

Section 19 (1) Application from an order of refusal or deregistration

Recommendation;The provision should distinctly delineate the procedure, requisite documentation, and timeframe for lodging a complaint, as well as the permissibility of appeal against any determination. Additionally, it should detail the qualifications of judicial officers who shall decide on the presented complaints and prescribe their sitting intervals. The overarching aim is to establish a coherent and functional system.

Justification; Efficiency: Clear procedures and time frames ensure swift resolution of complaints and appeals, reducing delays and backlog.

Transparency: Standardized forms and online tracking enhance transparency and accountability.

Accessibility: Online and in-person options make the system accessible to all, regardless of technological proficiency.

Fairness: Qualified judicial officers and a transparent appointment process ensure fair and impartial adjudication.

Consistency: Regular sitting intervals and special sessions prevent case pile-up, ensuring consistent case handling.

A clear system promotes a fair, efficient, and transparent legal process, enhancing public trust in the judicial system and ensuring justice is accessible and timely.

General Recommendation: The Bill does include a provision for the accessibility of the Civic Education Facilities with regards to Persons with disabilities.

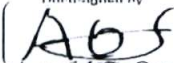
Justification: This inclusion is justified to promote inclusivity, adhere to principles of equal opportunity, and comply with legal standards pertaining to the rights of individuals with disabilities.

CONCLUSION

Finally, we hereby express our full concurrence with the provisions outlined in The County Civic Education Bill, 2024. We consider this Bill as indispensable and crucial for the introduction of the legal framework governing Civic Education.

This memorandum has been submitted in good faith and it's our prayer that the recommendations will be put into consideration.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'A. Osano', is written over a circular stamp that contains the text 'DocuSigned by'.

Arnold S. Osano- Executive Director WeCare Organization.



THE CLERK OF THE SENATE

P.O. BOX 41842-00100

NAIROBI.

Email: clerk.senate@parliament.go.ke

CC

Email: senatejlahr@parliament.go.ke

17TH MAY, 2024.

RE: SUBMISSION ON THE COUNTY CIVIC EDUCATION BILL , 2024

INTRODUCTION

The proposed THE COUNTY CIVIC EDUCATION BILL, 2024 seeks 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.

Who are we?

The Coast Regional Budget Hub is a civic engagement space that operates in Mombasa, Kwale, Kilifi, Lamu, Taita Taveta and Tana River Counties. The Coast Regional Budget Hub is composed of budget coordinators, facilitators and community budget champions, drawn from organizations or individuals in the six coastal counties. Our key mandate is budget advocacy, and to ensure fiscal decisions undertaken by the government at the county and national level, addresses the developmental needs of our communities through better services.

Our Observations, interpretation and Understanding of the proposed Bill.

No.	PROVISION IN THE BILL /CLAUSE	ISSUE OF CONCERN/ ASK	RECOMMENDATION	JUSTIFICATION
1.	2. Interpretation	<p>“Non-governmental organization” has the meaning assigned to it under section 2 of the Non-Governmental Organizations Co-ordination Act. – No. 19 of 1990.</p> <p>The Act has been repealed thus The Public Benefits Organizations Act, 2013 has be operationalized by the Cabinet Secretary for Interior and National Administration) by a SPECIAL ISSUE</p> <p>Kenya Gazette Supplement No. 100 (Legislative Supplement No.38)</p> <p>Legal Notice No.78 dated 9th may, 2024</p>	"public benefit organization" means an organization as provided under section 5 of the Public Benefits Organizations Act, 2013	The Public Benefits Organizations Act, No. 18 of 2013



<p>New</p> <p>PART II - COUNTY CIVIC EDUCATION</p>	<p>Need for clarity in the use of the word “facilitative structures” (2) The county executive committee member shall for purposes of subsection (1) — (g) put in place facilitative structures that ensure the access to civic education at the national and county levels.</p> <p>4. (1) The National and county governments shall promote civic education by — (a) collaborating to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution;</p>	<p>“facilitative structures” “does not relate to the buildings</p> <p>4. (1) The National and county governments shall promote civic education by — (a) collaborating to determine the contents of the curriculum for civic education taking into account the provisions of Article 11 and Article 33 of the Constitution;</p>	<p>Need for clarity in the use of the word</p> <p>THE CONSTITUTION OF KENYA(COK 2010) 11. Culture (1) This Constitution recognises culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. (2) The State shall— (a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage; (b) recognise the role of science and indigenous technologies in the</p>
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	<p>P A R T III – COUNTY CIVIC EDUCATION PROVIDERS</p>	<p>(b) establish programmes for the certification and admission of non-governmental organizations and other non-state actors into the county civic education programmes;</p> <p>(e) keep and maintain a directory of non-governmental organizations and other non-state actors of providing civic education;</p> <p>6. (1) In realising the objectives of this Act, every county government shall establish county civic education programmes.</p> <p>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.</p> <p>13.(1) The unit shall within sixty days</p>	<p>b) establish programmes for the certification and admission of public benefits organizations and other non-state actors into the county civic education programmes;</p> <p>(e) keep and maintain a directory of public benefits organizations and other non-state actors of providing civic education;</p> <p>6. (1) In realising the objectives of this Act, every county government shall develop county civic education programmes.</p> <p>11. The Unit cannot be responsible in the registration of Public Benefit Organizations as there are already regulations of the registration and de-registration of PBOs in the Public Benefit Organization Act. The Unit should then work closely with the Authority to ensure that the PBOs providing</p>	<p>development of the nation; and (c) promote the intellectual property rights of the people of Kenya</p> <p>THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013 No. 18 of 2013</p> <p>THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013 No. 18 of 2013</p> <p>THE PUBLIC BENEFIT ORGANIZATIONS ACT, 2013 No. 18 of 2013</p> <p>Putting the Civic Education Unit responsible for registration of PBOs would encourage County Government</p>
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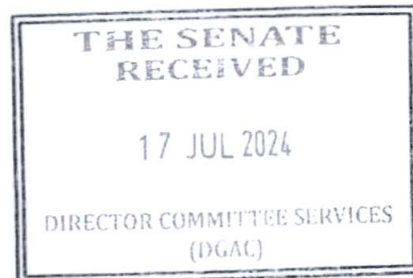


			civic education are duly registered with the Authority. The part should be omitted.	Officials register their own organizations that will work with the County Governments
22		22. (1) The Cabinet Secretary may make regulations generally for the better carrying out of the provisions of this Act .	Should read the County Secretary shall make regulations generally for the better carrying out of the provisions of this Act	This will make it mandatory for the Cabinet Secretary to make the regulations.
23		.A county assembly may enact county legislation to give further effect to the provisions of this Act in t h e respective county .	Should read the County Assembly Shall enact County Legislation to give further effect to the provisions of this Act in the respective County.	County Government Act of 2012 Section 101. Institutional framework for civic education Subject to section 100, County legislation shall provide the requisite institutional framework for purposes of facilitating and implementing civic education programmes under this Part.



