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REPUBLIC OF KENYA



THE SENATE



THIRTEENTH PARLIAMENT | FOURTH SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

PARLIAMENT
OF KENYA
LIBRARY

REPORT ON THE SOCIAL PROTECTION BILL, 2025
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

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

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JUNE, 2025

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LIST OF ABBREVIATIONS/ACRONYMS

COG	Council of Governors
COVID-19	Corona Virus Disease
ESC rights	Economic, Social and Cultural rights
HSNP	Hunger Safety Net Programme
ICRW	International Center for Research on Women
ILO	International Labour Organization
NEET Youth	Not in Education, Employment, or Training Youth
NGEC	National Gender Equality Commission
NHIF	National Health Insurance Fund
NSPP	National Social Protection Policy
NSSF	National Social Security Fund
OAG	Office of the Attorney General
OPCT	Older Person Cash Transfer
OVC-CT	Orphans and Vulnerable Children Cash Transfer
VUP	Vision 2020 Umurenge Programme

PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on Labour and Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. The Committee is mandated to consider all matters related to manpower and human resources planning, pensions, gender, culture, social welfare, youth affairs, the National Youth Service, children's welfare, national heritage, betting, lotteries, sports, public entertainment, public amenities, and recreation.

The Committee oversees four ministries as follows –

1. The Ministry of Labour and Social Protection;
 - a) State Department for Labour and Skills Development; and
 - b) State Department for Social Protection and Senior Citizens Affairs.
2. The Ministry of Public Service, Human Capital Development and Special Programs;
 - a) State Department for Public Service and Human Capital Development; and
 - b) State Department for Special Programs.
3. The Ministry of Youth Affairs, Creative Economy and Sports;
 - a) State Department for Youth Affairs and Creative Economy; and
 - b) State Department for Sports.
4. The Ministry of Gender, Culture and Children Services;
 - a) State Department for Gender Affairs and Affirmative Action;
 - b) State Department for Culture, the Arts and Heritage; and
 - c) State Department for Children Services.

The Committee also oversees the following institutions under the State Department for Public Investments and Assets Management in the National Treasury -

- a) The Retirement Benefits Authority;
- b) The Local Authorities Provident Fund;

- c) Public Service Superannuation Scheme; and
- d) The Civil Servants Accident Claim Fund.

The Committee also oversights the following Commissions and State Corporations –

- a) The Public Service Commission;
- b) The Salaries and Remuneration Commission;
- c) National Gender & Equality Commission;
- d) The Commissioner of Sports & Sports Registrar; and
- e) Permanent Presidential Music Commission.

Membership of the Committee

The Committee membership is as follows –

1. Sen. Julius Recha Murgor, CBS, MP - Chairperson
2. Sen. Crystal Kegehi Asige, MP - Vice Chairperson
3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP - Member
4. Sen. Erick Okong'o Mogeni, SC, CBS, MP - Member
5. Sen. Alexander Munyi Mundigi, MP - Member
6. Sen. Lenku Seki Ole Kanar, MP - Member
7. Sen. Miraj Abdullahi Abdulrahman, MP - Member
8. Sen. Beth Syengo MP - Member

CHAIRPERSON'S FOREWORD

The Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) was passed by the National Assembly on Wednesday, 30th April, 2025 and subsequently transmitted to the Senate. The Bill was read a First Time in the Senate on Tuesday, 13th May, 2025 and referred to the Standing Committee on Labour and Social Welfare to facilitate public participation to consider the views and recommendations of the public when it submits its report to the Senate.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Star Newspapers on Thursday, 22nd May, 2025 inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. Following the call for submissions, the Committee received written memoranda from stakeholders. The Committee held a public hearing session with targeted stakeholders and members of the Public on Thursday, 12th June, 2025.

The Committee proceeded to consider the Bill extensively and observed that the Social Protection Bill, 2025, addresses the inefficiencies of a fragmented system by introducing centralized coordination through the National Board for Social Protection, while maintaining county-level implementation. It emphasizes rights-based, evidence-driven approaches, with clear roles for counties and strong transitional provisions to ensure continuity of existing programs. A dedicated Social Protection Fund is established under the Public Finance Management Act, though funding specifics remain unclear.

The Bill significantly broadens coverage to include a wider range of vulnerable groups and services, extending beyond traditional cash transfers. It introduces robust anti-fraud

provisions with strict penalties and establishes a centralized Social Protection Registry to enhance targeting and reduce duplication. The success of this framework hinges on sufficient funding, strong national-county coordination, and the Board's ability to manage an expanded mandate.

The Minutes of the Committee in considering the Social Protection Bill, 2025 (National Assembly Bills No.12 of 2025) are annexed to this Report as Appendix 2. This Report by the Committee is therefore an account of the deliberations, including its resolutions at Committee Stage Amendments attached to the Report as Appendix 1.


Hon. Speaker,

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on Labour and Social Welfare on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025).

Signed.....



..... Date.....20th June, 2025....

SEN. JULIUS RECHA MURGOR, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON LABOUR AND SOCIAL
WELFARE

CHAPTER ONE: INTRODUCTION

1.0 BACKGROUND INFORMATION

1. The Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) was passed by the National Assembly on Wednesday, 30th April, 2025 and subsequently transmitted to the Senate. The Bill was read a First Time in the Senate on Tuesday, 13th May, 2025 and referred to the Standing Committee on Labour and Social Welfare to facilitate public participation to consider the views and recommendations of the public when it submits its report to the Senate.
2. In accordance with the provisions of Article, 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee invited interested members of the public to submit any representations that they may have on the Bill by way of written memoranda. The invitations were made vide advertisements which appeared in the Star and the Daily Nation Newspaper on Thursday, 22nd May, 2025. Further the Committee scheduled a public hearing with targeted stakeholders and members of the Public on Thursday, 12th June, 2025.

1.1 OVERVIEW OF THE BILL

3. The Bill establishes the National Board for Social Protection as a body corporate to be the primary institution responsible for coordinating social protection interventions in Kenya. The Board will be the central governance structure for implementing the Act and coordinating non-contributory social protection programs in the country.
4. Clause 8 of the Bill highlights the functions of the National Board for Social Protection which include, to –
 - (a) advise the Cabinet Secretary on social protection matters;

- (b) design and implement social protection interventions;
- (c) provide social assistance and care to vulnerable persons;
- (d) coordinate interventions across different sectors and levels of government;
- (e) foster collaboration among stakeholders;
- (f) maintain a comprehensive registry of social protection beneficiaries;
- (g) facilitate data sharing among implementing agencies;
- (h) undertake civic education on social protection;
- (i) promote a community of practice among social protection practitioners;
- (j) undertake indexation of benefits to ensure their value is maintained over time;
- (k) mobilize resources for social protection programs;
- (l) conduct research on social protection issues; and
- (m) perform other functions conferred by law.

1.1.1 Composition of the Board

5. As per clause 10 of the Bill, the National Board for Social Protection will comprise

- (a) representatives from government ministries;
- (b) county governments representatives;
- (c) four persons appointed by the Cabinet Secretary representing:
 - (i) trade unions
 - (ii) employers' organizations
 - (iii) persons with disabilities
 - (iv) older members of society
- (d) the Chief Executive Officer of the Board.
- (e) Board members will serve for three years with eligibility for reappointment for one additional term.

1.1.2 Role of county governments under the Social Protection Bill

6. The Social Protection Bill, 2025 recognizes the important role of county governments in social protection implementation. County governments will be responsible for the following –

- (a) implementing national government policies through county-specific legislation and strategies;
- (b) allocating resources for social protection interventions at the county level;
- (c) collaborating with the national Government on social protection matters;
- (d) developing interoperable county registries for social protection beneficiaries; and
- (e) developing civic education and public participation strategies related to social protection.

1.1.3 Eligible beneficiaries of social protection under the Bill

7. The Bill mandates the Board to provide social protection to persons in need, who **include–**

- (a) orphans and vulnerable children;
- (b) poor older members of society;
- (c) persons with disabilities;
- (d) persons in extreme poverty;
- (e) persons affected by shocks such as disasters or emergencies; and
- (f) unpaid caregivers.

1.1.4 Social protection benefits provided for under the Bill

8. Clause 29 of the Social Protection Bill, 2025 specifies two main categories of social protection benefits as follows –

- i. **Social Assistance** - which includes- cash transfers and transfers in kind
- ii. **Social Care Services** - which includes:
 - (a) rehabilitation services

- (b) psychosocial support
- (c) respite care
- (d) feeding programs
- (e) home-based care
- (f) skill-building programs
- (g) essential drugs and assistive devices

1.1.4 Application procedure for social protection benefits

9. The Bill provides for a structured process for applying for social protection benefits. This includes—

- (a) Eligibility criteria - based on vulnerability and need as assessed by the Board;
- (b) Application procedures - ensuring accessibility and transparency;
- (c) Review mechanisms - allowing applicants to request review of decisions made by the Board; and
- (d) Appeals processes - providing recourse for those dissatisfied with the Board's determinations.

1.1.5 Data management for social protection

10. The Bill establishes a Social Protection Registry that will serve as a comprehensive database of all social protection beneficiaries. This registry aims to –

- (a) improve targeting of social protection interventions;
- (b) reduce duplication of benefits;
- (c) enable coordination among implementing agencies; and
- (d) strengthen accountability in the social protection sector.

11. Further, the Bill includes provisions for proper data handling, ensuring confidentiality and protection of beneficiaries' information in line with data protection laws.

1.1.6 Measures in place to prevent abuse of social protection benefits

12. The Bill addresses potential abuse of social protection benefits by –

- (a) establishing rights and obligations of beneficiaries;
- (b) providing for circumstances under which benefits may be terminated;
- (c) creating mechanism for refunds to the Board in cases of improper payments;
- (d) regular review of eligibility and benefits; and
- (e) creating offenses related to fraud, misrepresentation and misappropriation of funds.

1.1.7 Offenses in the Bill

13. The Bill in Part IV provides for several offenses related to the implementation of social protection including –

- (a) Obstruction of officers implementing the Act;
- (b) Providing false information during application or verification;
- (c) Unlawful disclosure of confidential information;
- (d) Fraud in obtaining social protection benefits; and
- (e) Misappropriation of social protection funds.

14. The penalties for these offenses range from fines of one hundred thousand to two million shillings and/or imprisonment terms of six months to five years.

1.1.8 The Social Protection Fund

15. Clause 47 of the Social Protection Bill, 2025 provides for the establishment of a Social Protection Fund by the Cabinet Secretary which will be used to finance social protection interventions under the Act. The Fund will be managed in accordance with the Public Finance Management Act, Cap.412A.

1.1.9 Transitional provisions

16. The Bill includes comprehensive transitional provisions to ensure continuity of social protection services which include –
- (a) Repealing the Social Assistance Act (Cap. 258A);
 - (b) Providing for the transition of staff, obligations, and liabilities from existing structures;
 - (c) Ensuring the continuation of existing social assistance benefits and programs; and
 - (d) Providing for the transfer of assets and legal proceedings from previous arrangements to the new framework.

1.2 SITUATIONAL ANALYSIS

17. Social protection is a foundational pillar of inclusive development and economic resilience. It functions as a system of risk management at both the individual and national levels—providing households with the means to withstand shocks, invest in human capital, and participate more fully in economic life. Far from being a peripheral social good, it is a strategic policy instrument that promotes equity, stabilizes consumption, and enhances productivity.
18. Mechanisms such as cash transfers, social insurance, and health coverage are not simply safety nets, they are enablers of economic transformation and long-term poverty reduction. Effective social protection systems reduce inequality, prevent intergenerational poverty, and support more cohesive, stable societies.
19. As of 2022, approximately 38.6% of Kenyans lived below the national poverty line, with food poverty affecting 31.7% of the population¹. Hardcore poverty stands at 7.1%, affecting around 3.6 million people². Unemployment remains a significant

¹ Kenya National Bureau of Statistics (KNBS). (2023). *Economic Survey 2023*. Nairobi: KNBS.

challenge, particularly among youth aged 18–34, with an unemployment rate of 38.9%³. Even among the employed, 80% earn below the poverty threshold, highlighting widespread working poverty⁴.

20. Kenya currently implements various social protection interventions, including cash transfer programs such as Inua Jamii, Older Persons Cash Transfer (OPCT), and the Hunger Safety Net Programme (HSNP). However, these programs remain fragmented and limited in scope and coverage.
21. Social protection plays a critical role in addressing poverty, vulnerability and social exclusion by providing support to individuals and households facing various risks and contingencies. In Kenya, social protection interventions have been implemented through various programs, including cash transfers for orphans and vulnerable children, older persons and persons with severe disabilities.
22. Social protection is anchored in numerous instruments of national and global legislation most notably, in Kenya it is enshrined in the Constitution in Article 43 which guarantees all Kenyans their Economic, Social, and Cultural (ESC) rights. It asserts the "right for every person...to social security and binds the State to provide appropriate social security to persons who are unable to support themselves and their dependents." This right is closely linked to other social protection rights, including the right to healthcare.
23. The sector has been regulated under the Social Assistance Act, Cap. 258A, but there is a need to review the existing framework to enhance coordination, improve

² World Bank. (2023). Kenya Economic Update: Tackling Poverty Head-On. Washington, DC: World Bank.

³ Institute of Economic Affairs (IEA Kenya). (2024). *Youth Unemployment in Kenya: Trends and Interventions*. Nairobi: IEA.

⁴ International Labour Organization (ILO). (2023). *World Social Protection Report 2023: Universal Social Protection to Achieve the SDGs*. Geneva: ILO.

targeting, strengthen governance and ensure the sustainable implementation of social protection interventions in the country.

24. Social protection in Kenya is structured around three interrelated components—social insurance, social assistance, and social security. Social insurance functions as a contributory mechanism embedded in the formal economy, enabling risk pooling between workers and employers to safeguard against predictable life-cycle shocks such as old age, illness, maternity, and employment-related injuries. It is a central lever for formal labor market protection and long-term income security.
25. Social assistance, in contrast, is a publicly financed intervention targeted at vulnerable populations excluded from contributory schemes. It addresses structural poverty and inequality through predictable, state-financed transfers that stabilize consumption, preserve human capital, and respond to covariate shocks. Flagship programs like Inua Jamii, OVC-CT, and the HSNP serve as the operational backbone of Kenya's pro-poor protection agenda.
26. Social security provides the normative and legal umbrella for both contributory and non-contributory systems. Anchored in global standards such as ILO Convention No. 102 and Recommendation No. 202, it defines a comprehensive, rights-based approach that positions social protection not as charity, but as a legal entitlement. It demands integration across schemes, adequacy of benefits, and universal lifecycle coverage—including unemployment, child support, maternity, old age, and disability protection.
27. This tripartite structure reflects an evolving policy architecture—one the Social Protection Bill, 2025 wishes to strengthen, which aims to formalize coordination, embed governance accountability, and align national practice with international obligations.

28. The Social Protection Bill, 2025 seeks to establish a strong legal and institutional foundation for non-contributory social protection in Kenya by creating a unified framework for delivering support to vulnerable individuals and households. It proposes the establishment of a National Board for Social Protection to coordinate and oversee interventions that cushion citizens against life's risks and shocks, strengthen human capital, and promote long-term resilience and well-being. Grounded in principles of equity, social justice, inclusivity, and sustainability, the Bill embraces a rights-based and life-cycle approach—ensuring that social protection is accessible, adequate, participatory, and driven by evidence at every stage of life.

