

PARLIAMENT OF KENYA
THE SENATE

SENATE BILLS DIGEST

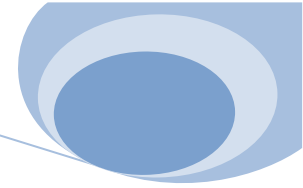
THE CULTURE BILL, 2024
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2024)

Sponsor:	Senate Majority Leader (<i>National Assembly Bill sponsored by Hon. Kimani Ichung'wa, MP, Leader of Majority in the National Assembly</i>)
Committee referred to:	Standing Committee on Labour and Social Welfare
Type of Bill:	Ordinary Bill
Date of First Reading:	16 th July, 2025

1. Background

Culture plays a fundamental role in defining the identity, values, and heritage of communities in Kenya. Article 11 of the Constitution recognizes the state's obligation to 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. The Constitution also mandates that Parliament shall enact legislation to ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage.

Currently, Kenya lacks a comprehensive legal framework to effectively protect, promote, and manage cultural heritage and expressions. The existing legal provisions are fragmented and inadequate to address contemporary challenges in cultural preservation, compensation



for cultural use, and coordination between national and county governments in cultural matters.

The Culture Bill, 2024 (National Assembly Bills No. 12 of 2024) was passed by the National Assembly on 12th June, 2025 and subsequently transmitted to the Senate. The Bill was read a First Time in the Senate on 16th July, 2025 and referred to the Senate Standing Committee on Labour and Social Welfare to facilitate public participation.

2. Purpose of the Bill

The Culture Bill, 2024 intends to—

- (a) give effect to Article 11 of the Constitution;
- (b) 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;
- (c) ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage; and
- (d) provide a framework to guide national cultural development.

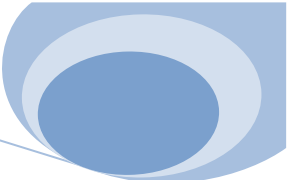
The implementation of the Bill will be guided by principles including equal recognition, dignity and respect to all cultures, including cultures of minorities or marginalized peoples, while ensuring that cultural activities, expressions and practices are consistent with the Bill of Rights.

3. Overview of the Bill

What are the key definitions in the Bill?

The Bill provides comprehensive definitions of key terms including:

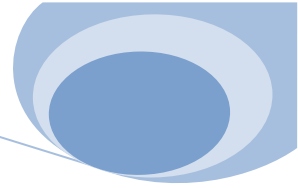
- **Culture** – this is defined to mean the set of distinctive spiritual, material, intellectual and emotional features of a community or social group, including lifestyle, social interactions, value systems, traditions and beliefs, language, ideas, customs, codes, institutions, works of art, rituals and ceremonies;

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- **Cultural property** – means property which, on religious or secular grounds, is specifically designated as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories: rare collections; products of archaeological excavations; elements of artistic or historical monuments; buildings and architectural designs; objects of ethnological interests; original works of art and engravings; rare manuscripts; archives; articles of furniture; and musical instruments;
 - **Cultural heritage** — includes tangible cultural heritage (movable, immovable, underwater), intangible cultural heritage, natural heritage with cultural aspects, and heritage in armed conflict;
 - **National Expressions** — means expressions that have cultural content with national resonance that result from creativity of individuals, groups or societies;

What are the roles of the National Government that are outlined in the Bill?

The Cabinet Secretary shall be responsible for:

- (a) development of national policies, regulations and standards on cultures and cultural heritage;
- (b) promotion of diverse cultures, cultural heritage and cultural expressions including protection, safeguarding, preservation, conservation and rehabilitation;
- (c) monitoring compliance with standards and regulations concerning culture and cultural heritage;
- (d) management of national cultural institutions established by or under the control of the national government;
- (e) prescribing regulations and standards to guide cultural databases and development of county cultural facilities;
- (f) implementing bilateral and multilateral agreements on culture;
- (g) promoting national values, social cohesion and national identity; and
- (h) performing any other function as may be necessary for the purposes of the Act.