Contact Person,
Josephine Nyamai,
Lead Coordinator, Coast Regional Budget Hub
Contacts: jnyamai70@gmail.com or
crbhhub@gmail.com
+25470686079

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③ HOD - Governance
Lead Clerk - J. LASSER

You are dealing
17/07/2024

Director

This submission

②

DGAC

I think this is for
SLAC

The County Civic Education Bill, 2024 Clause by Clause Recommendations to Parliament on the CIVIL EDUCATION BILL, 2024

The Commission has considered the Civil Education Bill and has drafted a memorandum with recommendations for your consideration by Parliament.

We hereby submit our recommendation based on the following Constitutional provisions.

A. Constitutional Basis of our memorandum

This memorandum is premised on the objects of Chapter 12 of the Constitution of Kenya (COK) 2010 on Public Finance as articulated under Articles 201(a), (b), and Article (c), 205(1) and (2), and (2), Article 219 and Article 249 (1) (a) of the Constitution.

1. Of special reference, is article 205(1), which spells out the requirement to make recommendations to Parliament “(1) When a Bill that includes provisions dealing with the sharing of revenue, or any financial matter concerning county governments is published, the Commission on Revenue Allocation shall consider those provisions and may make recommendations to the National Assembly and the Senate.

AND

2. Article 205(2), which states that these recommendations shall be tabled in Parliament, and each house shall consider the recommendations before voting on the Bill.

B. Specific Constitutional Mandate



Over and above the above powers and functions outlined in the above section, Article 216 of the CoK outlines the key mandate of the Commission as below:

- (1) The principal function of the Commission on Revenue Allocation is to make recommendations concerning the basis for the equitable sharing of revenue raised by the national government—
 - (a) between the national and county governments; and
 - (b) among the county governments.
- (2) The Commission shall also make recommendations on other matters concerning the financing of, and financial management by, county governments, as required by this Constitution and national legislation.
- (3) In formulating recommendations, the Commission shall seek—
 - (a) to promote and give effect to the criteria set out in Article 203(1);
 - (b) when appropriate, to define and enhance the revenue sources of the national and county governments; and
 - (c) to encourage fiscal responsibility.

BACKGROUND INFORMATION

This Bill seeks to establish a legal framework for undertaking civil education in counties



C. ANNEXTURE 01/2024 CLAUSE BY CLAUSE ANALYSIS

Serial No.	Clause	Recommendation	Justification for CRA Position
1.	Clause 2 Interpretation	<p>Add a definition for the phrase “<i>Civic Education</i>” in its right alphabetical sequence</p> <p>Cabinet secretary currently defined as cabinet secretary responsible for matter relating to devolution</p> <p>Recommendation Add “or equivalent to cabinet secretary” after devolution</p> <p>County executive committee member current defined as county executive committee member responsible for matters relating to devolution.</p> <p>Recommendation Delete the word “devolution” and insert “civic education and public administrative or equivalent</p>	For clarity on meaning and scope of the phrase which is the core of the proposed law
2.	Clause 3 Object	<p>The clause lists various objects of the proposed law.</p> <p>Recommendation:</p> <p>Include as part of the objects in this clause under (i)</p>	To align with Article 27 of the Constitution on non-discrimination and inclusivity



Serial No.	Clause	Recommendation	Justification for CRA Position
		inclusion of special interest groups (minorities and marginalized, women, children, elderly and persons with disability) in civic education platforms and programmes	
3.	Clause 4 (d)	<p>this clause provides for the national and county government role in promoting civic education</p> <p>(d)ensuring that a percentage of the budget of the national and county governments and other entities is set aside for civic education programmes</p> <p>recommendation the national government should come up with a policy for civic education</p> <p>4(2)(g) provides, put in place facilitative structure that ensure the access to civic education at the national and county Level</p> <p>Recommendation Put in place facilitative structures that ensures the accesses to civic education at county level in coordination with the national level</p>	<p>This will not be effective if there is no policy of the national government</p> <p>This is to enhance the provision and ensure coordination between the county level and national level</p>
4.	Clause 5 Mandatory civic education training	<p>This clause provides that-</p> <p><i>Public officials, including elected and appointed officials at national and county levels Shall undergo on their roles, responsibilities and obligations as public servants.</i></p>	For clarity and enforceability



Serial No.	Clause	Recommendation	Justification for CRA Position
		<p>This provision maybe well intended but it is vague.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> a) Include a timeline within which the training is to be done and by who (duty bearer) consistently b) The scope infers all public servants including those already in office which is very broad and costly. Limit to county government. c) It is unclear how such a provision will be enforceable if not complied with and as to who is in-charge of ensuring compliance. This needs to be clarified 	
5-	<p>Clause 6</p> <p>County Civic Education Programmes</p>	<p>This clause provides that all county governments shall establish County Civic Education Programmes</p> <p>Sub clause (2) reads- The County Executive Member shall for purposes of sub section (1)- Establish online and other innovative platforms setting out information on existing civic education platforms</p> <p>Recommendations: Should be deleted and enhance clause 4 (g)</p>	To avoid repetitiveness



Serial No.	Clause	Recommendation	Justification for CRA Position
6.	Clause 9 Funding of Civic education	This clause provides under (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 Recommendation: Set a minimum percentage allocation	For clarity
7.	Clause 12 Application for registration as a county civic education provider	Provides for possibility of fees being charged for entities registered as civic education providers at a county under sub clause (1). Recommendation: Delete any fee payment for civic education	Civic education is a public interest issue that should not attract fees

General recommendation

The unit created under clause 11 is an administrative aspect of a county that may be subject to change and yet has been granted responsibilities such as issuance of certificates of registration etc. The county government is the one recognized in law and hence such functions belong to a county government not its units. This being the case, substitute reference of the term “unit” with “county government” where applicable e.g. in clauses 12, 13, 14, 17 to align with this position.