1.2.1 The Social Protection Policy 2023: Policy Overview

29. Kenya developed its first Social Protection Policy in 2011, the Kenya National Social Protection Policy (NSPP 2011), to give strategic guidance on the implementation and delivery of Social Protection interventions in the country in line with the Constitutional provisions, Vision 2030, and other related international instruments. The social protection system in Kenya has undergone significant changes influenced by various historical events over the years and most recently the COVID-19 pandemic sparked the necessity to update and realign social protections thus the advent of the Social Protection Policy 2023.
30. The Kenya Social Protection Policy 2023 marks a transformative shift toward a rights- and life-cycle-based approach (Article 21, Constitution), ensuring social protection is not merely reactive but anticipatory across all life stages—from early childhood to old age. It embeds the International Labour Organization's Social Protection Floor (Recommendation 202), guaranteeing basic income security and essential health care for children, working-age adults (illness, maternity, unemployment, disability), and the elderly.

31. The policy also consolidates social interventions into four pillars—income security, social health protection, shock-responsiveness, and complementary programmes—with emphasis on the informal sector, data-driven targeting, inter-institutional coordination (e.g., Enhanced Single Registry), and shock readiness.

1.2.2 Policy issues

1.2.2.1 Persistent Coverage Gaps

32. Despite advancements in social protection programming, significant coverage gaps remain—particularly in the informal and rural economy, which comprises approximately 84% of Kenya’s population. Many individuals in these sectors lack access to essential benefits, indicating the need for inclusive mechanisms that address both contributory and non-contributory needs, as underscored by recent ILO initiatives.

1.2.2.2 Fragmented and Uncoordinated Interventions

33. Kenya's social protection landscape has evolved in a fragmented and ad hoc manner. Foundational programs such as the NSSF and NHIF, established in the 1960s, laid an initial framework; however, subsequent interventions have often lacked coordination. The 2023 policy reorganization aims to address this legacy of institutional and programmatic fragmentation.

1.2.2.3 Unaddressed Priority Areas

34. Key social protection priorities remain underdeveloped, including:
- (a) Expansion of health protection to uncovered populations;
 - (b) Transitioning the NSSF into a comprehensive pension fund with increased contributions;
 - (c) Establishment of a universal child benefit and a disability benefit; and
 - (d) Introduction of a maternity income benefit.

35. These reforms are essential to broadening access and ensuring that protection measures reflect the evolving needs of Kenyan households.

1.2.2.4 Weak Inter-Agency Coordination and Financing Constraints

36. While the 2023 policy framework adopts a lifecycle and universal coverage approach, marking a shift from emergency-driven interventions to structured, predictable support, its success hinges on effective coordination across government entities. Weak institutional synergy and insufficient, unpredictable financing remain major impediments to effective implementation and scale-up.

1.2.2.5 Need for a Unified and Inclusive Framework

37. The new policy framework attempts to unify previously independent programs into a coherent system that addresses Kenya's multidimensional vulnerabilities. Its inclusive approach is designed to promote equity and social justice, but implementation may be undermined without proper legal anchoring and governance structures.

1.2.2.6 Gaps in Oversight and Governance

38. The Bill addresses long-standing governance deficits by proposing the establishment of the **National Board for Social Protection**—a central body to oversee policy harmonization, reduce duplication, and steer implementation across national and county levels. However, the operational effectiveness of this body will depend on its authority, institutional capacity, and political will.

1.2.2.7 Absence of Rights-Based Legal Anchoring

39. The Bill introduces a **non-contributory, rights-based legal framework**, redefining social protection as an entitlement rather than a discretionary service. This marks a **paradigm** shift in how beneficiaries are treated and how the State is obligated to

respond, with implications for public financing, legal accountability, and program design.

1.2.2.7 Resource Mobilization and Emergency Preparedness

40. The Bill provides legal backing for public financing of social protection, while enabling resource mobilization from private sector and development partners. It also promotes risk-informed and lifecycle-based programming, allowing the system to respond to emergencies and shocks—such as disasters or economic crises—through rapid deployment of relief. Tools like the Enhanced Single Registry are intended to support evidence-based targeting and monitoring.

1.3 COMPARATIVE ANALYSIS

41. Rwanda has developed one of Africa's most sophisticated social protection systems, anchored by the Vision 2020 Umurenge Programme (VUP), which comprised both unconditional cash transfers to vulnerable families and transfers linked to public works for those with capacity to work.
42. The system operates on four pillars: social security (direct income support and insurance schemes), linkages to complementary services (employment support and financial literacy), social care services (protection of women, children, persons with disabilities and older people), and short-term social assistance.
43. Rwanda's approach demonstrates remarkable administrative efficiency, with cash transfer delivery improving from 60% to nearly 100% timeliness, while scaling from 6,850 households in 2009 to covering 107,106 households by April 2019, benefiting more than one million individuals.

44. The program is particularly notable for being gender-, child-, and nutrition-sensitive, representing a holistic approach that addresses multiple vulnerabilities simultaneously through integrated service delivery.
45. Brazil's social protection system is globally recognized for its transformative Bolsa Família program, which has become the largest conditional cash transfer program worldwide and serves as a model for reducing inequalities.
46. The program focuses on families as beneficiaries with monthly per capita incomes lower than R\$154.00, providing variable benefits according to family composition that prioritize children and adolescents, with direct payment through bank cards. Brazil's success lies in its conditionality framework, where low-income families receive cash transfers on the condition that they send their children to school and ensure they are properly vaccinated.
47. The program's impact has been substantial, with poverty reducing by half from 9.7% to 4.3% during its first decade, reaching 50 million low-income Brazilians representing a quarter of the total population. Brazil's model demonstrates how conditional transfers can simultaneously address immediate poverty while investing in long-term human capital development through education and health requirements.
48. South Korea presents a mature, comprehensive social protection system built around universal coverage and life-cycle support. The system includes major programs of National Pension, National Health Insurance, Long-Term Care Insurance, Child Care, and the National Basic Livelihood Security System.
49. A key innovation is the Basic Livelihood Security Programme (BSLP), established in 1999, which provides cash payments and other benefits such as housing and education for citizens living in absolute poverty. South Korea's approach emphasizes universal access combined with targeted support, demonstrating how

middle-income countries can transition from basic safety nets to comprehensive social insurance systems that provide security across the entire life cycle.

50. Rwanda's administrative efficiency and integrated service delivery model offers valuable lessons for Kenya's coordination challenges, particularly in achieving near-universal delivery timeliness and combining cash transfers with complementary services.
51. Brazil's conditional transfer model provides insights for Kenya's human capital development goals, showing how education and health conditionalities can break intergenerational poverty cycles while maintaining broad political support.
52. South Korea's transition from basic assistance to universal coverage demonstrates pathways for Kenya's long-term development, particularly in building comprehensive social insurance systems that provide life-cycle security.
53. These three countries demonstrate that political will, integrated data systems, community involvement, and legal entitlements are central to effective social protection.

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

2.0 COMMITTEE UNDERTAKINGS

54. The Committee held a total of six (6) meetings on the Bill, where it met with various stakeholders and considered the submissions. The Minutes of the meeting are annexed to this Report (Appendix 2).
55. The Committee published an advertisement in the daily newspapers on Thursday, 22nd May, 2025, inviting members of the public to submit written memoranda on the Bill. The advertisement was also posted on the Parliament website and social media platforms. Copies of the advertisement are annexed to this Report (Appendix 4.)
56. Subsequently, during consideration of the Bill, the Committee resolved to invite additional submissions from the key stakeholders, including –
- a) Office of the Attorney General;
 - b) Ministry of Labour and Social Protection;
 - c) National Gender and Equality Commission (NGEC);
 - d) International Center for Research on Women (ICRW) Africa;
 - e) Coast Regional Budget Hub;
 - f) Council of Governors (COG); and
 - g) The Cradle, The Children Foundation.
57. Copies of the written submissions are attached to this Report as Appendix 6. Additionally, a matrix analysing the stakeholder submissions clause-by-clause is annexed as Appendix 5. The Committee proceeded to consider the Bill extensively, together with the stakeholder submissions received thereon.

2.1 EMERGING THEMES FROM STAKEHOLDER SUBMISSIONS

2.1.1 Proposed Title Change and Legislative Alignment

58. Stakeholders questioned the need for a new legislative framework, with proposals to rename the Bill as the *Social Assistance (Amendment) Bill, 2025*. This suggestion was based on the argument that the existing *Social Assistance Act (Cap. 258A)* already provides for many of the provisions outlined in the new Bill.
59. Stakeholders emphasized that amending the current Act would avoid duplication, enhance legal continuity, and align more closely with the *Public Finance Management Act*, particularly given the current lack of a legally established fund for cash transfers.

2.1.2 Comprehensive Social Protection Approach

60. Submissions underscored the importance of expanding the Bill's scope to include both contributory and non-contributory schemes, consistent with international standards such as ILO Recommendation 202.
61. Stakeholders argued that integrating contributory mechanisms (e.g. employer-employee schemes) would enhance sustainability and promote shared responsibility. However, this approach was acknowledged to require complex coordination with labour, taxation, and administrative systems.

2.1.3 Clarity of Definitions and Targeting Criteria

62. There was a broad call for clearer definitions to support effective implementation. This included defining a "household" for consistent beneficiary targeting, and introducing terms such as "intersectional vulnerability," "shock-responsive social protection," and "gender-responsive delivery" to reflect inclusivity and adaptability.

63. The need for precise distinctions between “applicants” and “beneficiaries” and formal recognition of “primary caregivers” was also emphasized to enhance legal clarity and administrative efficiency.

2.1.4 Governance and Institutional Coordination

64. Stakeholders advocated for the establishment of a centralized Social Protection Board to coordinate efforts across national and county levels. Proposals included ensuring local participation and accountability through county government representation, while also integrating gender-responsive governance—such as mandating a 50% female composition on the Board and incorporating gender audits. Concerns were raised about potential bureaucratic delays if not well-coordinated.

2.1.5 Inclusion and Eligibility Criteria

65. The inclusion of unpaid caregivers, largely women, emerged as a key point of divergence. Some stakeholders raised concerns about the risk of abuse, while others emphasized the importance of recognizing unpaid care work in pursuit of gender equity. Broader eligibility for other marginalized groups—such as informal workers, single parents, internally displaced persons, and NEET youth—was widely supported under the principle of “leaving no one behind.”

2.1.6 Application, Appeals, and Accessibility

66. There was consensus on the need to enhance the fairness and transparency of the application and appeals process. Recommendations included replacing the term “beneficiary” with “person in need,” providing written reasons for application rejections, and ensuring accessibility through mobile registration units and community outreach—especially for remote or low-literacy populations. These proposals aimed to reduce stigma and promote equitable access, though logistical costs were acknowledged.

2.1.6 Funding Structure and Fiscal Equity

66. Different views were expressed on financing models. A proposed model of 70% county and 30% national government contributions aimed to foster county ownership. However, concerns were raised about the potential for deepening inequalities between counties with varying revenue capabilities. Stakeholders emphasized the need for a sustainable and equitable funding framework.

2.1.7 Recovery of Erroneous Payments

67. To protect the integrity of the system, proposals included establishing legal provisions for the recovery of overpaid or misallocated benefits. Stakeholders noted that such measures would require strong administrative capacity and clear enforcement mechanisms.

2.1.8 Penalties and Deterrence

68. Proposals were made to criminalize fraudulent claims with fines starting at Kshs 100,000 or imprisonment of at least one year. While intended to deter abuse, stakeholders flagged the risk of over-penalizing vulnerable individuals who may make genuine errors due to lack of information or administrative challenges. A balanced approach to enforcement was recommended.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.0 COMMITTEE OBSERVATIONS ON THE BILL

69. Upon review of the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) and consideration of the stakeholder submissions received, the Committee made the following key observations -

- a) **Fragmentation of Existing Programs-** The Committee observed that the current social protection system remains fragmented, with programs such as Inua Jamii, OPCT, and HSNP operating in silos without central coordination. This fragmentation has contributed to limited coverage, administrative inefficiencies, and persistent protection gaps for vulnerable populations.
- b) **Legislative Modernization-** It was noted that the Bill marks a significant shift toward modernizing Kenya's social protection framework by embedding evidence-based programming, a rights-based approach, and strengthened governance mechanisms.
- c) **Centralized Coordination-** The Committee took note of the establishment of the National Social Protection Board as a central coordinating agency. This move was seen as replacing the fragmented implementation under the current Social Assistance Act, while preserving implementation functions at the county level.
- d) **Transitional Provisions-** The Bill's comprehensive transitional provisions were acknowledged for ensuring continuity of existing programs, including clear mechanisms for staff transition and asset transfer from the repealed Social Assistance Act framework.
- e) **Social Protection Fund-** The establishment of a dedicated Social Protection Fund under the Public Finance Management Act was welcomed as a measure to streamline financial governance. However, the Committee observed that the Bill lacks specificity on funding sources and allocation levels.
- f) **Role of County Governments-** The Committee observed that the Bill clearly delineates the roles of county governments in program implementation, resource

mobilization, and registry development, in line with Kenya's devolved governance model.

- g) **Anti-Fraud and Enforcement Provisions-** It was noted that the Bill includes robust anti-fraud measures, with substantial penalties for offenses such as providing false information, unlawful disclosure of data, and misappropriation of funds. Penalties include fines of up to Kshs 2 million and imprisonment for up to five years.
- h) **Expanded Coverage and Services-** The Committee observed that the Bill broadens the scope of social protection to include a wider range of vulnerable groups—including orphans, persons with disabilities, the elderly, disaster victims, and unpaid caregivers—and introduces social care services such as psychosocial support, rehabilitation, and skill-building.
- i) **Implementation Challenges-** The Committee noted that the successful implementation of the Bill will depend heavily on adequate financing, seamless coordination between national and county governments, and the operational capacity of the proposed Board to manage an expanded mandate.
- j) **Establishment of a Social Protection Registry-** The establishment of a comprehensive Social Protection Registry was observed as a progressive step toward improving targeting, minimizing duplication, and enhancing cross-agency coordination. The use of a digital platform was seen as key to improving program efficiency.

3.1 COMMITTEE RECOMMENDATIONS

70. Arising from the above observations, the Committee recommends that the Senate passes The Social Protection Bill (National Assembly Bills No. 12 of 2025) with the following amendments -

- (a) **That Clause 5 of the Bill be amended in paragraph (d)** by inserting the words “and gender responsive” immediately after the words “evidence based”

(b) That **Clause 6 of the Bill** be amended by inserting the following new paragraphs after paragraph (c) –

- (ca) establish monitoring and evaluation systems to assess the impact, efficiency and sustainability of social protection interventions including collection and analysis of disaggregated data by sex, age, disability and other relevant characteristics;
- (cb) collaborate with non-state actors including non-governmental organizations and private sector entities to expand the reach and impact of social protection initiatives.

(c) That **clause 30** of the Bill be amended in paragraph (c) by deleting the word "beneficiaries" appearing immediately after the words "...." and substituting therefor the words "persons in need".

(d) That **clause 23** of the Bill be amended in paragraph (a) by deleting the word "National Assembly" appearing immediately after the words "appropriated by the" and substituting thereof the word "Parliament".

(e) That **Clause 31** of the Bill be amended by

(a) In subclause (1) by—

- i. deleting the words "A beneficiary or his" appearing and substituting therefor the words "A person in need or their";
- ii. inserting the words "in the prescribed manner" immediately after the words " social protection benefit".