What role do county governments play under the Bill?

County governments shall:

- (a) promote, protect and manage cultural activities and facilities as well as public entertainment and infrastructure for culture and cultural heritage at the county level in line with national policy;
- (b) enact county policies and laws for the promotion of cultural activities and facilities;
- (c) promote cultural activities, public entertainment and infrastructure for cultural heritage and cultural expression at the county level; and
- (d) develop and manage a county database of cultural activities.

What institutional measures have been put in place for cultural management?

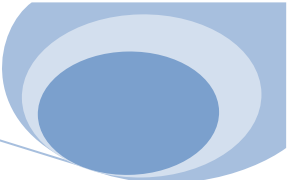
The Bill establishes a comprehensive cultural database system where:

- (a) the Cabinet Secretary, in consultation with county governments, shall establish and maintain a database on culture and heritage including registered cultural practitioners, groups and associations;
- (b) the Cabinet Secretary shall develop a system for collecting and preserving information on culture and cultural heritage; and
- (c) the Cabinet Secretary shall prescribe standards for compatibility with the national database and data to be submitted by county governments.

How does the Bill address compensation for use of cultural heritage?

The Bill provides for compensation mechanisms where:

- (a) the Cabinet Secretary shall, in consultation with relevant stakeholders and county governments, establish mechanisms for determination and payment of compensation or royalties to communities for use of their culture and cultural heritage;
- (b) determination of compensation shall consider factors including economic and cultural value, impact on community economy, type of use, derivative works, state investment, environmental effects, and potential for large-scale use;

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- (c) the share of royalties between government levels, communities and individuals shall be prescribed by regulations;
 - (d) the Cabinet Secretary shall establish registers of cultural property and cultural practitioners, groups and associations; and
 - (e) the Cabinet Secretary shall also prescribe regulations to combat illicit trafficking of cultural property.

What are the exceptions to compensation requirements?

The Bill provides exceptions where compensation may be exempted or limited in the public interest for:

- (a) non-commercial use including teaching, research, exhibition, reporting current events, and judicial proceedings;
- (b) use that doesn't restrict normal community usage, development, exchange, or transmission of cultural heritage;
- (c) recording or reproduction in public archives for safeguarding purposes.

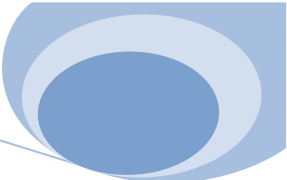
What are the registration requirements under the Bill?

The Bill provides for a complementary two-tier registration system:

- (a) persons wishing to register cultural properties may either apply to county government or to the Cabinet Secretary in the prescribed manner;
- (b) registration shall be granted where the property historically belongs to the applicant community, is not subject to ownership controversy, complies with identification criteria, and registration serves public interest;
- (c) the Cabinet Secretary shall consult relevant county governments before registration; and
- (d) county governments must notify the Cabinet Secretary of registrations for inclusion in the national database.

What provisions exist for research and export of cultural property?

The Bill establishes permit systems for:

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- (a) **Research** - persons desiring to conduct research on cultural property in the national database must apply to the Cabinet Secretary, who shall consult property owners before determination;
 - (b) **Export/Import/Transfer** - persons, communities or social groups wishing to loan, export, import or transfer cultural property must apply to the Cabinet Secretary, who shall consider security, spiritual/cultural value, fragility, rarity, economic value, insurance, loaning period, and international treaties.

What protection measures are provided for cultural heritage?

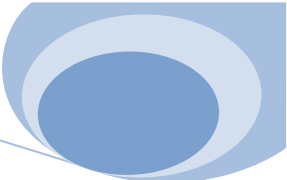
The Bill provides comprehensive protection through:

- (a) power for the Cabinet Secretary to prescribe cultural property that cannot be sold or exported;
- (b) regulations for promotion and protection of endangered cultural expressions;
- (c) restrictions on interference with archaeological heritage without proper permits;
- (d) prohibition of activities that would unreasonably endanger cultural heritage;
- (e) seizure provisions for cultural heritage recovered without permits, stolen, imported/exported without permits, or unlawfully transferred.