The national government should also make there own legal framework for civic education to ensure a standardized, comprehensive, and equitable approach to teaching civic knowledge and responsibilities across the entire country, thereby fostering a more informed, engaged, and cohesive citizenry.



**OFFICE OF THE DEPUTY PRESIDENT
STATE DEPARTMENT FOR DEVOLUTION**

**SUBMISSION TO THE SENATE STANDING COMMITTEE ON JUSTICE LEGAL AFFAIRS AND
HUMAN RIGHTS.**

MEMORANDA ON THE COUNTY CIVIC EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF 2024).

**STATE DEPARTMENT FOR DEVOLUTION (SDD) -COMMENTS ON THE COUNTY CIVIC
EDUCATION BILL, 2024 (SENATE BILLS NO.4 OF 2024)**

INTRODUCTION

Mandate of the State Department for Devolution

The Mandate of the State Department for Devolution is derived from the Constitution of Kenya, the County Government Act, Chapter 265, Intergovernmental Relations Act, Chapter 265F, and the Presidential Executive Order No.2/2023 which outlines its role as;

- Coordination of Intergovernmental Relations between the National government and County government.
- Capacity Building and Technical Assistance to Counties,
- To provide policy and leadership in the Devolved system of government.

The legal foundation for Civic Education is as follows:

A. Constitution of Kenya

- Article 10 (2)(a) identifies public participation as an important national value and principle of governance binding all state organs, state officers, public officers and all persons in the interpretation as well as the implementation of the Constitution.
- Article 33 (1) (a), 35; 38; 42; 50 provide for mechanisms of Civic education
- Article 88(4)(g) Voter education as an electoral process.
- Article 174 and 175 on the objects and principles of devolution in the promotion of democratic exercise of power and participation of people in decision making.

- Article 196 mandates County Assemblies to facilitate public participation in the legislative processes of the County.
- Article 201-203; 221 Public participation in Budget making.
- Article 232 (d) people shall be involved in decision making.

B. Legislations

- County Government, Cap 265 section 98-101; 137.
- Intergovernmental Relations, Cap 265F section 4(d).
- Urban Areas and Cities, Cap 275 section 3(c).

C. Policy on the Devolved system of Government in Kenya, 2016

BACKGROUND TO CIVIC EDUCATION

Since the enactment of the COK, there has been good progress in Civic education and Civic engagement in Kenya. Government Agencies and Civil Society Organization (CSOs) have provided civic education in various forms. In the past Civic education initiatives focused on a wide range of issues and themes, however many of these were not provided under a common curriculum. The COK and introduction of devolution raised the need to ensure provision of comprehensive civic education on the devolved system of government. A review of the provision of civic education in Kenya has revealed gaps which hamper the full realization of civic education in Kenya. Such challenges include: Inadequate public participation, inadequate competencies and skills, weak coordination, lack of curriculum and delivery method, poor coordination, lack of a legal framework on public participation on civic education.

Despite these challenges, there are opportunities to enhance public participation and civic education by National and County Governments through development of a legislative framework for provision of civic education.

The lessons learnt from past civic education initiatives continue to inform design and delivery of Civic education by different actors in Kenya. Over the past 15 years several civic education initiatives with a national reach have been developed and implemented. The lessons learnt and emerging issues have necessitated the development of a National Civic Framework to guide civic education at both National and County Governments.

The State Department for Devolution in exercise of its above mandate has reviewed the Bill shared and comments as follows;

Clause of the bill	Provision	Comment	Justification
Title	Long Title an Act of Parliament..... undertaking civil education....	Replace “ civil ” with “ civic ”	To align with the terminologies used in the Constitution (COK) and other legal frameworks.
1	Part I- Preliminary Short title	Clause 1 Rename the bill from County Civic Education to “ National and County	Promote intergovernmental relations in accordance with Article 6 (2) of the Constitution

		Government Civic Education Bill, 2024”	of Kenya that states that the Governments at the National and County levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.
	2-interpretation	<p>Clause 2 Amend the definition of “the Cabinet Secretary responsible for matters relating to devolution” and replace with the words “the Cabinet Secretary related to the matters of Devolution and Intergovernmental Relations.”</p> <p>Amend the definition of the word “the County Executive Committee Member responsible for matters relating to devolution” and replace with the “the County Executive Committee Member responsible for matters relating to Civic Education and Public Participation”</p>	<p>To align with other devolution related legislations.</p> <p>To align to other related legislation and established County structures.</p>

		<p>Amend the word “Non-governmental organization coordination Act...”under section 2 of the Non-Governmental Organization Co-ordination Act” to read the “Public Benefits Organization Act No 18 of 2013”</p> <p>Replace “No 19 of 1990” of the marginal notes with No 18 of 2013</p>	To align with the Public Benefits Act No 18 of 2013.
3	Object of this Act	<p>Rephrase 3(d) to read “Knowledge on the devolved system of governance, context and implication “</p> <p>Delete 3(h) and Replace with “Promoting public understanding and ownership of County Projects, Programmes and socio-economic Plans.”</p>	<p>For purposes of clarity and avoidance of repetition.</p> <p>Align to the National and County governments Economic Blueprint</p>
	The Role of Cabinet Secretary responsible for matters.....	Introduce a marginal note on “the role of the Cabinet Secretary Devolution and	To recognize the role of the Cabinet Secretary Devolution and Intergovernmental

		<p>Intergovernmental Relations”.</p> <p>Insert after section 3 of the Bill a new provision on the Role of the Cabinet Secretary responsible for matters relating to Devolution and Intergovernmental relations in Civic Education matters as follows:</p> <p>(a) The Cabinet Secretary will provide leadership and Policy guidance in provision and facilitating of Civic Education.</p>	<p>Relations in provision and facilitating Civic Education.</p>
4	<p>PART II – COUNTY CIVIC EDUCATION</p> <p>- Role of national and county governments</p>	<p>Amend the title of Part II to read National and County Civic Education</p>	<p>This is to align it with the Section 137 of the County Government Act which provides “that the ministries and state Department and County governments to design and coordinate civic education on devolution create capacity and facilitate County Governments” to</p>