(b) in subclause (2) by inserting the words "and may request for additional information where necessary" immediately after the words " benefit applied for";

(c) in subclause (4) by deleting sub-clause 4 and substituting thereof the following new clause—

(4) If the applicant does not qualify for a social protection benefit provided under this Act, the Board shall notify the Applicant—

- a) that he or she does not qualify for social protection benefit under this Act;
- b) the reasons why he or she does not qualify; and

- c) of his or her right of appeal contemplated in clause 33 and of the mechanism and procedure to invoke such right.
- (d) in sub-clause (5) by deleting the words “sixty days” appearing immediately after the words “writing within” and substitute thereof the words “fourteen days”.
- (f) That **clause 33** of the Bill be amended by deleting the words “in the first optional instance, to the Cabinet Secretary or” appearing immediately after the words “Board may appeal”.
- (g) That **Clause 34** of the Bill be amended in subclause (1) by
 - a) deleting the word “and” appearing immediately after the words “form of discrimination;”
 - b) inserting the following new paragraph immediately after paragraph (d)—
 - (da) receive social protection benefits within a specified timeframe after approval of the benefits.
- (h) That **Clause 39** of the Bill be amended by deleting the word “may,” appearing immediately after the words “The Board” and substituting thereof the word “shall”.
- (i) That **Clause 40** of the Bill be amended
 - a) in subclause (1) by inserting the word “for” immediately after the words “singular database”;
 - b) in subclause (2) by deleting the words “for vulnerable individuals and households” and substituting therefor the words “of beneficiaries” in paragraph (a); and
 - c) by deleting paragraph (f).
- (j) That **Clause 44** of the Bill be amended by deleting the words “six months” appearing immediately after the words “a term not exceeding” and substituting thereof the words “two years”.
- (k) That **Clause 48** of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (d)—

(da) the repayment of amounts overpaid or erroneously paid in respect of benefits.

(l) That **Clause 2** of the Bill be amended –

a) in the definition of the word “Registry” by deleting the figure “36” appearing immediately after the words “.....” and substituting thereof the figure “40”.

b) by inserting the following new definitions in their proper alphabetical sequence

“applicant” means a person who applies for social protection benefit under this Act on their behalf or on behalf of another person;

“household” means a person or group of persons living together as a single unit with a recognised head of unit;

“person with disability” means a person as defined by the Persons with Disability Act;

“primary care giver” means an adult who takes primary responsibility for meeting the daily needs of a child;

“social protection benefit” means a social grant, social relief of distress or an additional payment contemplated under this Act; and

LIST OF APPENDICES

- Appendix 1: Committee Stage Amendments on the Social Protection Bill, 2025
(National Assembly Bills No. 12 of 2025)
- Appendix 2: Minutes of the Committee sittings
- Appendix 3: Copy the Social Protection Bill, 2025 (National Assembly Bills No. 12
of 2025), Bill
- Appendix 4: Advertisement as published in the Daily Nation and Star Newspapers
- Appendix 5: Public Participation Matrix
- Appendix 6: Copies of the Stakeholders' Submissions

20th June, 2025

The Clerk of the Senate
Parliament Buildings
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE SOCIAL PROTECTION
BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)**

NOTICE is given that Sen. Recha Julius Murgor, the Chairperson of the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025), at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill be amended in paragraph (d) by inserting the words “and gender responsive” immediately after the words “evidence based”.

CLAUSE 6

THAT clause 6 of the Bill be amended by inserting the following new paragraphs after paragraph(c)—

(ca) establish monitoring and evaluation systems to assess the impact, efficiency and sustainability of social protection interventions including collection and analysis of disaggregated data by sex, age, disability and other relevant characteristics;

(cb) collaborate with non-state actors including non-governmental organizations and private sector entities to expand the reach and impact of social protection initiatives.

CLAUSE 30

THAT clause 30 of the Bill be amended in paragraph (c) by deleting the word "beneficiaries" appearing immediately after the words “the categories of” and substituting therefor the words "persons in need".

CLAUSE 31

THAT clause 31 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting the words "A beneficiary or his" appearing before the words "representative may apply" and substituting therefor the words "A person in need or their";
- (ii) inserting the words "in the prescribed manner" immediately after the words "social protection benefit".

(b) in subclause (2) by inserting the words "and may request for additional information where necessary" immediately after the words "benefit applied for";

(c) in subclause (4) by deleting sub-clause 4 and substituting thereof the following new clause—

(4) If the applicant does not qualify for a social protection benefit provided under this Act, the Board shall notify the Applicant—

- (a) that they do not qualify for social protection benefit under this Act;
- (b) the reasons why they do not qualify; and
- (c) of their right of appeal contemplated in clause 33 and of the mechanism and procedure to invoke such right.

(d) in sub-clause (5) by deleting the words "sixty days" appearing immediately after the words "writing within" and substitute thereof the words "fourteen days".

CLAUSE 33

THAT clause 33 of the Bill be amended by deleting the words "in the first optional instance, to the Cabinet Secretary or" appearing immediately after the words "Board may appeal".

CLAUSE 34

THAT clause 34 of the Bill be amended in subclause (1) by—

- (a) deleting the word "and" appearing immediately after the words "form of discrimination;"
- (b) inserting the following new paragraph immediately after paragraph (d)—
 - (da) receive social protection benefits within a specified timeframe after approval of the benefits.

CLAUSE 39

THAT clause 39 of the Bill be amended by deleting the word "may," appearing immediately after the words "The Board" and substituting thereof the word "shall".

CLAUSE 40

THAT clause 40 of the Bill be amended—

- (a) in subclause (1) by inserting the word "for" immediately after the words "singular database";
- (b) in subclause (2) by deleting the words "for vulnerable individuals and households" and substituting therefor the words "of beneficiaries" in paragraph (a); and
- (c) by deleting paragraph (f).

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting the words "six months" appearing immediately after the words "a term not exceeding" and substituting thereof the words "two years".

CLAUSE 48

THAT clause 48 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (d)—

- (da) the repayment of amounts overpaid or erroneously paid in respect of benefits.

CLAUSE 2

THAT clause 2 of the Bill be amended —

- (a) in the definition of the word "Registry" by deleting the figure "36" appearing immediately after the words "established under section" and substituting thereof the figure "40".

- (b) by inserting the following new definitions in their proper alphabetical sequence —

"applicant" means a person who applies for social protection benefit under this Act on their behalf or on behalf of another person;

"household" means a person or group of persons living together as a single unit with a recognised head of unit;

"social protection benefit" means a social grant, social relief of distress or an additional payment contemplated under this Act; and

Dated: Friday, 20th June, 2025.

A handwritten signature in black ink, appearing to read 'Recha Julius Murgor', with a stylized flourish at the end.

.....
Recha Julius Murgor MP,
Chairperson,
Committee on Labour and Social Welfare.



MINUTES OF THE FORTY- FOURTH (44TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN FOUR POINTS BY SHERATON HOTEL, MACHAKOS COUNTY ON FRIDAY, 20TH JUNE, 2025 AT 10.00 A.M.

MEMBERS PRESENT

- | | |
|--|--|
| 1. Sen. Lenku Seki Ole Kanar, MP | - Member- <i>Ag. Chair</i> |
| 2. Sen. Crystal Asige, MP | - Vice-Chairperson - <i>virtually</i> |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member- <i>virtually</i> |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member - <i>virtually</i> |
| 5. Sen. Beth Syengo, MP | - Member - <i>virtually</i> |

APOLOGIES

- | | |
|---|----------------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 3. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Florence Waweru | - Clerk Assistant II |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Nigma Adow | - Research Officer III |
| 5. Mr. James Ngusya | - Serjeant-at-arms |
| 6. Ms. Lomenen Junior | - Media Officer |
| 7. Mr. Nicholas Arusei | - Audio Officer |
| 8. Ms. Alice Nanyama | - Executive Secretary I |
| 9. Ms. Zahra Mohammed | - Intern, DSEC |

MIN/SEN/SCLSW/254/2025: PRAYERS

The meeting was called to order by the Chairperson at 10.05 a.m. followed by a word of prayer.

MIN/SEN/SCLSW/255/2025: ADOPTION OF AGENDA

The agenda was adopted after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Miraj Abdulahi AbdulRahman, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of Committee Reports on-
 - a) the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025);
 - b) the Labour Migration and Management(No. 2) Bill, 2024(Senate Bills No.42 of 2024)
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCLSW/256/2025: CONSIDERATION OF COMMITTEE REPORTS

A. Committee report on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025);

1. The Committee considered the Report on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025), and the proposed Committee amendments on the Bill.
2. The Committee adopted the Report on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025), including the proposed amendments after being proposed by Sen. Beth Syengo, MP and seconded by Sen. Crystal Asige, MP.

A. Committee report on the Labour Migration and Management (No. 2) Bill, 2024 (Senate Bills No.42 of 2024)

1. The Committee considered the Report on the Labour Migration and Management (No.2) Bill, 2024 (Senate Bills No. 42 of 2024), and the proposed Committee amendments on the Bill.
2. The Committee adopted the Report on the Labour Migration and Management (No.2) Bill, 2024 (Senate Bills No. 42 of 2024), including the proposed amendments after being proposed by Sen. Beth Syengo, MP and seconded by Sen. Crystal Asige, MP.

MIN/SEN/SCLSW/257/2025: ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/258/2025 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.33 a.m. with the next meeting being on notice.



SIGNATURE.....
(CHAIRPERSON: SEN. JULIUS RECHA MURGOR, CBS, MP)

DATE: Thursday, 26th June, 2025



MINUTES OF THE FORTY- THIRD (43RD) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN FOUR POINTS BY SHERATON HOTEL, MACHAKOS COUNTY ON THURSDAY, 19TH JUNE, 2025 AT 3.00 P.M.

MEMBERS PRESENT

- | | |
|--|------------------------------------|
| 1. Sen. Lenku Seki Ole Kanar, MP | - Member- <i>Ag. Chair</i> |
| 2. Sen. Crystal Asige, MP | - Vice-Chairperson- <i>virtual</i> |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member- <i>virtual</i> |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member- <i>virtual</i> |
| 5. Sen. Beth Syengo, MP | - Member- <i>virtual</i> |

APOLOGIES

- | | |
|---|---------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 3. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Florence Waweru | - Clerk Assistant II |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Nigma Adow | - Research Officer III |
| 5. Mr. James Ngusya | - Serjeant-at-arms |
| 6. Ms. Lomenen Junior | - Media Officer |
| 7. Mr. Nicholas Arusei | - Audio Officer |
| 8. Ms. Alice Nanyama | - Executive Secretary II |
| 9. Ms. Zahra Mohammed | - Intern, DSEC |

MIN/SEN/SCLSW/249/2025: PRAYERS

The meeting was called to order by the Chairperson at 3.00 p.m. followed by a word of prayer.

MIN/SEN/SCLSW/250/2025: ADOPTION OF AGENDA

The agenda was adopted after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Miraj Abdulahi Abdulrahman, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of Committee Amendments on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025);
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCLSW/251/2025: CONSIDERATION OF COMMITTEE AMENDMENTS ON THE SOCIAL PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

A. Committee briefing

1. The Committee was briefed on the proposed amendments to the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025). It was noted that the amendments sought to enhance the Bill's clarity, inclusivity, and responsiveness to vulnerable groups.
2. Key amendments included -
 - a) Inserting "gender responsive" into clause 5 to strengthen inclusivity.
 - b) Expanding clause 6 to mandate monitoring and evaluation systems and collaboration with non-state actors.
 - c) Replacing references to "National Assembly" with "Parliament" in clause 23 to reflect bicameral appropriation.
 - d) Substituting "beneficiaries" with "persons in need" in clauses 30 and 31 for more inclusive language.
 - e) Clarifying appeals processes in clause 33 and reducing timelines for appeal responses from sixty to fourteen days.
 - f) Making Board action mandatory (changing "may" to "shall") in clauses 34 and 39.

- g) Refining the structure and definitions related to the social protection registry and eligibility in clauses 2 and 40.
 - h) Providing for recovery of overpaid benefits in clause 48 and increasing penalties in clause 44.
3. The Committee was briefed on various stakeholder proposals aimed at strengthening the interpretation, eligibility, application procedures, governance, and administrative clarity of the Social Protection Bill, 2025. A number of proposals were accepted, primarily those intended to enhance legal precision, reinforce procedural fairness, and align with the Social Protection Policy, 2023, and constitutional principles.
 4. Key accepted amendments included:
 - a) Technical corrections and the inclusion of additional definitions such as *"applicant," "household,"* and *"person with disability"* for clarity and alignment with other laws.
 - b) Expanding the role of county governments to include monitoring and evaluation and collaboration with non-state actors.
 - c) Replacing the term "beneficiaries" with "persons in need" in several clauses for consistency with the structure of the Bill.
 - d) Enhancing the application and appeals process (Clause 31) by:
 - a. Requiring reasons for benefit denial,
 - b. Enabling requests for additional information,
 - c. Ensuring accessible, inclusive application methods,
 - d. Guaranteeing the right to appeal directly to the High Court (Clause 33), in line with fair administrative action under Article 47 and Article 50 of the Constitution.
 - e) Inserting a right to timely receipt of benefits (Clause 34) and mandating indexation of benefits every two years (Clause 39) to protect real value against inflation.
 - f) Refining the Social Protection Registry provisions (Clause 40) to ensure it focuses on actual beneficiaries, uses disaggregated data, and maintains compliance with data protection and evidence-based planning.
 - g) Providing for the repayment of overpaid or erroneous benefits through regulations (Clause 48).
 - h) Repealing the Social Assistance Act (Cap. 258A) under Clause 49 to allow full transition to the updated legal framework.
 5. Proposals that were declined included those seeking to expand definitions or add redundant provisions already covered in the Bill or Policy; to reintroduce the outdated Social Assistance Act; or to broaden Board mandates and governance structures in ways that could compromise efficiency or constitutional structure.

B. Committee comments and observations

The Committee observed that the amendments would improve accountability, responsiveness, and clarity in the delivery and administration of social protection services under the Bill.

C. Committee resolutions

1. The Committee noted that while a proposal had been made to replace the reference to “National Assembly” with “Parliament” in Clause 23 to reflect bicameral appropriation, it reconsidered its earlier position. Upon review, the Committee observed that the power of appropriation of public funds lies exclusively with the National Assembly as provided under Article 221 of the Constitution. Accordingly, the Committee resolved to retain the reference to “National Assembly” in Clause 23 for constitutional consistency.
2. The Committee observed that, with respect to the definition of “*person with disability*”, it was important to maintain consistency with existing legal frameworks. It therefore resolved that the definition be retained as provided under the Persons with Disabilities Act, 2025, in order to ensure alignment and coherence in the application of disability rights across legislation.

MIN/SEN/SCLSW/252/2025: ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/253/2025 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 5.05 p.m. with the next meeting being the following day.



SIGNATURE.....
(CHAIRPERSON: SEN. JULIUS RECHA MURGOR, CBS, MP)

DATE: Thursday, 26th June, 2025



MINUTES OF THE FORTIETH (40TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ONLINE MONDAY, 16TH JUNE, 2025 AT 2.30 PM.

MEMBERS PRESENT

- | | |
|--|--------------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. Crystal Asige, MP | - Vice-Chairperson |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Lenku Seki Ole Kanar, MP | - Member |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 6. Sen. Beth Syengo, MP | - Member |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Florence Waweru | - Clerk Assistant II |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Nigma Adow | - Research Officer III |
| 5. Ms. Lomenen Junior | - Media Officer |
| 6. Mr. Nicholas Arusei | - Audio Officer |

MIN/SEN/SCLSW/232/2025: PRAYERS

The meeting was called to order by the Chairperson at 3.00 p.m. followed by a word of prayer.

MIN/SEN/SCLSW/233/2025: ADOPTION OF AGENDA

The Agenda was adopted after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Miraj Abdulahi Abdulrahman, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of the public participation matrix on the Social Protection Bill, 2025(National Assembly Bills No.12 of 2025);
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCLSW/234/2025: CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX ON THE SOCIAL PROTECTION BILL, 2025(NATIONAL ASSEMBLY BILLS NO.12 OF 2025

A. Committee briefing

1. The Committee was briefed on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) and proceeded to consider a detailed matrix outlining stakeholder submissions and proposed amendments, as a continuation of its meeting held on Friday, 13th June, 2025 in Machakos County.
2. The Committee made their determinations as indicated in Annex1, annexed to these minutes.