What offences are created under the Bill?

The Bill outlines several offences including:

- (a) **General offences** - stealing, wrongful possession, selling without permit, trafficking, forgery, fraud, damaging cultural expressions, failing to report danger, exporting without permit, unauthorized removal (penalty: fine up to 1,000,000/= shillings or 5 years imprisonment, or to both);
- (b) **Non-compliance with registration conditions** (penalty: fine up to 50,000 /= shillings or 6 months imprisonment or to both);
- (c) **Research without permit** (penalty: fine up to 1,000,000/= shillings or 2 years imprisonment);
- (d) **Loaning without permit** (penalty: fine up to 200,000 shillings or 2 years imprisonment or to both);

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- (e) **Intentional damage/destruction of inventoried cultural property** (penalty: 5,000,000 /= shillings or to 5 years imprisonment or to both);
 - (f) **Counterfeiting and misrepresentation** (penalty: fine up to 500,000 shillings or 5 years imprisonment);
 - (g) **Using images without consent** (penalty: fine up to 200,000 shillings or 2 years imprisonment);
 - (h) **False information** (penalty: fine up to 50,000 shillings or 6 months imprisonment);
 - (i) **Obstructing officers** (penalty: fine up to 50,000 shillings or 6 months imprisonment).

What national cultural institutions are covered?

The Bill's Schedule lists national cultural institutions to be managed by the National Government:

1. Kenya Cultural Centre;
2. National Libraries;
3. National Museums of Kenya; and
4. Kenya National Archives and Documentation Service.

How will the Bill be funded?

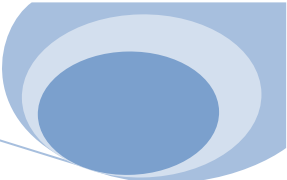
While the Bill does not establish a specific fund, it provides for:

- (a) publication of schedules of levies, charges or fees in the Gazette;
- (b) payment of prescribed fees for registration and other services;
- (c) the Memorandum notes that enactment may occasion additional expenditure of public funds.

What transitional provisions are included?

The Bill includes transitional provisions ensuring:

- (a) existing licenses and permits remain valid as if issued under the new Act;
- (b) existing inventories and registers continue to be valid;

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- (c) existing agreements between government and other persons regarding cultural protection continue to bind parties;
 - (d) agreements contravening the new Act become null and void to the extent of contravention.

What powers are delegated under the Bill?

The Bill delegates legislative powers to the Cabinet Secretary to make regulations for:

- (a) prescribing information to be captured in registers;
- (b) prescribing forms under the Act;
- (c) prescribing criteria for identification of cultural property;
- (d) prescribing manner of loaning cultural property;
- (e) prescribing standards for maintenance, presentation and storage of cultural objects;
- (f) prescribing compensation and royalty payments;
- (g) prescribing research relating to culture; and
- (h) generally for better carrying out the Act's purposes.

4. Way Forward

What next?

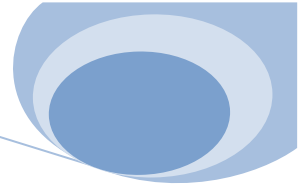
Pursuant to standing order 145(5) of the Senate Standing Orders, the Standing Committee on Labour and Social Welfare shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee submits its report to the Senate.

What is expected of the members of public?

The members of the public are expected to present their views to the Standing Committee on Labour and Social Welfare for its consideration.

Next steps

The Bill was read a First Time in the Senate on 16th July, 2025. Pursuant to standing order 148(1) of the Senate Standing Orders, the Standing Committee on Labour and Social



Welfare is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by 15th August, 2025.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: clerk.senate@parliament.go.ke and copied to labourcomm.senate@parliament.go.ke.

Note:

1. The Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill.
2. The Digest does not have any official legal status.