		<p>Clause 4(1) Introduce a new role for 4(1) (g) after 4(h) to read “Monitoring and Evaluation of Civic Education”.</p> <p>Introduce a new marginal note to read “4(2) for the establishment National Civic Education Steering committee”</p> <p>Insert a new Clause before 4(2) to provide for the establishment of a National Civic Education Steering Committee (NCESC) with a Secretariat in the State Department responsible for devolution and intergovernmental matters.</p>	<p>effectively assume their responsibilities in their delivery of civic education to citizens.</p> <p>Monitoring and Evaluation of Civic Education is a key role of both levels of Governments for oversight and policy direction.</p> <p>To provide for the establishment of the Committee</p> <p>The NCESC will be a high-level advisory body with the responsibility of providing direction on delivery of civic education at the national and the county levels. We recognize that the Civic Education providers in Kenya include the three arms of government including ministries,</p>
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		<p>The Committee will have broad representation from all the main groups providing civic education in the country.</p> <p>The responsibilities of the NCESC will include:</p> <ul style="list-style-type: none"> i) Ensuring adherence to principles of civic education; ii) Promoting the values and principles of governance; iii) Enhancing achievement of objectives of civic education; iv) Mobilizing resources to facilitate civic education; v) Developing and guiding on implementation of policy at national and county levels; vi) Advising the national and county governments on civic education; vii) Receiving and addressing complaints and 	<p>departments and agencies; constitutional bodies and non-state actors particularly CSOs.</p> <p>The purpose of the NSESC is to coordinate the various Civic Education providers</p>
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		<p>grievances on civic education; and</p> <p>viii) Monitoring and reviewing implementation of civic education activities.</p> <p>Introduce a marginal note on “the role of the County Executive Committee member after 4(1)”</p> <p>A new Clause 4(2) should be introduced, “County Civic Education Steering Committee”.</p> <p>It should then read: 4(2) In realizing the objectives of this Act, every county government shall establish a county civic education steering committee.</p> <p>4(2) The county civic education steering</p>	
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		<p>committee shall for purposes of Clause (1)-</p> <ul style="list-style-type: none"> i. Ensure adherence to principles of civic education; ii. Promote the values and principles of governance; iii. Enhance achievement of objectives of civic education; iv. Mobilize resources to facilitate civic education; v. Develop and guiding on implementation of policy at national and county levels; vi. Advise the national and county governments on civic education; vii. Convene and coordinating civic education actors at the county level. viii. Convene at the county level, sector working groups along the thematic areas. 	
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		<p>ix. Receive and addressing complaints and grievances on civic education; and</p> <p>x. Monitor and reviewing implementation of civic education activities.</p> <p>Clause 4(2) should not refer to the county executive member but the county government so that it reads: “The county government shall for purposes of subsection (1) ...”</p> <p>In the former 4(2) (a) which should now be section 4(3) (a) insert “into” between “enter” and “partnerships” To read: enter into partnerships with”</p>	<p>This is because entering into partnerships or agreements is done or entered into by the government not officers.</p>
		<p>Clause 4 (2)(a) Consider inserting a provision to provide for curriculum on Civic education in schools.</p>	<p>This will inculcate a culture of Civic Education in our learning institutions.</p>

	5- Mandatory Civic Education	Clause 5 Insert a provision that the mandatory Civic Education Training shall be carried out in a recognized training institution.	These institutions will run a programme based on a national curriculum and materials developed within acceptable norms and standards by national Government.
6	County civic education programs	<p>Clause 6 (2) should read, “The county executive committee member shall in accordance with Clause 4(2)- (a) establish.....civic education programmes; and (b) prescribe..... this Act.</p> <p>a) Add a new Clause 6(3) to read: “The county executive committee member shall in collaboration with stakeholders be</p>	<p>This will ensure that the County Civic Education Steering Committee provides checks and balances in the management of civic education in the counties.</p> <p>To provide for the responsibilities of the county executive committee member in Civic Education.</p> <p>This will give express responsibility to the CECM so as to ensure the Civic Education Unit works with clear chain of command in undertaking the function.</p>

		responsible for implementing civic education”.	CECM can then be held accountable.
7	Establishment of county civic education unit	<p>Amend to read: “...County Public Participation and Civic Education Units”</p> <p>In view of the newly proposed 6(3), the section 7 could read, “The county executive committee member shall for purposes of the objectives of this Act and particularly Clause 6(3) designate a unit to be known as the County Public Participation Civic Education Unit.”</p>	Public engagement and civic education are interconnected therefore align with the existing structures in the county governments.
8	Functions of the County Civic Education Unit	Clause 8(h) delete the word “including organizing” replace with the word “organize” .	

9	Funding of civic education	<p>Clause 9(1) add the word “The National and a County Government shall.... ensure that part of the National and County Government’s annual budgets.... in the Country”.</p> <p>Clause 9(2) Amend to read as: “The national government may issue conditional grants to county governments to build the capacity of County government entities and fund civic education programmes in the counties”.</p>	The National and County Government have a concurrent role to provide civic education hence the need for funding.
11	Part III – County Civic Education Providers.	Insert a new Clause 11(2) in 11.... “the Cabinet Secretary responsible for matters relating to Devolution and Intergovernmental relations shall be responsible for accreditation of Civic Education providers” .	The National Government is responsible for Norms and Standards.

12	Application for registration as a county civic education provider	<p>delete Clause 12 (1)</p> <p>Clause 12(3) Amend to read: “The unit may require the applicant to submit such further information as the unit may from time to time determine subject to the guidance and/or approval of the County Civic Education Steering Committee”.</p> <p>Delete Clause 12(4) (b)</p>	<p>The role of the civic education providers is to compliment the role of National and County government in provision of civic education. National and County governments can do accreditation of Civic Education providers.</p> <p>For clarity and to avoid being over prescriptive.</p> <p>It is more appropriate to have Civic Education registration at the County Level as the lower unit may not have the capacity to process registration.</p>
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19	Application from an order of refusal or de-registration	Clause 19(3) Amend to read: “A person aggrieved by the decision of the county executive committee member may within thirty (30) days appeal to the County Civic Education Steering Committee for a review of the decision”.	This is to ensure transparency, due process and accountability so that an aggrieved party can proceed and appeal to the County Civic Education Steering Committee.
21	Part V -Miscellaneous provisions	Remove Clause 21 Monitoring and Evaluation from the miscellaneous provisions and underscore it as one of the roles of the National and County governments in clause 4(1) (g) of the bill.	