B. Committee comments and resolutions

1. The Committee supported amendments to reduce the decision timeline for emergency fundraising from 21 to 14 days. It accepted proposals to enhance accessibility for persons with disabilities, including those with sensory impairments. Additional recommendations to strengthen application procedures, identity verification, eligibility checks, and fraud prevention were also adopted.
2. The Committee reviewed various clause proposals and rejected those deemed already addressed in existing provisions. A new requirement was introduced under Clause 34, mandating beneficiaries to notify the authority if they will be outside the country for over six months.
3. The Committee agreed to clarify the county governments' role in collecting and sharing disaggregated data;
4. The Committee proposed more graduated penalties for fraud and false information. A proposal to establish a national-county shared Social Protection Fund was rejected, reaffirming that social protection is a national function.

5. Terminology- ‘Parliament’ vs ‘National Assembly’- The Committee debated the appropriate legislative reference and resolved to change to ‘Parliament’ noting possible future alignment with constitutional changes.

MIN/SEN/SCLSW/235/2025: ANY OTHER BUSINESS

1. The Committee took note of the correspondence from the Ministry of Gender, Culture and Children Services requesting a rescheduling of the Committee retreat initially planned for Wednesday, 18th- Saturday 21st June, 2025; and
2. The Committee acceded to the request, and resolved to consider the Committee Reports on the Labour Migration and Management (No.2) Bill, 2024 (Senate Bills No. 42 of 2024) and the Social Protection Bill, 2025(National Assembly Bills No.12 of 2025) during that period.

MIN/SEN/SCLSW/236/2025 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 4.22 p.m. with the next meeting being on notice.



SIGNATURE.....
(CHAIRPERSON: SEN. JULIUS RECHA MURGOR, CBS, MP)

DATE.: Thursday, 19th June, 2025



MINUTES OF THE THIRTY-EIGHTH (38TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN HILTON GARDEN INN, MACHAKOS COUNTY ON FRIDAY, 13TH JUNE, 2025 AT 11.45 A.M.

MEMBERS PRESENT

- | | |
|--|--------------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. Crystal Asige, MP | - Vice-Chairperson |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Lenku Seki Ole Kanar, MP | - Member |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 6. Sen. Beth Syengo, MP | - Member |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Veronica Kibati | - Deputy- Director, DSEC |
| 2. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 3. Ms. Florence Waweru | - Clerk Assistant II |
| 4. Mr. Jackson Wekesa | - Legal Counsel II |
| 5. Ms. Nigma Adow | - Research Officer III |
| 6. Mr. James Ngusya | - Serjeant-at-arms |
| 7. Ms. Lomenen Junior | - Media Relations Officer |
| 8. Mr. Nicholas Arusci | - Audio Officer |
| 9. Ms. Alice Nanyama | - Executive Secretary I |

MIN/SEN/SCLSW/222/2025: PRAYERS

The meeting was called to order by the Chairperson at 12.00 p.m followed by a word of prayer.

MIN/SEN/SCLSW/223/2025: ADOPTION OF AGENDA

The Agenda was adopted after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Lenku Seki Ole Kanar, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of the Public matrix on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025 (*Committee Paper No. 32*))
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCLSW/224/2025: CONSIDERATION OF THE PUBLIC MATRIX ON THE SOCIAL PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

A. Committee briefing

1. The Committee was briefed on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) and proceeded to consider a detailed matrix outlining stakeholder submissions and proposed amendments.
2. The Committee offered their corresponding Committee determinations as indicated in Annex1, annexed to these minutes.

Committee Comments and Observations

1. **On the Rationale for New Legislation-** The Committee observed that while some stakeholders proposed amending the existing Social Assistance Act (Cap. 258A), there was broad consensus that the Social Protection Bill, 2025 offers a more comprehensive and progressive legal framework. The Committee noted that the Bill is aligned with the Social Protection Policy, 2023, which adopts a four-pillar approach—comprising income security, social health protection, shock-responsive social protection, and complementary programmes thus necessitating the enactment of standalone legislation.
2. **On Definitions and Legal Clarity-** The Committee noted that definitions proposed by stakeholders—such as “household”, “beneficiary”, and “person with disability”—were useful and reflected terminology used in the Bill. These proposals were accepted as they enhance legal clarity and consistency. However, the Committee rejected the inclusion of definitions that were overly technical, duplicative, or not referenced in the substantive provisions of the Bill, in order to maintain simplicity and avoid ambiguity in interpretation.
3. **On the Categories of Beneficiaries-** The Committee acknowledged the importance of ensuring the Bill adequately addresses the needs of vulnerable groups. It observed that the inclusion of informal sector workers, unpaid caregivers, single-parent households, internally displaced persons, pregnant women, and youth not in education, employment or training (NEETs) was in line

with the Bill's rights-based and life-cycle approach, and therefore supported such proposals.

4. **On the Objects and Guiding Principles of the Bill-** The Committee observed that while some stakeholders proposed additional clauses to expand the objects and guiding principles of the Bill, such amendments were largely unnecessary. Clauses 3, 5, and 6 already provide a comprehensive foundation that embodies the principles of equity, non-discrimination, social justice, and cooperative governance between national and county levels. The Committee therefore found no need for further expansion.
5. **On the Role of County Governments-** The Committee recognized the critical role that County Governments play in the implementation of social protection programmes. It supported proposals to enhance county-level functions, particularly in the areas of monitoring and evaluation and collaboration with non-state actors. These proposals were found to be in line with the devolved governance structure and the operational objectives of the Social Protection Policy.
6. **On the Composition and Functions of the Social Protection Board-** The Committee noted that while the principle of inclusive representation is important, proposals to significantly expand the membership of the Social Protection Board were not adopted. The Committee was of the view that such expansion could compromise the Board's operational efficiency. It further noted that the current provisions are sufficient to ensure gender and sectoral representation, and that additional concerns can be addressed through policy implementation frameworks.
7. **On the Handling of Stakeholder Proposals-** The Committee observed that while most stakeholder proposals were rooted in sound policy and constitutional principles, some were rejected on the grounds that they were duplicative of existing provisions, unnecessarily specific, or risked complicating the administrative design of the Bill. The Committee emphasized the importance of maintaining legislative coherence, clarity, and administrative simplicity to ensure the Bill's successful implementation.

B. Committee resolution

Owing to time constraints, the Committee resolved to conclude the consideration of the Matrix during an online meeting scheduled for Monday, 16th June, 2025 at 2:30 p.m.

MIN/SEN/SCLSW/225/2025: ANY OTHER BUSINESS

There was no other business

MIN/SEN/SCLSW/226/2025 **ADJOURNMENT AND DATE OF THE NEXT MEETING**

The meeting was adjourned at 2.00 p.m. with the next meeting being on notice.

A handwritten signature in black ink, appearing to read 'Julius Recha Murgor', is written over a light blue rectangular background.

SIGNATURE.....
(CHAIRPERSON: SEN. JULIUS RECHA MURGOR, CBS, MP)

DATE: Thursday, 19th June, 2025



MINUTES OF THE THIRTY-SIXTH (36TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 18 & 19, THIRD FLOOR, BUNGE TOWER ON THURSDAY, 12TH JUNE, 2025 AT 11.00A.M.

MEMBERS PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. Crystal Asige, MP | - Vice-Chairperson |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |
| 4. Sen. Lenku Seki Ole Kanar, MP | - Member |
| 5. Sen. Beth Syengo, MP | - Member |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Florence Waweru | - Clerk Assistant II |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Nigma Adow | - Research Officer III |
| 5. Ms. Swaluha Yusuf | - Protocol Officer |
| 6. Ms. Lomenen Junior | - Media Relations Officer |
| 7. Mr. Nicholas Arusei | - Audio Officer |
| 8. Mr. James Ngusya | - Serjeant-at-arms |

IN-ATTENDANCE

- | | |
|-------------------------|---|
| 1. Dr. Kiarie Badilisha | - COG - Governor, Nyandarua County, |
| 2. Ms. Irine Ogamba | - COG - Director, Legal |
| 3. Ms. Valarie Akinyi | - COG - Technical Lead |
| 4. Ms. Daisy Chebet | - COG - Gender Officer |
| 5. Ms. Naomi Wahu | - COG - Legal |
| 6. Mr. Jimmy Chogi | - COG - Personal Assistant to Governor |
| 7. Ms. Shantal Onyango | - The Cradle - Legal Counsel |
| 8. Ms. Mary Kitegi | - The Office of the Attorney General, Legal Counsel |

MIN/SEN/SCLSW/212/2025: PRAYERS

The meeting was called to order by the Chairperson at 11.25 a.m. followed by a word of prayer. This was followed by introductions from all present.

MIN/SEN/SCLSW/213/2025: ADOPTION OF AGENDA

The Agenda was adopted after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Lenku Seki Ole Kanar, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Public hearing on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) (*Committee Paper No. 32*)
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCLSW/214/2025: PUBLIC HEARING ON THE SOCIAL PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

A. Committee briefing

1. The Committee noted the correspondence from the Ministry of Labour and Social Protection requesting a rescheduling of their appearance before the Committee, and further acknowledged the formal apology submitted by the County Assemblies Forum for their inability to attend the session.
2. The Committee also acknowledged receipt of earlier written submissions from various stakeholders, including, the National Gender and Equality Commission, the Coast Region Budget Hub, the International Centre for Research on Women (ICRW), and the Ministry of Labour and Social Protection.

The Chairperson then invited the stakeholders to make their submissions.

B. Stakeholders' submissions

1. The Office of the Attorney General

The representative from the Attorney-General's Office reported that they had reviewed the Bill and provided a detailed clause-by-clause analysis and recommendations. The Committee was informed that:

- a) With respect to **Clause 28(3)(f)**, the term "caregivers" was proposed for deletion from the category of "persons in need," as caregivers are providers of care rather than recipients. The Office noted that such provisions were already adequately addressed in Clause 29(b)(iii) and (vii).
- b) The numbering under **Clause 29(b)** was said to be incorrect and in need of correction.
- c) In **Clause 30(c)**, it was recommended that the word "beneficiaries" be replaced with "persons in need" to align with the terminology used in Clause 28.
- d) For **Clause 31(1)**, the term "beneficiary" was again proposed to be replaced with "person in need," as the individual applying for support had not yet been determined to be a beneficiary.
- e) Regarding **Clause 31(4)**, the Office proposed the addition of the requirement that the Board "give reasons for the decision" when denying a benefit, to comply with the Fair Administrative Action Act, 2015.
- f) On **Clause 33**, it was recommended that the provision allowing appeals to the Cabinet Secretary be deleted, as it risked creating a conflict of interest and undermining the independence of the appeals process, contrary to Article 50(1) of the Constitution.
- g) An editorial correction was suggested for **Clause 40(1)**, where the word "for" should be inserted for clarity.
- h) In **Clause 40(2)(a)**, the Office recommended replacing "vulnerable individuals and households" with "beneficiaries," explaining that maintaining a national registry of all vulnerable individuals was impractical due to fluctuating socioeconomic conditions.
- i) **Clause 40(2)(f)** was proposed for deletion, with the explanation that during emergencies, the focus should be on identifying and assisting persons in need at that time, rather than relying on static registry data of vulnerable households.

She concluded by assuring the Committee of their continued support and cooperation in refining the Bill.

2. The Council of Governors

The Council was represented by the Governor of Nyandarua County, who made the following submissions:

- a) He emphasized that the Council anchored its participation in the constitutional framework, noting that the implementation of social protection is largely a devolved function, while the national government retains responsibility for setting standards and providing technical assistance. He observed that the Bill,

as currently drafted, does not adequately reflect the distinct yet complementary roles of the two levels of government.

- b) He pointed out that although the title of the Bill suggests a comprehensive approach to social protection, its provisions are limited to social assistance, excluding other critical components such as social health protection, income security, and fair labour market interventions as outlined in the Kenya Social Protection Policy, 2023. He therefore recommended that the Bill be broadened to include both contributory and non-contributory schemes.
- c) The Governor further noted that the Bill inadequately addresses the role of county governments, treating their participation as discretionary rather than central. He expressed concern about the Bill's approach to targeting beneficiaries, ensuring equity, and preventing double-dipping, and highlighted the need for a harmonized and collaborative management information system involving national and county governments as well as non-state actors.
- d) He raised concern over the issue of funding, stating that the Social Protection Fund, as proposed in the Bill, excludes county governments despite assigning them substantial implementation responsibilities. He recommended that the fund be equitably shared between the national and county governments in a 70:30 ratio.
- e) He proposed that the National Social Protection Board be either restructured or eliminated altogether, arguing that many of its assigned functions fall within the mandate of the Ministry responsible for social protection. He called for a clear delineation between strategic and policy roles at the national level and operational responsibilities at the county level.
- f) With respect to the Social Protection Registry, he recommended the establishment of a centralized system populated by harmonized data drawn from county-level registries, citing counties' proximity to local communities and their capacity to generate accurate, real-time data.
- g) He also proposed several amendments to specific clauses of the Bill, including provisions to strengthen coordination between the two levels of government, incorporate gender-responsive principles, give effect to the rights guaranteed under Article 43(3) of the Constitution, ensure county participation in regulation-making, and clarify the Bill's scope and implementation mechanisms.

In conclusion, the Governor cautioned that unless the fundamental issues raised by the Council were addressed, implementation of the Bill particularly by county government would face serious challenges and risk failing to achieve its primary objective of reducing poverty and vulnerability.

3. The Cradel, The Children Foundation

The Committee was briefed by a representative of the Cradle, The Children Foundation, who presented comprehensive submissions on the Social Protection Bill, 2025.

- a) It was noted that the Bill lacked definitional clarity on key terms, and the representative recommended the inclusion of new definitions for words such as “applicant,” “beneficiary,” “primary caregiver,” “disaster,” and “social protection benefit.” These, it was argued, would help distinguish roles, clarify eligibility, and align the Bill with related legal frameworks such as the Persons with Disability Act and the Disaster Management Act.
- b) The representative proposed amendments to Clause 3 to insert new sub-clauses explicitly providing for the rendering of social protection, outlining delivery mechanisms, setting minimum service standards, and establishing a Social Protection Board to strengthen coordination, oversight, and policy formulation.
- c) Further, the Committee was informed of the need to insert a new clause on guiding principles, including inclusivity, equity and fairness, sustainability, transparency and accountability, and respect for human dignity. These principles were seen as critical in ensuring a just, accessible, and effective social protection system.
- d) Regarding the role of county governments under Clause 6, it was proposed that counties should also be mandated to establish monitoring and evaluation systems and engage with non-state actors to improve coverage and efficiency of social protection initiatives.
- e) On Clause 28, the Foundation recommended that the phrase “and disasters” be included to ensure persons affected by both shocks and disasters are explicitly covered.
- f) With regard to Clause 31, the Foundation proposed procedural clarifications to require applications be submitted in a prescribed manner and that the Board be empowered to request additional information. In case of rejection, applicants should be notified of the decision, the reasons for ineligibility, and their right of appeal, including the process for doing so.
- g) A new Clause 32 was proposed, allowing the Board to prescribe additional eligibility requirements, such as income thresholds, means testing, and documentation for identity and dependency status. This was intended to enhance transparency, equity, and fraud prevention.
- h) To strengthen service delivery, it was further proposed that Clause 34 be amended to include the right of beneficiaries to receive payments within a specific timeframe following approval.
- i) The Committee was also informed of the need for new provisions on the suspension of benefits for beneficiaries absent from the country for more than six months, while allowing exceptions under specific conditions. This was aimed at ensuring responsible use of public resources and preventing abuse.
- j) A new Clause 36 was recommended to restrict the transfer or encumbrance of social assistance payments, protect the full entitlement of beneficiaries, and provide mechanisms for appeal.
- k) The Foundation also called for the replacement of Clause 43 with a more detailed provision on false representation, outlining offences and penalties for furnishing false information or failing to report changes affecting eligibility.

- l) Finally, it was recommended that Clause 48(2) be amended to include a new sub-clause allowing for the recovery of overpaid or erroneously disbursed funds, thereby enhancing accountability and safeguarding public resources.

In conclusion, the representative emphasized that the proposed amendments were necessary to ensure the Bill is comprehensive, rights-based, administratively sound, and capable of delivering meaningful and equitable social protection to all eligible individuals.

C. Committee comments and observations

1. **On the Constitutional Role of County Governments-** The Committee noted the strong consensus that the implementation of social protection programmes is largely a devolved function. The Committee agreed that greater clarity and alignment with the Constitution is necessary, particularly in delineating roles and responsibilities under the devolved system.
2. **On Targeting, Equity, and Beneficiary Identification-** It was observed that effective targeting, prevention of double-dipping, and improved equity were issues to look into. The Committee took note of proposals to enhance the interoperability of national and county data systems and supported calls for a harmonized, centralized registry populated with real-time data from the counties to ensure accuracy and accountability.
3. **On Guiding Principles and Human Rights-** Submissions emphasized the importance of embedding principles such as inclusivity, equity, sustainability, gender-responsiveness, and human dignity in the Bill. The Committee supported the incorporation of these principles, noting that they are essential for the protection and empowerment of vulnerable groups and are aligned with constitutional values.
4. **On the Need for Inclusive and Consultative Regulation-Making-** The Committee agreed with the recommendation that the formulation of regulations under the Bill must be consultative and inclusive. The Committee endorsed this approach to ensure stakeholder ownership and smoother implementation.
5. **Recognition and Support for Caregivers-** The Committee observed that while the Bill references caregivers, their role remains ambiguously defined within the broader social protection framework. It was noted that unpaid caregivers, especially those supporting persons with disabilities, the elderly, and children, bear a significant burden yet are often excluded from direct benefits. The Committee emphasized the need to clearly define caregivers in the Bill and include targeted support measures to reflect their essential contribution to social welfare.
6. **Access to Emergency Support for Non-Kenyans-** The Committee observed that while the Bill makes reference to the inclusion of all persons during emergencies, it lacks sufficient clarity on the extent to which non-Kenyans such as refugees and migrants are eligible for social protection. It recommended further stakeholder engagement and clearer provisions to guide the inclusion of vulnerable non-citizens, in line with international obligations.
7. Noting the presence of representatives from the Council of Governors, the Committee took the opportunity to remind them of their pending appearance before

the Committee regarding the petition concerning persons living with invisible disabilities.

D. Committee resolution


1. The Committee emphasized the need for a comprehensive redrafting of specific provisions to ensure the legislation is constitutionally sound, socially inclusive, administratively practical, and aligned with both National development priorities and international standards on social protection.
2. Noting the letter from the Ministry of Creative Economy, Youth Affairs and Sports requesting a rescheduling of the Committee retreat initially planned for Thursday, 12th- Sunday, 15th June, 2025, the Committee acceded to the request and resolved to proceed with the retreat on the said dates to consider the following-
 - a) The Public Participation matrix on the the Labour Migration and Management (No. 2) Bill, 2024 (Senate Bills No.42 of 2024);
 - b) The Public Participation matrix on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025); and
 - c) The Report on the Petition concerning the alleged failure by Kenya Breweries Limited, Kaplan and Stratton Advocates, and Harrison Kinyanjui Advocates to pay compensation awarded to the petitioners.

MIN/SEN/SCLSW/215/2025: ANY OTHER BUSINESS

There was no other business

MIN/SEN/SCLSW/216/2025 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12. 55p.m. with the next meeting being on notice.



SIGNATURE.....
(CHAIRPERSON: SEN. JULIUS RECHA MURGOR, CBS, MP)

DATE: Thursday, 19th June, 2025



MINUTES OF THE THIRTIETH (30TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 8, FIRST FLOOR, BUNGE TOWER ON THURSDAY, 29TH MAY, 2025 AT 10.00 AM.

MEMBERS PRESENT

- | | |
|--|--------------------------|
| 1. Sen. Julius Recha Murgor, CBS, MP | - Chairperson |
| 2. Sen. Crystal Asige, MP | - Vice-Chairperson |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member- <i>Virtual</i> |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 5. Sen. Beth Syengo, MP | - Member |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, CBS, MP | - Member |
| 3. Sen. Lenku Seki Ole Kanar, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Florence Waweru | - Clerk Assistant II |
| 3. Mr. Jackson Wekesa | - Legal Counsel |
| 4. Ms. Ndindi Kibathi | - Research Officer |
| 5. Mr. Nicholas Arusei | - Audio Officer |
| 6. Mr. James Ngusya | - Serjeant-at-arms |

MIN/SEN/SCLSW/175/2025: PRAYERS

The meeting was called to order by the Chairperson at 11.23 a.m. followed by a word of prayer.

MIN/SEN/SCLSW/176/2025: ADOPTION OF AGENDA

The Agenda was adopted after being proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Beth Syengo, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 27th & 29th Sittings;
4. Matters arising from previous minutes;
5. Consideration of the Social Protection Policy and Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) (Committee Paper No.25);
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/SCLSW/177/2025: CONFIRMATION OF MINUTES OF THE 27TH & 29TH SITTINGS

1. The Minutes of the 27th Sitting held on Friday, 16th May, 2025 at 10.00 a.m. were confirmed to be a true record of the deliberations having been proposed by Sen. Beth Syengo, MP and seconded by Sen. Crystal Asige, MP; and
2. The Minutes of the 29th Sitting held on Tuesday, 27th May, 2025 at 11.00 a.m. were confirmed to be a true record of the deliberations having been proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Beth Syengo, MP;

MIN/SEN/SCLSW/178/2025: MATTERS ARISING FROM PREVIOUS MINUTES

There were no matters arising.

MIN/SEN/SCLSW/179/2025: CONSIDERATION OF THE SOCIAL PROTECTION POLICY, 2023 AND SOCIAL PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

A. Committee briefing

1. The Committee was briefed on Paper No.25 and was informed that the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025), had been read a First Time in the Senate on Tuesday, 13th May 2025, and subsequently committed to the Standing Committee on Labour and Social Welfare for consideration.
2. It was reported that, in accordance with Article 118 of the Constitution and Senate Standing Order 145(5), the Committee had invited members of the public to submit written memoranda on the Bill by Thursday, 5th June 2025. Public notices had been placed in the *Star* and *Daily Nation* newspapers on Thursday, 22nd May 2025. Additionally, the Committee was scheduled to conduct a public hearing with key stakeholders and the public on Thursday, 12th June 2025.
3. Members were reminded that, pursuant to Standing Order 148, the Committee was required to table its report to the Senate within thirty calendar days from the date of

committal, which is by Thursday, 12th June 2025. The Committee was urged to take note of the deadlines and consider the contents of the brief in line with the statutory timelines.

B. Consideration of the Social Protection Policy, 2023

1. The Committee researcher briefed the Committee on the Social Protection Policy 2023, which seeks to provide a comprehensive framework for safeguarding Kenyans against poverty, vulnerability, and various life shocks, while also promoting their economic and social rights. It was explained that the Policy builds upon the foundation laid by the Kenya National Social Protection Policy of 2011 and incorporates lessons learned from recent events, including the COVID-19 pandemic. The Policy is domiciled within the Ministry of Labour and Social Protection, under the State Department for Social Protection and Senior Citizen Affairs.
2. The Committee was informed that the Policy is grounded in constitutional provisions, particularly Article 43 of the Constitution, which guarantees all Kenyans the right to social security and related socio-economic rights. It also aligns with international commitments such as the Sustainable Development Goals, specifically SDG Target 1.3, and the ILO Social Protection Floors Recommendation No. 202 of 2012. The Policy provides for four minimum guarantees: access to essential healthcare, basic income security for children, for persons of working age who are unable to earn, and for the elderly.
3. Members were further informed that the Policy is guided by several core principles including inclusivity, a rights-based approach, equity, non-discrimination, gender equality, good governance, accountability, and sustainability.
4. The briefing outlined the four key pillars of the Policy:
 - a) Income Security – combining contributory and non-contributory schemes such as unemployment protection, maternity and sickness benefits, and old age pensions;
 - b) Social Health Protection – supporting the implementation of Universal Health Coverage through the Social Health Insurance Act, 2023, and operationalization of the Social Health Authority (SHA), launched in October 2024;
 - c) Shock-Responsive Social Protection – focusing on timely relief for populations affected by disasters, including droughts, pandemics, and other emergencies, using early warning systems and emergency cash transfers; and
 - d) Complementary Programmes – aimed at enhancing livelihoods and resilience through initiatives such as the Kenya Youth Employment and Opportunities Project (KYEOP) and support to smallholder farmers via subsidized inputs and agricultural insurance.
5. The Committee was also informed that the institutional framework under the 2011 Policy envisaged the establishment of a National Social Protection Council, which has not yet been realized due to lack of legislation. In the interim, the National Social Protection Secretariat and the Community of Practice have been coordinating sectoral implementation. The 2023 Policy recommends the establishment of new institutional structures, including a National Board for Social Protection, various national and county-level committees, and a robust Monitoring and Evaluation framework.
6. On financing, it was reported that government allocations to the sector have increased since 2011, particularly for cash transfers. The Policy calls for the establishment and

operationalization of a Social Protection Fund, as provided for under the Public Finance Management Act, to ensure sustainable financing, especially for non-contributory programmes.

7. In conclusion, the Committee was informed that the Social Protection Bill (National Assembly Bill No.12 of 2025) is intended to operationalize the Policy by establishing the necessary institutional and financial frameworks. The Bill also provides for enhanced county government involvement in the implementation and oversight of social protection measures across the country.

C. Consideration for the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025)

1. The Committee was briefed on the Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025), which was sponsored by Hon. Kimani Ichung'wa, MP, the Leader of Majority in the National Assembly. It was noted that the Bill had been passed by the National Assembly on 30th April, 2025, read a First Time in the Senate on 13th May, 2025, and subsequently referred to the Senate Standing Committee on Labour and Social Welfare for consideration and facilitation of public participation.
2. The Committee was informed that the Bill seeks to establish a comprehensive framework for the administration of non-contributory social protection interventions in Kenya. It was explained that the primary objectives of the Bill include enhancing coordination, improving targeting, strengthening governance, and ensuring sustainability of social protection programs aimed at vulnerable individuals and households.
3. Members were briefed that the Bill proposes the establishment of the National Board for Social Protection, which will serve as the central institution for the coordination and implementation of social protection programs. The Board's functions include advising the Cabinet Secretary, designing, and implementing interventions, maintaining a registry of beneficiaries, fostering stakeholder collaboration, and promoting civic education.
4. It was further noted that the Bill provides for the composition of the Board, incorporating representatives from government ministries, county governments, trade unions, employers' organizations, and groups representing persons with disabilities and older persons. The Chief Executive Officer of the Board will also be a member.
5. The Committee was apprised of the role of county governments, which will include implementing national policies at the county level, allocating resources, developing registries and civic education strategies, and collaborating with the national government.
6. It was stated that eligible beneficiaries under the Bill include orphans and vulnerable children, poor older persons, persons with disabilities, those in extreme poverty, individuals affected by shocks such as disasters, and unpaid caregivers.
7. The Committee was informed that the Bill outlines two categories of benefits: Social Assistance (such as cash transfers and in-kind support) and Social Care Services (including rehabilitation, psychosocial support, and home-based care). The Bill also sets out procedures for application, review, and appeals, and introduces a central Social Protection Registry for effective data management and accountability.
8. Regarding governance, it was noted that the Bill establishes mechanisms to prevent abuse, including obligations of beneficiaries, grounds for termination of benefits, refund provisions, and offenses related to fraud or misrepresentation.
9. Members were informed that the Bill proposes the creation of a Social Protection Fund to finance the interventions, which will be managed under the Public Finance

- Management Act. Transitional provisions have been included to ensure the smooth repeal of the Social Assistance Act (Cap. 258A) and continuity of existing programs.
10. The Committee was reminded that under Standing Order 145(5), it is required to conduct public participation and consider the views of stakeholders before tabling its report to the Senate. The Committee was also informed that the report is due by 12th June, 2025.

D. Committee observations and comments

1. **Need for Harmonization of Social Protection Frameworks**-The Committee observed that the Social Protection Bill, 2025 seeks to consolidate and harmonize the fragmented legal and policy frameworks currently governing social protection in Kenya. Members welcomed the effort to streamline interventions, noting that previous programs suffered from duplication, lack of coordination, and inefficiencies.
2. **Strengthening Institutional Coordination**-The Committee noted the establishment of the National Board for Social Protection as a central coordinating body. It observed that this was a critical step towards addressing the historical lack of institutional coherence in the delivery of social protection services. However, Members raised concerns about the clarity of roles between the Board and existing structures such as the Ministry of Labour and Social Protection and emphasized the need to avoid overlaps.
3. **County Government Participation**-Members acknowledged the important role assigned to county governments in the implementation of social protection policies. However, the Committee expressed the view that the Bill should be strengthened to provide clearer guidelines and minimum standards for county-level legislation, resource allocation, and accountability mechanisms, to ensure uniformity and equity across all counties.
4. **Inclusivity and Targeting of Beneficiaries**-The Committee observed that the categories of eligible beneficiaries outlined in the Bill are appropriate and reflect the realities of vulnerability in Kenya. Nonetheless, Members emphasized the need for more robust criteria and data tools to ensure accurate targeting, and to avoid exclusion or political interference in beneficiary selection. Members also emphasized the need to define **eligibility criteria** more clearly to prevent exclusion errors, political manipulation, and inconsistencies in implementation and further give clarity on the eligibility of foreigners.
5. **Concerns on Data Protection and Registry Management**-The establishment of a centralized Social Protection Registry was noted as a progressive move to improve transparency, efficiency, and planning. However, the Committee raised concerns about the adequacy of data protection safeguards, interoperability of county and national registries, and the risk of data breaches or misuse of sensitive personal information or other matters such as nepotism.
6. **Sustainability and Financing**-Members acknowledged the creation of a Social Protection Fund as a vital financing mechanism. However, the Committee expressed concern over the Bill's silence on long-term funding sources and sustainability. It was recommended that the Bill include clearer provisions for budgetary allocation and resource mobilization strategies.
7. **Representation and Inclusivity in the National Board for Social Protection**- The Committee welcomed the inclusive composition of the Board, especially the requirement for representation from trade unions, employers, persons with disabilities, and older persons. However, Members recommended expanding the representation to

include civil society organizations, faith-based groups, and youth, given their critical roles in community-level support systems and advocacy.

E. Committee resolutions

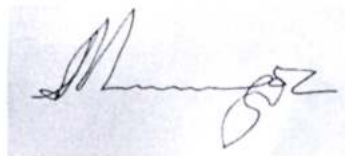
1. The Committee directed the Legal Counsel to prepare a comparative brief analysing the Children Act, 2022 and the Persons with Disabilities Act, 2025 with a view to identifying any potential overlaps or duplications in the protection and support of vulnerable groups; and
2. The Committee further requested a comparative analysis of relevant international and domestic legislation that could provide guidance on the inclusion of emergency social protection coverage for foreigners residing in Kenya.

MIN/SEN/SCLSW/180/2025: ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/181/2025 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.45 a.m. with the next meeting being on notice.



SIGNATURE.....

(CHAIRPERSON: SEN. JULIUS RECHA MURGOR, CBS, MP)

DATE: Thursday, 19th June, 2025



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS
(*Bill No. 12 of 2025*)

THE SOCIAL PROTECTION BILL, 2025

(A Bill published in the Kenya Gazette Supplement No. 43 of 2025 and passed by the National Assembly, with amendments, on 30th April, 2025)

N.A./B/No. 12/2025

THE SOCIAL PROTECTION BILL, 2025
ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Scope of the Act.
- 5—Guiding principles.
- 6—Role of County Governments.