***ANNEX 5: Matrix of
submissions on the Bill***

THE SENATE



MATRIX

THE COUNTY CIVIC EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF 2024)

Stakeholders:

1. Mombasa County Development Trust (MCDT)
2. WeCare, Community-Based Organization
3. Coastal Region Budget Hub (CRBH)
4. Kenya Devolution Csos Working Group (KDCWG)
5. Kiambu County Civil Society (KCCS)
6. University of Nairobi African Women Studies Research Centre (Women Economic Empowerment Hub) (UoN WEE)
7. Office of the Attorney-General (OAG)
8. Council of Governors (COG)
9. State Department for Devolution (SDD)
10. Commission on Revenue Allocation (CRA)

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
Long title	OAG	Delete the word “civil” and replace with the word “civic”		
	SDD	Replace “civil” with “civic”	To align with the terminologies used in the Constitution (COK) and other legal frameworks.	
1	SDD	Rename the bill “the National and County Government Civic Education Bill, 2024”	Promote intergovernmental relations in accordance with Article 6(2) of the Constitution that states that the	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			Governments at the National and County levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.	
2	CRA	<ol style="list-style-type: none"> 1. Add the definition of the word “civic education”; 2. In the definition of the word “Cabinet Secretary” add “or equivalent cabinet secretary” at the end; and 3. In the definition of the word “county executive committee member” delete the word “devolution” and insert the words “civic education and public administration or equivalent. 	For clarity on meaning and scope of the phrase which is the core of the proposed law.	
	CRBH/KDCWG/ KCCS	<p>Amend the meaning of NGO by deleting it.</p> <p>The Non-Governmental Organizations Co-ordination Act. – No. 19 of 1990 which gave its meaning has since been repealed</p> <p>Replace the NGO with PBO</p>	"public benefit organization" means an organization as provided under section 5 of the Public Benefits Organizations Act, 2013	
	CRBH	Define the term “facilitative structures” appearing in clause 4(2)(g)	“facilitative structures “does not relate to the buildings only and need to clarify its meaning further.	
	SDD	Amend the definition of “the Cabinet Secretary responsible for matters relating to devolution”	To align with other devolution related legislations.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>and replace with the words “the Cabinet Secretary related to the matters of Devolution and Intergovernmental Relations.”</p> <p>Amend the definition of the word “the County Executive Committee Member responsible for matters relating to devolution” and replace with the “the County Executive Committee Member responsible for matters relating to Civic Education and Public Participation”</p> <p>Amend the word “Non-governmental organization coordination Act...” under section 2 of the Non-Governmental Organization Co-ordination Act” to read the ... “Public Benefits Organization Act No 18 of 2013”. Additionally, replace “No 19 of 1990” of the marginal notes with No 18 of 2013.</p>	<p>To align to other related legislation and established County structures.</p> <p>To align with the Public Benefits Act No 18 of 2013.</p>	
	COG	<p>Insert a definition of the word “civic education” as follows –</p> <p>“civic education” means to have an informed and empowered citizenry through the provision of</p>	<p>To address the challenge of lack a holistic definition of civic education which has affected civic education.</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		information and learning experiences in governance affairs on the basis of enhanced knowledge, understanding and ownership of the Constitution.		
3	CRA	<p>Insert the following new paragraph –</p> <p>(i) inclusion of special interest groups (minorities and marginalized, women, children, elderly and persons with disability) in civic education platforms and programs.</p>	To align with Article 27 of the Constitution on non-discrimination and inclusivity.	
	UoN WEE	<p>Introduce two new sub-clauses after sub-clause (i) as follows;</p> <p>(j) enhance awareness on the historical discrimination of special interest groups of women, youth, persons with disability and minority and marginalized communities in the social, economic and political spheres of the nation.</p> <p>(k) curation of affirmative action solutions to bridge the historical discrimination of special interest groups of women, youth, persons with disability and minority and marginalised communities in the</p>	Women, youth, people with disabilities, minorities, and marginalized communities have historically faced societal, economic, and political disadvantages. The new constitution recognized the need to elevate the status of these groups, acknowledging their deplorable situation. Parliament has broad authority to enact affirmative action policies that favor specific groups under the constitutional framework.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		social, economic and political spheres of the nation		
	SDD	<p>Rephrase 3(d) to read “Knowledge on the devolved system of governance, context and implication”</p> <p>Delete 3(h) and Replace with “Promoting public understanding and ownership of County Projects, Programmes and socio-economic Plans.”</p>	<p>For purposes of clarity and avoidance of repetition.</p> <p>Align to the National and County governments Economic Blueprint</p>	
	COG	<p>Insert the following clause –</p> <p>(j) effective implementation of paragraph 14 part 2 of the Fourth Schedule of the Constitution;</p> <p>(k) effective implementation of Part X of the County Governments Act and other laws;</p> <p>(l) ensuring that county governments plan for and adequately budget for civic education.</p> <p>Insert a clause on guiding principles to read as follows –</p> <p>Civic education in the county government shall be guided by the following principles –</p> <p>(a) promotion of</p>	<p>To enrich the Bill and ensures that it covers the entire scope of civic education as envisioned in the Constitution and the County Governments Act.</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>empowerment and enlightenment of citizens and government;</p> <p>(b) promotion of continual and systematic engagement of citizens and government;</p> <p>(c) promotion of national values and principles of devolution in the Constitution;</p> <p>(d) provision of adequate funding for civic education;</p> <p>(e) adherence to the principles of devolution and separation of power;</p> <p>(f) adequate monitoring, evaluation, learning and feedback mechanisms;</p>		
	OAG	Revise the clause to clearly articulate the objectives of the Bill in order to avoid duplication of functions and inconsistencies with other laws.	<p>Paragraph (d) and (e) address civic education matters elections. Civic education on matters touching on elections is a function of the IEBC as provided for under section 4 of the IEBC Act.</p> <p>Paragraph (f) which address matters touching on mainstreaming of the Bill of Rights and national values is a mandate of the Kenya National Commission on Human Rights as provided for under section 8 of the</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			Kenya National Human Rights Commission Act. The objectives of the Bill as outlined under paragraphs (g), (h), and (i) are not clear.	
4	SDD	<p>Amend the title of Part II to read “National and County Civic Education”</p> <p>Introduce a new clause 4(1)(g) to read “Monitoring and Evaluation of Civic Education”.</p> <p>Insert a new Clause before 4(2) to provide for the establishment of a National Civic Education Steering Committee (NCESC) with a Secretariat in the State Department responsible for devolution and intergovernmental matters.</p>	<p>To align it with the Section 137 of the County Government Act which provides “that the ministries and state Department and County governments to design and coordinate civic education on devolution create capacity and facilitate County Governments” to effectively assume their responsibilities in their delivery of civic education to citizens.</p> <p>Monitoring and Evaluation of Civic Education is a key role of both levels of Governments for oversight and policy direction.</p> <p>The NCESC will be a high-level advisory body with the responsibility of providing direction on delivery of civic education at the national and the county levels. We recognize that the Civic Education providers in Kenya include the three arms of government including ministries, departments and agencies; constitutional bodies and non-state actors particularly CSOs.</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>The Committee will have broad representation from all the main groups providing civic education in the country.</p> <p>The responsibilities of the NCESC will include:</p> <ul style="list-style-type: none"> i) Ensuring adherence to principles of civic education; ii) Promoting the values and principles of governance; iii) Enhancing achievement of objectives of civic education; iv) Mobilizing resources to facilitate civic education; v) Developing and guiding on implementation of policy at national and county levels; vi) Advising the national and county governments on civic education; vii) Receiving and addressing complaints and grievances on civic education; and viii) Monitoring and reviewing implementation of civic education activities. <p>Insert a new Clause 4(2) on, “County Civic Education Steering Committee” to read.</p> <p>4(2) In realizing the objectives of</p>	<p>The purpose of the NSESC is to coordinate the various Civic Education providers.</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>this Act, every county government shall establish a county civic education steering committee.</p> <p>4(2) The county civic education steering committee shall for purposes of Clause (1)-</p> <ul style="list-style-type: none"> i. Ensure adherence to principles of civic education; ii. Promote the values and principles of governance; iii. Enhance achievement of objectives of civic education; iv. Mobilize resources to facilitate civic education; v. Develop and guiding on implementation of policy at national and county levels; vi. Advise the national and county governments on civic education; vii. Convene and coordinating civic education actors at the county level. viii. Convene at the county level, sector working groups along the thematic areas. ix. Receive and addressing complaints and grievances on civic education; and x. Monitor and reviewing 		