PART II—THE NATIONAL BOARD FOR SOCIAL PROTECTION

- 7—Establishment of the Board.
- 8—Functions of the Board.
- 9—Powers of the Board.
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SCHEDULE—Conduct of Business and Affairs of the Board.

THE SOCIAL PROTECTION BILL, 2025

A Bill for

AN ACT of Parliament to provide a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Social Protection Bill, 2025. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“beneficiary” means a person or household that is benefitting from a social protection benefit;

“Board” means the National Board for Social Protection established under section 7;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to social protection;

“caregiver” means a person who tends to the needs or concerns of a —

(a) child; or

(b) person who is not fully independent due to short-term or long-term limitations, including ageing, illness, injury or disability;

“cash transfer” means a regular and predictable disbursement of money by the Board to an individual, family or household;

“child” has the meaning assigned to it in Article 260 of the Constitution;

“complementary programme” means a social protection intervention that is designed to work alongside existing social protection initiatives and is aimed at promoting the skills, knowledge or qualifications of a person in order to facilitate sustainable livelihoods, enhance resilience and build socio-economic assets;

“life cycle approach” means supporting a vulnerable person or household to meet their development needs during various stages of life;

“non-contributory social protection” means a social protection intervention where eligibility to a benefit is not conditional on the payment of contributions by the beneficiary or by another party on behalf of the beneficiary;

“older member of society” means a person who has attained the age of sixty years;

“orphan” has the meaning assigned to it under section 2 of the Children Act; Cap 141

"Registry" means the Social Protection Registry established under section 36;

"right-based approach" means anchoring social protection interventions, plans, policies and programmes in a system of rights and corresponding obligations established by international and national laws while taking into account the principles of objectivity, transparency, participation, socio-economic inclusion, accountability, non-discrimination, equality, empowerment and legality;

"shock" means a slow or rapid onset of high-impact ecological, environmental, economic or social disturbance that affects the well-being or socio-economic condition of an individual, household or any segment of the population;

"social assistance" means any financial assistance or social care service granted to a poor or vulnerable person or household;

"social care service" means any form of personal care or other practical assistance provided to a vulnerable person who needs extra support;

"socio-economic inclusion" means equal and equitable access to opportunities and participation in economic and social life for all members of the society which reduces disparity and create a more equitable and cohesive community;

"social protection" means non-contributory measures aimed at preventing and mitigating economic and social vulnerabilities to poverty, risks, contingencies and shocks experienced throughout the life cycle of a person;

"targeting" means the process of identifying and selecting a person, family, household or group of people eligible to receive social protection benefits based on the criteria prescribed under this Act;

"vulnerability" means the likelihood of suffering from current or future deterioration in the standard of living, which may result in socially unacceptable outcomes such as poverty, inability to meet basic needs or inability to invest in human capital development; and

"vulnerable child" has the meaning assigned to it under section 2 of the Children Act.

3. The objects of this Act are to—

- (a) cushion persons in need against risks and contingencies;
- (b) build human capital capabilities and resilience of persons in need; and
- (c) promote the well-being of persons in need.

4. This Act shall apply to non-contributory social protection.

5. The implementation of this Act shall be guided by

Cap. 141,
Objects of the
Act.

Scope of the Act

Guiding

the following principles—

principles.

- (a) equity, social justice, inclusiveness, non-discrimination and participatory governance;
- (b) promotion of a rights-based approach to the delivery of social protection interventions;
- (c) adequacy, accessibility and sustainability of social protection interventions;
- (d) evidence based social protection programming; and
- (e) life-cycle approach to social protection.

6. In the administration and provision of social protection, a county government shall—

Role of county governments

- (a) implement national government policies on social protection through county-specific legislation and strategies;
- (b) allocate resources for social protection interventions at the county level;
- (c) collaborate with the national Government in the provision of social protection interventions;
- (d) develop an interoperable county registry for social protection; and
- (e) develop civic education and public participation strategies on social protection in line with the County Governments Act.

Cap. 265.

PART II—THE NATIONAL BOARD FOR SOCIAL PROTECTION

7. (1) There is established a board to be known as the National Board for Social Protection.

Establishment of the Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) entering into contracts;
- (c) acquiring, holding, charging and disposing of movable and immovable property; and
- (d) doing or performing all such other things or acts as may lawfully be done or performed by a body corporate.

8. The functions of the Board shall be to—

Functions of the Board

- (a) advise the Cabinet Secretary on matters relating to social protection;
- (b) design, implement, monitor and evaluate social protection interventions and programmes;
- (c) provide social assistance and social care to vulnerable persons;

- (d) coordinate social protection interventions, services and programmes;
- (e) foster collaboration in the implementation of social protection interventions among government ministries, departments, and agencies;
- (f) establish and maintain a social protection registry and ensure continuous collection and disaggregation of data;
- (g) facilitate data sharing and interoperability among different social protection information systems in collaboration with relevant social protection agencies;
- (h) undertake civic education on social protection;
- (i) promote a community of practice for social protection as a knowledge-sharing platform;
- (j) periodically undertake indexation of social assistance benefits in collaboration with the National Treasury;
- (k) undertake resource mobilisation for purposes of this Act;
- (l) undertake periodic research to inform policy and programme interventions; and
- (m) perform any other function conferred on it by any written law.

9. (1) The Board shall have all the powers necessary for the performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

Powers of the Board.

- (a) cooperate and collaborate with other public or private entities and regional and international organisations in the enforcement of this Act; and
- (b) obtain professional assistance or advice from any person or organisation as it considers appropriate.

(2) Despite sub-section (1), nothing in this Act confers upon the Board the power to perform functions that are under the mandate of other government ministries, departments, trusts or agencies.

10. (1) The Board shall consist of—

Composition of the Board

- (1) (a) a Chairperson appointed by the President;
- (2) (b) the Principal Secretary for the time being responsible for matters relating to social protection or their representative designated in writing;
- (2) (c) the Principal Secretary for the time being responsible for matters relating to children or their representative designated in writing;

- 4 (d) the Principal Secretary to the National Treasury or their representative designated in writing;
- 5 (e) one person nominated by the Council of County Governors;
- 6 (f) four persons not being public officers, appointed by the Cabinet Secretary as follows—
 - 7 (i) one person nominated by the most representative federation of trade unions by virtue of knowledge and experience in matters relating to social protection;
 - 8 (ii) one person nominated by the most representative federation of employers' organizations by virtue of knowledge and experience in matters relating to social protection;
 - 9 (iii) one person with disability nominated by organisations of persons with disabilities by virtue of knowledge and experience in matters relating to social protection;
 - 9 (iv) one older member of society nominated by organisations of older members of society by virtue of knowledge and experience in matters relating to social protection; and
- 10 (g) the Chief Executive Officer of the Board.

11. (1) A person qualifies for appointment as the Chairperson if the person—

Qualification of Board members.

- (a) is a citizen of Kenya;
- (b) possesses a post-graduate degree from a university or academic institution recognised in Kenya;
- (c) has at least fifteen years' experience in social protection;
- (d) has at least ten years' experience in a management position in the public or private sector;
- (e) meets the requirements of Chapter Six of the Constitution; and
- (f) is not serving in the public service.

(2) A person qualifies for appointment as a member of the Board under section (10) (1) (e) if the person—

- (a) is a citizen of Kenya;
- (b) possesses a degree from a university recognised in Kenya;
- (c) has at least ten years' experience in social protection;
- (d) meets the requirements of Chapter Six of the Constitution; and

(e) is not a public officer.

(4) The Cabinet Secretary shall when appointing members of the Board—

- (a) have regard to the ethnic and regional diversity of the people of Kenya;
- (b) ensure that not more than two-thirds of the members of the Board are of the same gender;
- (c) take into account the national values and principles set out in Article 10 of the Constitution; and
- (d) stagger the period of appointment to ensure continuity of membership and corporate knowledge of the Board.

12. The Chairperson and every member appointed under section (10) (1) (e) shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.

Tenure of office

13. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—

Vacancy.

- (a) dies;
- (b) resigns from office by notice in writing addressed to the appointing authority; or
- (c) is removed from office on any of the following grounds that the office holder—
 - (i) has been adjudged bankrupt or has entered into a composition scheme or arrangement with his creditors;
 - (ii) has been absent from three consecutive meetings of the Board without permission of the Board;
 - (iii) is otherwise unable or unfit to discharge the functions of the office;
 - (iv) contravenes Chapter Six of the Constitution;
 - (v) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; or
 - (vi) is incapacitated by prolonged physical or mental illness.

14. (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Board through an open, transparent and competitive process on such terms and conditions as the Board shall determine, in consultation with Salaries and Remuneration Commission.

The Chief
Executive Officer

(2) The Chief Executive Officer shall—

- (a) have no right to vote at any meeting of the Board;
- (b) be responsible for executing decisions of the Board;



- (c) be responsible for the day-to-day administration and management of the affairs of the Board;
- (d) be the custodian of all the records of the Board;
- (e) be responsible for the organisation, control and management of the members of staff of the Board; and
- (f) perform such other duties as may be assigned by the Board.

(3) A person qualifies for appointment as the Chief Executive Officer if the person—

- (a) is a citizen of Kenya;
- (b) holds a post-graduate degree in a relevant field from a university or academic institution recognized in Kenya;
- (c) has at least ten years' experience in the social protection sector;
- (d) has at least ten years' experience in senior management in a public or a private institution; and
- (e) meets the requirements of Chapter Six of the Constitution.

(4) The Chief Executive Officer shall be appointed for a term of three years and shall be eligible for re-appointment for one further and final term of three years.

15. The Chief Executive Officer may be removed from office in accordance with the terms and conditions of service stipulated in the appointing instrument.

Removal of the
Chief Executive
Officer

16. (1) The Board may establish such committees as it may consider necessary to assist it in the performance of its functions and the exercise of any of its powers.

Committees of the
Board

(2) Any decision that is made by a committee established under subsection (1) shall be ratified by the Board.

17. The Chairperson and members of the Board shall be paid such allowances and reimbursements for such expenses incurred in the performance of Board functions as may be approved by the Cabinet Secretary, on the advice of the Salaries and Remuneration Commission.

Remuneration of
members of the
Board

18. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule.

Conduct of
business and
affairs of the
Board

(2) Except as provided in the Schedule, the Board may regulate its own procedure.

19. The Board may appoint such number of staff of the Board as it may consider necessary for the discharge of the functions of the Board, on such terms and conditions as the Board may determine, upon the advice of the Salaries and Remuneration Commission.

Staff of the Board

20. The Board may by resolution, either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions of the Board under this Act.

Delegation of powers of the Board

21. (1) The common seal of the Board shall be kept in the custody of the Chief Executive Officer or such other person as the Board may direct and shall not be used except upon the order of the Board.

Seal of the Board

(2) The common seal of the Board shall be authenticated by the signature of the Chairperson of the Board or the Chief Executive Officer.

(3) Despite subsection (2), the Board shall, in the absence of either the Chairperson or the Chief Executive Officer, in any particular matter nominate one member of the Board to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.

(4) The common seal of the Board shall, when affixed to a document and duly authenticated, be judicially and officially noticed and unless the contrary is proven, any order or authorization by the Board under this section shall be presumed to have been duly given.

22. (1) Nothing done by a member of the Board or by any officer, employee or agent of the Board shall, if done in good faith for the purpose of executing the powers or functions of the Board under this Act, render such member, officer, employee or agent personally liable for any action, claim or demand.

Protection from personal liability

(2) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially, of any works.

23. The funds of the Board shall comprise of—

Funds of the Board

(a) such monies as may be appropriated by the National Assembly for purposes of the Board;

(b) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act;

(c) any gifts, grants, donations or endowments that are lawfully given to the Board for purposes of social protection; and

(d) any monies received from any other lawful source as the Cabinet Secretary for the National Treasury may approve.

24. The financial year of the Board shall be the period

Financial year

of twelve months ending on the thirtieth of June in every year.

25. The annual estimates of the Board shall be prepared and approved in accordance with the Public Finance Management Act. Annual estimates
Cap 412A

26. (1) The Board shall cause to be kept all proper books and records of account relating to the income, expenditure, assets and liabilities of the Board. Books of account

(2) The accounts of the Board shall be prepared and audited in accordance with the Public Finance Management Act and the Public Audit Act. Cap 412A
Cap 412B

27. (1) The Board shall, within three months after the end of each financial year, prepare and submit to Parliament, through the Cabinet Secretary, a report on the status of social protection in Kenya and the operations of the Board during that financial year. Annual report

(2) The Cabinet Secretary shall cause the annual report to be published and publicised.

PART III—ADMINISTRATION OF SOCIAL PROTECTION

28. (1) The Board shall, in accordance with this Act, provide social protection to persons in need. Provision of social
protection to
persons in need

(2) The Cabinet Secretary shall, in consultation with the Board, determine the categories of persons in need through a notice published in the *Gazette*.

(3) Notwithstanding subsection (2), persons in need shall include—

- (a) orphans or vulnerable children;
- (b) poor older members of society;
- (c) persons with disabilities;
- (d) persons in extreme poverty;
- (e) persons affected by shocks; and
- (f) unpaid, deficient and unsupported caregivers.

29. The Board shall provide the following social protection benefits under this Act— Social protection
benefits

- (a) social assistance which shall include—
 - (i) cash transfers; and
 - (ii) transfers in kind;
- (b) social care services which shall include—
 - (i) rehabilitation services;
 - (ii) psychosocial support;
 - (iii) respite care services;

- (iv) feeding programmes;
- (vii) homebased care;
- (viii) programmes aimed at promoting skills, knowledge and qualifications of a person; and
- (ix) essential drugs, personal care goods and assistive devices.

30. A person is eligible for the appropriate social protection benefit under this Act, if the person—

Eligibility for social protection

- (a) is a Kenyan citizen;
- (b) is a non- Kenyan citizen in an emergency situation;
- (c) falls within the categories of beneficiaries specified in section 28; and
- (d) complies with any requirements or conditions prescribed by the Cabinet Secretary in regulations including income thresholds, means testing, age limits, health status, disabilities and care dependency.

31. (1) A beneficiary or his representative may apply to the Board for a social protection benefit.

Application for social protection

(2) The Board shall upon receiving an application made under subsection (1) conduct an assessment to verify that the applicant is eligible for the social protection benefit applied for.

(3) If the applicant qualifies for a social protection benefit as provided for under this Act, the Board shall register the applicant as a beneficiary and render the appropriate social protection benefit.

(4) If the applicant does not qualify for a social protection benefit provided under this Act, the Board shall inform the applicant of the decision.

(5) The Board shall convey its decision to the applicant in writing within sixty days of receiving an application.

32. (1) An applicant who is aggrieved by the decision of the Board may apply to the Board for review of its decision within fourteen days from the date of the decision.

Review of decisions of the Board.

(2) The Board may establish a committee comprising not more than five of its members to consider reviews under this section.

(3) The Board may, upon review of its decision, uphold, annul or vary the decision as necessary.

33. An applicant who is aggrieved by the decision of the Board may appeal in the first optional instance, to the Cabinet Secretary or to the High Court within thirty days of the decision.

Appeals

34. (1) A beneficiary of a social protection benefit under this Act has the right to—

Rights and obligations of a beneficiary.

- (a) information on the available social protection interventions and the eligibility criteria;
- (b) provide informed consent for the collection of his personal data for the purpose of providing social protection benefits under this Act;
- (c) be treated with dignity and without any form of discrimination; and
- (d) have his complaints and grievances handled by the Board in an expeditious, efficient, lawful, reasonable and procedurally fair manner.

(2) A beneficiary of a social protection benefit under this Act has the duty to—

- (a) provide accurate information to the Board;
- (b) act in good faith and use any social protection benefit responsibly and for the intended purpose;
- (c) promptly notify the Board of any changes in his socio-economic circumstances that may affect his eligibility for the social protection benefit; and
- (d) comply with any conditions that may be imposed in relation to the provision of a social protection benefit.

35. (1) The Board may, if in its opinion a beneficiary or the representative of a beneficiary uses any social protection benefit in a way that negates its intended purpose—

Abuse of social protection benefits.

- (a) suspend the provision of the social protection benefit for a specified period, pending investigation and determination of the matter; or
- (b) appoint another person to receive the social protection benefit on behalf of the beneficiary and to apply it, subject to any conditions that the Board may determine, for the benefit of the beneficiary.

(2) A person who abuses a social protection benefit commits an offence and shall on conviction, be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term of not exceeding one year or to both.

36. (1) The Board may terminate the provision of a social protection benefit granted to a beneficiary if the beneficiary—

Termination of social protection benefits.

- (a) is absent from Kenya, for a continuous period of twelve months or longer without notification;
- (b) is no longer eligible for the social protection benefit;

- (c) ceases to be a Kenyan resident;
- (d) voluntarily opts out;
- (e) knowingly provides false information or in case of misrepresentation, deceit or fraud;
- (f) the Board determines that the beneficiary is no longer in need of the social protection benefit; or
- (g) any other circumstances that the Cabinet Secretary may prescribe in regulations.

37. (1) Where the Board erroneously pays money to a person who is not entitled to social protection under this Act or the payment to a beneficiary exceeds the amount permitted by the Board and regulations made under this Act—

Refund to the Board

- (a) the person shall refund the amount of money so paid or, if the person is deceased, his estate shall refund the money; or
- (b) the excess amount of money paid shall be deducted in the subsequent payment made to the beneficiary.

(2) The Board may institute recovery proceedings against any person who receives money from the Board under the circumstances specified in subsection (1).

38. The Board may review the nature and extent of a social protection benefit provided to a beneficiary if it has reason to believe that a change in the socio-economic circumstances of the beneficiary may necessitate adjustments to the social protection benefit provided.

Review of social protection benefits.

39. The Board may, in consultation with the National Treasury, periodically review the social assistance benefits provided under this Act to accommodate changes in real value.

Indexation of social protection benefits.

40. (1) The Board shall establish a Social Protection Registry which shall be the singular database social protection interventions under this Act.

Social Protection Registry.

(2) The Registry shall—

- (a) be used to maintain an inventory for vulnerable individuals and households in the country;
- (b) provide a platform for applicants to apply for social protection;
- (c) facilitate the selection and registration of beneficiaries for social protection interventions;
- (d) facilitate the coordination of social protection interventions at the national and county levels of government;
- (e) facilitate the monitoring and evaluation of social protection interventions;
- (f) provide data of vulnerable households in the event of shocks or emergencies; and

(g) facilitate linkage and referral mechanisms for social protection interventions.

(3) The Register shall contain such particulars as may be prescribed in regulations.

(4) The Board shall—

(a) keep, maintain, and regularly update the Register;

(b) undertake periodic registration of beneficiaries; and

(c) facilitate real-time updating of changes in household data through interoperability with the other national registries.

41. Any person who is involved in the handling of data under this Act shall comply with the Data Protection Act.

Data handling

Cap 411C

PART IV—OFFENCES

42. A person who obstructs, hinders or threatens an officer performing functions or exercising the powers conferred under this Act commits an offence and shall on conviction, be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or to both.

Obstruction

43. A person who knowingly gives false information to the Board or misleads an officer of the Board acting under this Act commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or to both.

Giving false information

44. A person who unlawfully divulges details of a beneficiary or any information obtained under this Act in relation to a beneficiary commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

Unlawful disclosure of information

45. Any person who defrauds the Board or conspires, aids or abets another person to defraud the Board commits an offence and shall, on conviction, be liable, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years or to both, and any money or property or reward obtained fraudulently shall be forfeited to the Board.

Fraud

46. A person who misappropriates any funds or assets of the Board, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding five years or to both.

Misappropriation of funds

PART V—MISCELLANEOUS PROVISIONS

47. The Cabinet Secretary responsible for the National Treasury shall, pursuant to section 24 of the Public Finance Management Act, establish a Social Protection Fund to facilitate the implementation of this Act.

Social Protection
Fund
Cap 412A

48. (1) The Cabinet Secretary may make regulations prescribing anything which under this Act may be prescribed, and generally for the better carrying out of the provisions of this Act.

Regulations

(2) Without prejudice to the generality of the powers conferred by subsection (1) the regulations may prescribe—

- (a) forms to be used under this Act;
- (b) eligibility criteria for social protection benefits;
- (c) the classification of persons in need of social protection;
- (d) the terms and conditions under which social protection benefits may be granted;
- (e) the norms and standards for the provision of social protection benefits;
- (f) the manner in which registers shall be maintained under this Act, including the details or particulars required to be entered in the registers;
- (g) the protocols and methodologies for targeting beneficiaries;
- (h) the protocols and methodologies for the graduation of beneficiaries of social protection to self-sufficiency;
- (i) grievance handling and case management procedures;
- (j) exit criteria for social protection interventions; and
- (k) the manner of appointment of representatives by beneficiaries or by the Board.

PART VI—REPEAL SAVING AND TRANSITION PROVISIONS

49. The Social Assistance Act is repealed.

Repeal of Cap
238A
Transition of staff.

50. (1) Every person who, immediately before the coming into force of this Act, was an officer or member of staff of the Directorate of Social Assistance or the National Social Protection Secretariat, not being under a notice of dismissal or resignation, shall upon the commencement of this Act become an officer or staff of the Board.

(2) Despite subsection (1), an officer or member of staff referred to in subsection (1) shall upon the commencement of this Act, be given an option to elect to serve in the Board or be redeployed in the Public Service

within a period of one year.

51. (1) Any obligation or liability subsisting against the Directorate of Social Assistance or the National Social Protection Secretariat immediately before the coming into force of this Act shall, on the commencement of this Act, be an obligation or liability of the Board.

Obligations and liabilities

(2) All rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Directorate of Social Assistance or the National Social Protection Secretariat shall, by virtue of this section, be deemed to be the rights, obligations and contracts of the Board.

52. Any reference to the Directorate of Social Assistance or the National Social Protection Secretariat in any law or in any contract, document or instrument of whatever nature shall, on the commencement of this Act, be read and construed as a reference to the Board.

Reference to the Directorate of Social Assistance or the National Social Protection Secretariat

53. Upon the commencement of this Act, all funds, assets, and movable and immovable property, which, immediately before the commencement of this Act, were vested in the former Directorate or the former Secretariat, shall vest in the Board.

Vesting of assets.

54. Upon the commencement of this Act, any action, suit or legal proceedings whatsoever pending by or against the Directorate of Social Assistance or the National Social Protection Secretariat shall be carried on or prosecuted by or against the Board, and no such action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act.

Legal proceedings

55. Any direction, order, authorization, license or permit issued, or registrations made by the Directorate of Social Assistance or the National Social Protection Secretariat and subsisting or valid immediately before the date of commencement of this Act shall be deemed to have been given, issued or made by the Board under this Act.

Directions, orders, and authorizations.

56. (1) Any social assistance benefit or programme which was provided or implemented by the Directorate of Social Assistance immediately before the commencement of this Act, shall continue to be provided or implemented by the Board.

Transition of social assistance benefits, programmes and beneficiaries.

(2) A beneficiary of social assistance benefit or programme provided or implemented by the Directorate of Social Assistance immediately before the commencement of this Act shall be deemed to be a beneficiary under this Act.

SCHEDULE

(s.18)

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings

1. (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson shall, upon requisition in writing by at least three members of the Board, convene a special meeting of the Board within fourteen days of receipt of the requisition.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be five.

(5) The Chairperson shall preside at every meeting of the Board at which he is present but, in the absence of the Chairperson, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

Disclosure of Interest by Members of the Board

2. (1) If a member of the Board is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

Minutes

3. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.



I certify that this printed impression is a true copy of the Bill passed by the National Assembly on 30th April, 2025.

A handwritten signature in dark ink, appearing to be "Muhammad Ishaq", written in a cursive style.

Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.

A handwritten signature in dark ink, appearing to be "Wajid Ali Raza", written in a cursive style.

Speaker of the National Assembly

on increasingly fragmented and often counterproductive messaging of the Ruto administration's agenda

exposes State House infighting



Workers at State House Nairobi on May 12. A court case has divided divisions among those who are tasked with communicating President William Ruto's government agenda. DENNIS ONSONGO/INFORMATION

She says Mr Ng'eno sent her multiple messages, in which he criticised Mr Jayesh's "arrogance, his proximity to the President, and even admitted to plans to reverse the software, retain the overheads, or replicate the system and present it as his own."

"I will call him directly and tell him what I think of him. He told me there is no need to get emotional. He is just pretending to be savvy and complex and authoritative... I am so angry," Ms Wachuka quotes Mr Ng'eno. "He had offered a troll farm concept that was basically Nisiant and his few devices, the charade enabled him to take credit for other's work, it's embarrassing."

"His entire strategy is visibility, apparent utility and proximity. I fell for it, I assumed his visibility was a product of merit, not craft," Ms Wachuka recounts Mr Ng'eno telling her.

Following the fallout, Mr Ng'eno decided to bypass Mr Jayesh and engage the President directly. Ms Wachuka says he subsequently informed her that the President had approved the project, confirmed that the budget was viable and

would be sourced from confidential government funds.

She adds that Mr Ng'eno told her the President had directed him to proceed with immediate implementation.

To dispute claims that there was no binding contract, as stated by Dr Kiptoo, Ms Wachuka argues that through the authorised officer, Director General of Public Investments and Portfolio Management Lawrence Kibet, the government directly negotiated and approved budgetary allocation. She cites a meeting with him at Treasury building, in the presence of Mr Ng'eno, where he confirmed the government's readiness to fund the project.

Ms Wachuka says immediately after receiving verbal confirmation of approval, Mr Ng'eno, herself and designated third-party contractors held a conference call to plan technical aspects of the system and integrate additional components.

"During the said call, Mr Ng'eno disclosed that he had received further instructions from the President to incorporate aggressive digital offensive features into the system. On the call, he provided a de-

tailed list of political and civil society targets, accompanied by operational instructions for each," Ms Wachuka says.

On December 29, 2023, Ms Wachuka says Mr Ng'eno sent her an other WhatsApp message: "Principals are eager and able—Treasury has ring-fenced funds—just ready to get your pig on the road."

But by January 31, 2024, the first signs that all was not well started showing. Ms Wachuka, who had subcontracted a US-based company—TESXO—to help with the work, paid a down payment of \$276,000 (\$3.8 million). She would later pay an additional \$12,000 (\$1.6 million) fine for late payment.

Eventually, Ms Wachuka sold her house in Canada to pay TESXO. On July 26, 2024, Ms Wachuka says, Mr Ng'eno requested for a face-to-face meeting with her in Nairobi.

After the meeting and with no money forthcoming, Ms Wachuka says she started receiving anonymous death threats through her email and telephone. It was now evident that the deal had collapsed.

On August 5, 2024, Ms Wachuka

and her lawyer Daniel Kanchon visited State House in a final attempt to find a solution to the impasse. Others present at the meeting were State House Comptroller Kaloo Ole Metito, State House Spokesperson Mohammed Hussein and other senior officials.

Ms Wachuka says the State House officials confirmed they had seen her demand letter, but stated they were not familiar with the full details of the matter.

Ms Wachuka was asked to provide the details of the project. Another round of the fight started when the President's private secretary, Reuben Majayo, called Mr Jayesh and placed him on speakerphone, according to Ms Wachuka's filings.

Mr Majayo wanted to know what role Mr Jayesh had played. Ms Wachuka says Mr Jayesh acknowledged having been part of the software project and that he had stepped aside due to the costs of the project.

Ms Wachuka says she pleaded with Mr Hussein to intervene and stop the death threats she was receiving.

Mr Hussein, Ms Wachuka alleges, responded with a dismissive

wave of the hand, then asked whether she was in a position to disclose the names of internal organisations allegedly linked to the Gen Z movement.

She says she told Mr Hussein she was not sure who was fit the protests.

Mr Metito, Ms Wachuka says, called Mr Ng'eno's supervisor, Emmanuel Tallam, who was placed on speakerphone.

Ms Wachuka says Mr Tallam affirmed that he had seen a demand letter by Ms Wachuka had attempted to seek clarity from Mr Ng'eno.

A week later, Ms Wachuka received feedback from House officials confirming they had spoken with Mr who, she says, admitted to been involved in the project.

The officials advised Ms Wachuka to sue Mr Ng'eno and Mr Hussein. However, she sued the four Attorney-General.

The defendants have denied role in the saga and have a court to dismiss Ms Wachuka's petition, arguing that she was using an unconstitutional procedure.

kamaina@kenationmedia

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA AND PUBLIC HEARING

THE SOCIAL PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

The Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) was read a First Time in the Senate on Tuesday, 12th May, 2025 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration. The Committee is required, under standing order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bill and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

The Bill seeks to provide a framework for the administration of non-contributory social protection interventions in Kenya, to establish the National Board for Social Protection to be the primary institution responsible for coordinating social protection interventions in Kenya. The Bill further seeks to create a comprehensive legal framework to guide the implementation of social protection programs that support vulnerable individuals and households, to cushion persons in need against risks and contingencies, build human capital capabilities and resilience of persons in need and to promote the well-being of persons in need.

In accordance with the provisions of Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committee on Labour and Social Welfare now invites interested members of the public to submit any representations that they may have on the Bill 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 senate@parliament.go.ke and copied to laboursocialwelfare@parliament.go.ke to be received on or before Thursday, 5th June, 2025 at 5.00 p.m.

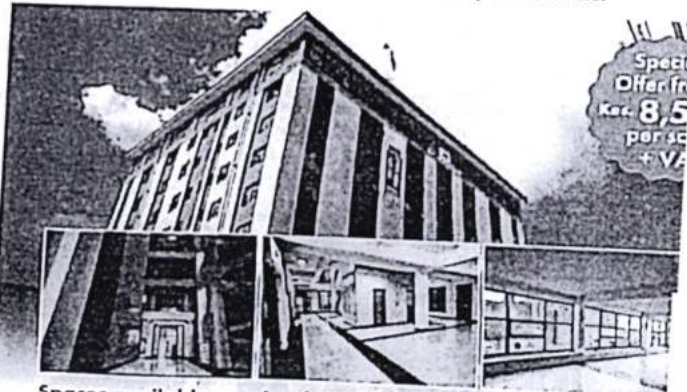
In addition, the Committee will hold a public hearing on the Bill on Thursday, 12th June, 2025 at 11.00 a.m. at the Mini Chamber, First Floor, County Hall, Parliament Buildings, Nairobi. Members of the public are welcome to attend the hearing.

The Bill and a digest that summarizes the contents and context of the Bill 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.

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NEWS GENERAL

OFFICIAL RECOGNITION

Kenya told to enact legislation to protect indigenous people

Experts express 'grave concern' about destruction of the Ogiek's homes, property, livestock, schools

CLAUD KIBI
@claudkibi

KENYA should enact dedicated legislation to expand specific protection for indigenous people and step up safeguards against forced evictions, the UN Human Rights Committee has said.

The committee also asked Kenya to ensure consistent and effective application of the principle of free, informed and prior consent before any developmental or other activities take place on lands traditionally used, occupied or owned by indigenous communities.

Through the Human Rights Council Working Group on the Universal Periodic Review 49th session Geneva held on April 28-May 9, the UN group urged the Kenyan government to intensify implementation of the Community Land Act, 2016, including by allocating adequate funding to facilitate the required processes.