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>implementation of civic education activities.</p> <p>Clause 4(2) should not refer to the county executive member but the county government so that it reads: “The county government shall for purposes of sub-section (1) ...”</p> <p>Clause 4 (2)(a) Consider inserting a provision to provide for curriculum on Civic education in schools.</p>	<p>This is because entering into partnerships or agreements is done or entered into by the government not officers.</p> <p>This will inculcate a culture of Civic Education in our learning institutions.</p>	
	WeCare	The clause to be amended to ensure a clear distinction of roles and powers between the County CECM and the CS for Devolution.	The distinction is essential to prevent jurisdictional overlaps, enhance administrative efficiency, ensure accountability, and provide clear guidance on the scope of authority and responsibilities for each office.	
	CRA	<p>The National government should come up with a policy on civic education.</p> <p>Revise clause 4(2)(g) to read-</p> <p>(g) put in place facilitative structures that ensures the access to civic education at the county level in coordination with the</p>	<p>Clause 4(1)(d) which provide for the setting aside of a percentage of resources is set aside for civic education will not be effective if there is no policy of the National government.</p> <p>To enhance the provision and ensure coordination between the county and National levels of government.</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		National government.		
	CRBH	<p>Amend Clause 4(1)(a) by adding the words “Article 11 and” immediately before “Article 33”</p> <p>Amend Clause 4(2)(b) by replacing the term non-government organization with public benefit organizations.</p> <p>Amend Clause 4(2)(E) by replacing the term non-government organization with public benefit organizations</p>	<p>The Public Benefit Organizations Act, 2013 No. 18 of 2013 replaced the Non-Governmental Organizations Coordination Act. – No. 19 of 1990 which has since been repealed and had defined the NGO</p> <p>The Public Benefit Organizations Act, 2013 No. 18 of 2013 replaced the Non-Governmental Organizations Coordination Act. – No. 19 of 1990 which has since been repealed and had defined the NGO</p>	
	KDCWG/ KCCS	<p>Amend Sec 4(1)(a) by adding the words “non-state actors” immediately after the word collaborating and also amend by adding the words “and Sec 100(4) of the County Government Act” after Article 33 of the Constitution.</p> <p>Amend Clause 4(1)(b) by adding the words “that reach the lowest level of the administrative unit- the village;” immediately after</p>	<p>The County Government Act Sec 100(4) expressly requires that the design and implementation of the civic education curriculum shall include non-state actors</p> <p>Civic education is desperately needed at the village level and the Act should compel the national and county governments to devolve civic education</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>the word civic education.</p> <p>Amend Clause 4(1)(d) by deleting the words “a percentage of the budget of the national and county governments and other entities” immediately after ensuring that, and replacing it with new paragraphs showing the exact percentage;</p> <p>(i) at least 2% of the of County government budget</p> <p>(ii) at least 0.1% of the National Government budget</p> <p>And also add a new sentence “and ring-fenced from reallocation to other budget lines” immediately after education programs.</p> <p>Amend Clause 4(2)(a) by adding the words “registered non-state actors and local educational institutions” between enter partnership with and, in order to promote</p>	<p>to the village level</p> <p>This amendment will enable citizens to exercise sovereign power under Article 1 of the Constitution of Kenya, for there is a need to secure funding for comprehensive and purposive civic education by the government and guarantee that the budgeted funds are not reallocated during supplementary budgets</p> <p>Registered Non-State Actors bring more value than international educational institutions in county civic education programmes as they are in touch with the citizens</p>	
	UoN WEE	<p>Amend clause 4(1) by introducing a new sub-clause after sub-clause (f) to read;</p> <p>(g) Creating programmes around raising awareness and curating of affirmative action solutions to</p>	<p>It is critical to strengthen the coordination between national and county governments in the development of special interest groups.</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		advance the place of special interest groups of women, youth, persons with disability and minority and marginalized communities in the social, economic and political spheres of the nation.		
5	UoN WEE	<p>Delete the clause and replace with the following:</p> <p>5(a) 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, failure to which, they will not be formally absorbed into the public service integrated payroll system.</p> <p>5(b) The head and the leadership of that office should ensure that all new employees undergo the civic education training.</p>	This will ensure that all officials understand their positions, responsibilities, and ethical standards. This policy increases competence, eliminates corruption, and boosts public trust in government by requiring applicants to be appropriately prepared and dedicated to public service principles.	
	CRA	1. include a timeline within which the training is to be done and by who (duty bearer);	For clarity and enforceability.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>2. The scope infers all public servants including those already in office which is very broad and costly. Limit to county governments; and</p> <p>3. It is unclear how such a provision will be enforced if not complied with and as to who is in-charge of ensuring compliance. This needs to be clarified.</p>		
	SDD	Insert a provision that the mandatory Civic Education Training shall be carried out in a recognized training institution.	These institutions will run a programme based on a national curriculum and materials developed within acceptable norms and standards by national Government.	
6	CRBH	6(1) Amend by replacing the word “establish” with the word “develop”.		
	SDD	<p>Clause 6 (2) should read, “The county executive committee member shall in accordance with Clause 4(2)-</p> <p>Add a new Clause 6(3) to read: “The county executive committee member shall in collaboration with stakeholders be responsible for implementing civic education”.</p>	<p>This will ensure that the County Civic Education Steering Committee provides checks and balances in the management of civic education in the counties.</p> <p>To provide for the responsibilities of the county executive committee member in Civic Education.</p> <p>This will give express responsibility to the CECM so as to ensure the Civic Education Unit works with clear chain of command in undertaking the</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			function. CECM can then be held accountable.	
	CRA	Delete clause 6(1)(a) and enhance clause 4(2)(g).		To avoid repetition.
7	KDCWG/KCCS	Amend clause 7 by adding the words “which shall consist of an equal number of state and non-state actors. The non-state actors will be nominated to the Unit by the county network(s) representing non-state actors based on their respective expertise” immediately after the county civic education unit.	To avoid frustrating non-state actors in county civic education programs, the County Civic Education Unit should be comprised of both state and non-state actors, similar to the County Budget and Economic Forum, as per Sec 100 of the County Government Act. The CEC member can appoint the head of the unit under section 10 of the Act.	
	SDD	Amend the marginal note to read: “...County Public Participation and Civic Education Units” In view of the newly proposed 6(3), the section 7 could read, “The county executive committee member shall for purposes of the objectives of this Act and particularly Clause 6(3) designate a unit to be known as the County Public Participation Civic Education Unit.”	Public engagement and civic education are interconnected therefore align with the existing structures in the county governments.	
	UoN WEE	Amend Clause 7 by adding the words “which shall have the two-thirds gender representation” immediately after the words	This promotes gender diversity and prevents one gender from dominating the unit.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
	SDD	Delete the word “including organizing” replace with the word “organize” in 8(h).		
9	MCDT	<p>(a) Amend clause 9(1) to specify the percentage going towards funding of civic education by allocating 10% of the county's annual budget.</p> <p>(b) Amend clause 9(2) by deleting the word “may” and replacing it with the word “shall” to make it mandatory for the National Government to issue conditional grants.</p>	<p>Amendment of clause 9(1) will ensure adequate funding for civic education activities and public participation in the county and increase the scope of reach of civic education to the locals.</p> <p>Amendment of clause 9(2) will eliminate any potential misinterpretation regarding the National Government’s role and responsibility in providing these grants, the mandate requires the National Government to issue grants for civic education in the counties.</p>	
	WeCare	Expressly delineate the precise budgetary allocation and the proposed methodology for such allocation. Furthermore, it should unambiguously stipulate whether the aforementioned budget shall be subject to a cap or not	To ensure the proposed system is well-funded and operates smoothly, it is crucial to establish a clear budgetary framework. A budgetary framework ensures that the civic education system is well-funded, transparent, and sustainable, while maintaining fiscal discipline and flexibility to adapt to future needs.	
	KDCWG/ KCCS	Amend Clause 9(1) by adding the words “shall ensure that 2%” immediately after a county government.	The Act should specify a percentage of the funding for civic education across all counties. Allowing each county government to decide may result in minor budget allocations that undermine the Act's objectives.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
	SDD	<p>Clause 9(1) add the word “The National and a County Government shall.... ensure that part of the National and County Government’s annual budgets.... in the Country”.</p> <p>Clause 9(2) Amend to read as: “The national government may issue conditional grants to county governments to build the capacity of County government entities and fund civic education programmes in the counties”.</p>	The National and County Government have a concurrent role to provide civic education hence the need for funding.	
	CRA	Set a minimum percentage allocation in 9(1).	For clarity.	
10	MCDT	We propose the designated officer to be the Director of the Department.	Directors generally have extensive experience and expertise in their field. Moreover, they serve as accounting officers within various county departments, and their roles are not directly subject to political influence.	
11	CBRH	Amend Clause 11 by replacing the term non-government organization with public benefit organizations	<p>The Public Benefit Organizations Act, 2013 No. 18 of 2013 replaced the Non-Governmental Organizations Co-ordination Act. – No. 19 of 1990 which has since been repealed and had defined the NGO</p> <p>The Unit cannot be responsible in the</p>	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			<p>registration of Public Benefit Organizations as there are already regulations of the registration and de-registration of PBOs in the Public Benefit Organization Act.</p> <p>The Unit should then work closely with the Authority to ensure that the PBOs providing civic education are duly registered with the Authority.</p> <p>The part should be omitted.</p>	
	SDD	<p>Insert a new Clause 11(2) to read: “the Cabinet Secretary responsible for matters relating to Devolution and Intergovernmental relations shall be responsible for accreditation of Civic Education providers”.</p>	The National Government is responsible for Norms and Standards.	
12	MCDT	<p>Civic education providers should be allowed to register without any prescribed fee.</p> <p>The unit should recognize Civic educators during registration.</p>	Waiving the registration fee for civic education providers is a strategic move to promote wider participation, support not-for-profit initiatives, and ultimately enhance the effectiveness and reach of civic education efforts.	
	WeCare	<p>Amend and delineate the requisites and procedures governing the registration of county civic education providers. It should also establish a rationale for the fees levied, specifying standardized amounts payable at designated intervals.</p>	This shall enhance accountability. A well-structured registration and fee system promotes accountability among civic education providers, ensuring they meet regulatory requirements and deliver effective programs.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
	COG	Delete clause 12 to 19.	<ol style="list-style-type: none"> 1. County governments currently perform these functions using structures provided for under the County Governments Act. 2. Entities are registered under various registration regimes including the Public Benefit Organization Act. Hence, they do not need to be further registered in the county governments. The registration proposed is unnecessary. 3. The Bill restricts the functional roles assigned to a county executive. The Bill is a legislative overreach that does not take into account constitutional guardrails that donates power to the executive committee which include to manage and coordinate the functions of the county administration and its departments. Assigning roles to a Unit makes the principle duty holder at a very low level which goes against the principles of good governance. 4. It is not clear why the Bill has provided for registration of the providers. Consider accreditation. 	
	SDD	Delete 21(1).	The role of the civic education providers is to compliment the role of National and County government in provision of civic education.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>Amend 13(2) to read:</p> <p>“The unit may require the applicant to submit such further information as the unit may from time to time determine subject to the guidance and/or approval of the County Civic Education Steering Committee”.</p> <p>Delete 12(4) (b)</p>	<p>National and County governments can do accreditation of Civic Education providers.</p> <p>For clarity and to avoid being over prescriptive.</p> <p>It is more appropriate to have Civic Education registration at the County Level as the lower unit may not have the capacity to process registration.</p>	
	CRA	Delete any fee payment for civic education in 12(1)	Civic education is a public interest issue that should not attract fees.	
13	KDCWG/KCCS	Amend clause 13(1) by replacing “sixty days” with thirty days.	The processing time should be shortened from 60 to 30 days.	
	MCDT	Amend clause 13(1) to change the 60 days provision with 21 working days	As stipulated by section 10(3) of the Access to Information Act, Cap 7M	
	OAG	Application for registration as a county civic education provider is to be made under clause 12(1) and not 10 as indicated.		
15	OAG	Certificate of registration should be provided under clause 14 and not clause 12 as indicated		
17	WeCare	17(1) The provision should	This will ensure transparency and	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		unequivocally outline the procedure for the deregistration of institutions, along with the establishment of conclusive evidence attesting to the deregistered status of such entities.	accountability in the deregistration process, prevent legal ambiguities, and provide clear, verifiable documentation for all stakeholders involved. Further, this shall prevent political interference	
19	MCDT	CECM Should work in Consultation with an independent committee to address a particular issue. An independent body should be established to seek any appeal for the specific provider. Additionally, there should be an appeal mechanism formed at the national level.	The involvement of independent bodies and a national-level appeal mechanism ensures that the processes are transparent, these measures introduce checks and balances within the system, preventing any single entity from having unchecked power and ensuring that decisions can be reviewed fairly without bias.	
	WeCare	19(1) The provision should clearly outline the procedure, required, documentation, and timeline for filing a complaint, as well as the right to appeal any decision. The document should also specify the credentials and sitting schedules of the judicial officers who will hear complaints. The overall goal is to create a cohesive and functional system.	This will cure and enhance the following; <ul style="list-style-type: none"> • Efficiency: Clear procedures and time frames ensure swift resolution of complaints and appeals, reducing delays and backlog. • Transparency: Standardized forms and online tracking enhance transparency and accountability. • Accessibility: Online and in-person options make the system accessible to all, regardless of 	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			<p>technological proficiency.</p> <ul style="list-style-type: none"> Fairness: Qualified judicial officers and a transparent appointment process ensure fair and impartial adjudication. Consistency: Regular sitting intervals and special sessions prevent case pile-up, ensuring consistent case handling 	
	SDD	<p>Amend 19(3) to read:</p> <p>“A person aggrieved by the decision of the county executive committee member may within thirty (30) days appeal to the County Civic Education Steering Committee for a review of the decision”.</p>	This is to ensure transparency, due process and accountability so that an aggrieved party can proceed and appeal to the County Civic Education Steering Committee.	
21	KDCWG/KCCS	<p>Amend clause 21 by providing that:</p> <p>“This annual report will be submitted to the County Assembly by the County Governor as provided for in Sec. 92(2) of the County Government Act”.</p>	According to Section 92(2) of the County Government Act, the Governor is required to provide an annual report to the County Assembly regarding citizen participation in county government affairs.	
	MCDT	Amend clause 21 to make provision for providing feedback to stakeholders	This enhances transparency, accountability, and engagement, leading to more effective and trusted civic education engagement in the County.	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
	UoN WEE	Amend clause 21 by adding the words, “including gender disaggregated data on the citizens who have been reached” between, impact of civic education programmes and, and the utilization of allocate resources.	Monitoring and evaluating programs helps ensure they accomplish objectives and examine their influence on diverse demographic groups, encouraging inclusivity and gender equity. Tracking resource allocation and utilization helps ensure funds are spent efficiently and effectively.	
	SDD	Remove clause 21 from miscellaneous provisions and include it in clause 4 as one of the roles of the National and county governments.		
22	CBRH	Amend Clause 22(1) by replacing the word “may” with “must”	This will make it mandatory for the Cabinet Secretary to make the regulations.	
	UoN WEE	Amend clause 22(2) by introducing a new sub-clause (h) immediately after sub-clause (g) to read; (g) To provide a national action plan for civic education on affirmative action for the benefit of special interest groups of women, youth, persons with disability and minority and marginalised communities in the social, economic and political spaces of the country.	The national action plan will serve as a policy instrument, prescribing the national policy position on promoting the contributions of the aforementioned special interest groups in the national space and informing the development of county civic education plans, as intended in clause 8(a).	

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
23	CBRH	Amend Clause 23 by replacing the word “may” with “must	This will make it mandatory for the County Assembly to enact county legislation to give further effect to the provisions of this Act in the respective county. This is as per Section 101 of the County Government Act	
NEW CLAUSE	SDD	Introduce a clause on the role of the Cabinet Secretary Devolution and Intergovernmental Relations. The Cabinet Secretary will provide leadership and Policy guidance in provision and facilitating of Civic Education.	To recognize the role of the Cabinet Secretary Devolution and Intergovernmental Relations in provision and facilitating Civic Education.	

General Comments

1. WeCare: The Bill does include a provision for the accessibility of the Civic Education Facilities with regards to Persons with disabilities. This is to promote inclusivity, adhere to principles of equal opportunity, and comply with legal standards pertaining to the rights of individuals with disabilities.
2. COG proposes that the Bill withdrawn for the following reasons –
 - (a) Several counties have in place laws on civic education. The Bill has borrowed some of the provisions from the county laws on civic education but the Bill has failed to recognise the following policy issues –
 - i. the existing structures in counties that support the implementation of civic education programs and seeks to legislate on administrative duties of the county executive committee member, and
 - ii. the critical role that ward or village education forums play in enhancing knowledge and engagement in the operationalization of the county system of government.

(b) Clause 4 provides for the roles of the National and county governments in promoting civic education. However, it is not clear why the Bill provides for the National government yet the Bill is for county governments.

3. CRA proposes that the National Government should also make its own legal framework for civic education to ensure a standardised, comprehensive, and equitable approach to teaching civic knowledge and responsibilities across the entire country thereby fostering a more informed, engaged and cohesive citizenry.