This, it said, would ensure indigenous people obtain official recognition and registration of their land.

The council was reacting to a communication dated November 23, 2023, where several independent human rights experts officially referred as Special Procedure Mandate Holders about the alleged forced eviction and displacement of at least 1,000 members of the Ogiek indigenous people in Sasumwan, Mau Forest.

The Special Procedure Mandate holders said the evictions had been in direct contravention of rulings by the African Court of Human and Peoples' Rights recognising the Mau Forest as the ancestral lands of the Ogiek and finding that the expulsion of the Ogiek from the Mau Forest against their will and with no consultation violated their human rights," the committee said.

The experts also expressed "grave concern" about the destruction of the Ogiek's homes, property, livestock, schools and places of worship.

Additionally, they highlighted the failure of Kenya to guarantee the property rights of the Ogiek through land delimitation, demarcation and titling, and to end the forced evictions, to protect and fulfil their right to adequate housing in a comprehensive manner.

In the landmark ruling on May 26, 2017, the African court based in Arusha, Tanzania, ruled the Kenyan government had violated Ogiek's right to life, property, natural resources, development, religion and culture.

The court found the state evicted the community from their ancestral land in the Mau Forest and it must

take steps to remedy the violations.

In the reparations ruling on June 23, 2022, the court awarded the Ogiek Sh57.85 million as compensation for the material prejudice suffered and Sh100 million for the moral prejudice suffered.

The court, among other directions, also ordered the government grant the community a collective title and put measures to prevent further violations of their rights.

The 2017 judgment was a major precedent for indigenous peoples' land rights in Africa, recognising they have a role in conserving ecosystems and natural resources.

The United Nations Framework Convention on Climate Change also acknowledges that indigenous peoples have the knowledge and practices needed to implement and scale-up climate action.

The joint submission stated that the unequal access to land and insecure land tenure had affected indigenous communities relying on customary land tenure systems.

(+) INSTANT ANALYSIS

Indigenous communities in Kenya face numerous violations, primarily related to land rights and resource control, often resulting in forced evictions and marginalisation. These communities, including hunter-gatherers like the Ogiek and Sengwer, are frequently dispossessed of their ancestral lands and territories to accommodate development projects, logging and conservation initiatives. Additionally, they often experience discrimination, lack of representation and poor service provision. Among the violations they suffer are dispossession of ancestral lands through evictions to make way for logging.

Members of the Ogiek community outside Nakuru law courts on November 28, 2023
/XINHUA



Radio Africa Group CEO Martin Khafala presents a trophy to AJEA Sports Reporting Category winner and the Star sub-editor Damaris Kilu yesterday /LEAH MUKANGAI



Radio Africa Group Head of Digital Francis Mureithi, CEO Martin Khafala, the Star sub-editor Damaris Kilu, the Star Associate Editor Joseph Olweny and sub-editor Bosco Marita cut cake /LEAH MUKANGAI

PHOTO STORY

Radio Africa Group yesterday honoured award-winning journalist Damaris Kilu, in a joyful celebration that recognised her outstanding achievements and contributions to Journalism. Kilu, a senior writer and sub-editor at the Star Digital, was celebrated following her win in the Sports Reporting Category at the 2025 Annual Journalism Excellence Awards (AJEA). Her impactful story featured a woman living with disability who is excelling in the sports industry—an inspiring piece that highlighted the values of inclusion and human interest that define her work

/SHARON MWENDE

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION THE SENATE

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

THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE
THE SOCIAL PROTECTION BILL, 2025
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2025)

List of Stakeholders

1. Office of the Attorney General
2. Ministry of Labour and Social Protection
3. National Gender and Equality Commission (NGEC)
4. International Center for Research on Women (ICRW) Africa
5. Coast Regional Budget Hub
6. Council of Governors (COG)
7. The Cradle, The Children Foundation

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
1. Short Title	Coast Regional Budget Hub	Change title to "Social Assistance (Amendment) Bill, 2025" and amend the existing Social Assistance Act (Cap. 258A) instead of creating new legislation	The Bill only addresses social assistance, not the full scope of social protection. The Social Assistance Act already exists and covers most provisions.	DECLINE- The Bill provides comprehensive social protection framework beyond mere social assistance. Creating new legislation ensures proper alignment with current constitutional requirements and policy objectives established in the Social Protection Policy 2023. The Policy's four-pillar framework (Income Security, Social

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
				Health Protection, Shock-Responsive Social Protection, Complementary Programmes) requires comprehensive legislation beyond existing Social Assistance Act scope.
2. Interpretation	Ministry of Labour and Social Protection	Add "household" definition: <i>a person or group of persons living together as a single unit with a recognised head of unit.</i> Correct "Registry" reference to section 40 instead of 36	The term "household" is used in defining beneficiary but not interpreted. Registry reference correction needed for accuracy.	ACCEPT- Technical corrections improve legal clarity and accuracy. Definition of "household" is necessary for proper interpretation of beneficiary provisions and aligns with Policy's rights-based approach ensuring precise eligibility determination..
2. Interpretation	ICRW Africa	Add comprehensive definitions including: 1. "Intersectional vulnerability" 2. "Gender-responsive delivery" 3. "Unpaid care work"	Essential for inclusive, gender-responsive social protection aligned with constitutional values, SDG 5.4, and international best practices including ILO Convention 181.	DECLINE — These definitions are unnecessarily complex and may create interpretative challenges. The Bill's existing definitions are adequate for implementation. Constitutional Article 27 (equality) and

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		4 "Shock-responsive social protection" 5 "Participatory targeting" 6 "Equity-sensitive indexation"		Article 43 (social security) obligations can be met through existing framework. Policy principles are adequately reflected in Clause 5 without requiring additional technical definitions.
2. Interpretation	NGEC	Include interpretation for "fair labour market interventions" to address gender inequalities and promote equal opportunities	The National Social Protection Policy has four pillars including labour market interventions. This interpretation clarifies scope and ensures gender perspective.	DECLINE — The term "fair labour market interventions" is not used anywhere in the Bill, making this definition unnecessary. The Bill focuses on social protection benefits rather than labour market interventions. Existing provisions adequately address gender considerations without requiring this specific definition.
2. Interpretation	Cradle	Insert the following new definitions— "applicant" means a person who applies for social protection	Applicant Defining "applicant" ensures that the process of applying for social protection benefits is clearly distinguished from the status of a beneficiary. This definition	PARTLY ACCEPT – These definitions provide legal clarity as they have been used in the bill and will be essential for proper administration.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>benefit in respect of himself or herself or on behalf of another person in terms of this Act;</p> <p>“beneficiary” means a person who receives social protection benefit within this Act</p> <p>“person with disability” means a person as defined by the Persons with Disability Act</p> <p>“disaster” means “disaster” as defined in by the Disaster Management Act;</p>	<p>clarifies eligibility requirements and procedural obligations for individuals seeking assistance, whether for themselves or on behalf of another person.</p> <p>Beneficiary The term “beneficiary” establishes the legal recognition of individuals entitled to receive social protection benefits. This definition is necessary to differentiate between applicants and those who have successfully qualified for assistance, ensuring proper administration and accountability in benefit distribution.</p> <p>Person with Disability Aligning the definition of “person with disability” with the Persons with Disability Act ensures consistency across</p>	<p>Aligning “person with disability” with Persons with Disability Act ensures legislative consistency.</p> <p>DECLINE—</p> <p>“Disaster” the term has not been used anywhere in the Bill.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>“primary care giver” means a person older than 18 years, who takes primary responsibility for meeting the daily care needs of that child;</p> <p>“social protection benefit” means a social grant, social relief of distress or an additional payment contemplated in this Act</p>	<p>legislative frameworks. This prevents discrepancies in eligibility criteria and guarantees that individuals with disabilities receive appropriate social protection in accordance with established legal standards.</p> <p>Disaster Incorporating the definition of "disaster" as per the Disaster Management Act ensures that social protection measures are responsive to emergencies. This definition provides a legal basis for extending assistance to disaster victims, reinforcing the government's commitment to resilience and recovery efforts.</p> <p>Primary Caregiver Defining "primary caregiver" ensures that individuals responsible for the daily care of children or dependents are recognized</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>within the social protection framework. This definition is crucial for determining eligibility for benefits related to child welfare and dependent care, ensuring that vulnerable individuals receive adequate support.</p> <p>Social Protection Benefit Establishing a clear definition of "social protection benefit" ensures that all forms of assistance—including social grants, relief of distress, and additional payments—are legally recognized. This prevents misinterpretation and ensures that beneficiaries receive the full range of entitlements provided under the Act.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
3. Objects of the Act	COG	Add new objectives: d) Give effect to the State's obligation in respect to rights guaranteed under Article 43(3) of the Constitution e) Provide mechanisms for effective coordination of actors in social protection sector at national and county levels	National and County Governments should work in collaboration and cooperation towards realization of Social Protection. The Act should have objectives speaking to effective coordination of all actors.	DECLINE— The Bill does have enhanced objectives which support Policy Strategic Objective 5 (improve institutional capacity and coordination). Coordination mechanisms are essential for effective implementation across the four-pillar framework. Clause 6(d) provides that counties shall develop an interoperable system; this improves coordination.
3. Objects of the Act	CRADLE	New subclause (d) and (e)— Amend clause 3 by inserting new sub-clause (d) and (e) to read—	(d) Provision for the Rendering of Social Protection to Persons The legal framework must explicitly guarantee access to social protection programs for all persons in need, ensuring that no individual is left behind due to economic hardship, age, disability, or vulnerability. By	DECLINE — The Bill's existing objectives are adequate and comprehensive. Adding these subclauses would duplicate: (d) rendering of social protection is covered in Clause 28 (Provision of Social Protection to Persons in Need);

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>(d) to provide for the rendering of social protection to persons;</p> <p>(e) to provide for the mechanism for the rendering of such assistance;</p> <p>(f) ensure that minimum norms and standards are prescribed for the delivery of social protection; and</p> <p>(g) to provide for the establishment of board for social protection</p>	<p>codifying this objective, Parliament will reaffirm the government's commitment to fulfilling constitutional and international obligations related to social justice and human rights.</p> <p>(e) Mechanism for the Rendering of Social Protection Assistance Social protection is only effective when there is a structured, well-defined mechanism for its delivery.</p> <p>(f) Minimum Norms and Standards for the Delivery of Social Protection To uphold the integrity and effectiveness of social protection initiatives, it is imperative that minimum service standards and norms are prescribed in law. These standards will serve as benchmarks for the quality,</p>	<p>(e) mechanisms for rendering assistance are addressed in Clauses 29-31 (Benefits, Eligibility, Application);</p> <p>(f) minimum norms and standards can be prescribed through regulations under Clause 48;</p> <p>(g) establishment of Board is specifically covered in Clause 7. Constitutional Article 43 obligations are met through the current framework.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>efficiency, and accessibility of services, preventing discrepancies in service delivery.</p> <p>(g) Establishment of a Social Protection Board Effective governance and oversight are central to a functional social protection system. The creation of a Social Protection Board provides a dedicated entity responsible for policy formulation, monitoring, evaluation, and coordination of programs.</p>	
<p>4.</p> <p>Scope of the Act</p>	COG	Amend scope to read: "This Act shall apply to contributory and non-contributory social protection"	The Bill ought to be comprehensive and incorporate both contributory and non-contributory aspects. This will broaden financing of schemes to include contributions from workers, employers and others.	<p>DECLINE—</p> <p>The Bill focuses on Pillar 1 (Income Security) non-contributory schemes. Contributory schemes are adequately covered under existing legislation. The Policy supports both targeted and universal approaches as appropriate. Policy maintains separation between</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
				contributory and non-contributory systems for administrative efficiency.
4. Scope of the Act	CRADLE	<p>Insert new Clause 4—</p> <p>Insert new clause to read—</p> <p>Guiding Principles</p> <p>The provision of social protection shall be guided by the following values and principles</p> <p>(a) Inclusivity</p> <p>(b) Equity and Fairness</p> <p>(c) Sustainability and Adequacy</p>	<p>(a) Inclusivity: Social protection must be accessible to all persons, regardless of socio-economic status, gender, disability, or geographic location. The incorporation of inclusivity ensures that no individual or community is excluded from receiving necessary support, in alignment with constitutional guarantees of equality and human rights.</p> <p>(b) Equity and Fairness: A fair and just social</p>	<p>DECLINE —</p> <p>The guiding principles are already adequately covered in Clause 5 of the Bill. Creating a separate Clause 4 would duplicate existing provisions and create unnecessary redundancy.</p> <p>The Bill's structure already addresses constitutional Article 43 implementation and Article 10 (national values and principles) through the existing guiding principles framework.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>(d) Transparency and Accountability</p> <p>(e) Human Dignity</p>	<p>protection system requires mechanisms that equitably distribute resources, prioritizing those in greatest need while ensuring balanced access for all citizens. The inclusion of this principle in the Bill will mitigate disparities, combat systemic inequalities, and uphold social justice.</p> <p>(c) Sustainability and Adequacy: To ensure the long-term viability of social protection programs, provisions must be made for sustainable funding and adequacy of benefits. This principle guarantees that</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>financial and institutional structures are designed for continuity, preventing disruptions in service delivery and ensuring that beneficiaries receive meaningful support.</p> <p>(d) Transparency and Accountability: Effective governance of social protection programs demands strong oversight mechanisms. The inclusion of transparency measures will promote public trust, prevent fraud and mismanagement, and ensure that funds are utilized for their</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>intended purpose. A legal mandate for accountability strengthens institutional integrity and reinforces responsible administration.</p> <p>Human Dignity: At its core, social protection is about upholding the dignity of individuals by safeguarding them against socio-economic vulnerabilities. This principle ensures that beneficiaries are not treated as passive recipients but as active participants in a system that recognizes and respects their rights, agency, and aspirations for a better quality of life.</p>	
5.	COG	Add new guiding principles: (a) Gender responsive	County Governments have constitutional mandate over social protection functions.	<p>DECLINE--</p> <p>Clause 5 of the Bill states that its</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
Guiding Principles		social protection (b) Collaboration between National Government and relevant stakeholders, including county governments	Constitution emphasizes consultation and cooperation between both levels of government. Gender-responsive principle acknowledges unique socio-economic disadvantages faced by women and girls.	principles align with policy guiding principles of: Equity, Non-Discrimination, and Social Justice, the Rights Based Approach, life-cycle approach and evidence based social protection. The Role of county governments can be found under Clause 6, and it includes collaboration with national governments under paragraph (c).
6. Role of County Governments	CRADLE	Insert new sub-clause (f) and (g) immediately after subclause (e) to read— (f) establish robust monitoring and evaluation systems to assess the impact, efficiency, and sustainability of social	Continuous assessment helps identify gaps and areas for improvement, ensuring better service delivery and long-term sustainability of social protection measures.	ACCEPT --Monitoring and evaluation supports Policy's Monitoring, Evaluation, Research and Learning (MERL) Framework requirements. Collaboration with non-state actors aligns with Policy's principle of "Good Governance, Accountability, and Participation." Enhances implementation of all four Policy pillars at county level.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>protection interventions;</p> <p>(g) collaborate with non-state actors, including non-governmental organizations and private sector entities, to expand the reach and impact of social protection initiatives.</p>	Partnerships with non-state actors, such as NGOs and private organizations, can expand the reach and impact of social protection initiatives by leveraging additional resources, expertise, and innovative approaches.	
8 Functions of Board	ICRW Africa	<p>Expand Board functions to include:</p> <ul style="list-style-type: none"> • Gender-responsive policy development • Grievance redress mechanisms • Stakeholder consultations • Gender mainstreaming in all processes. 	Ensures rights-based access, promotes accountability, and aligns with SDG 5.4 on unpaid care work recognition.	<p>DECLINE –</p> <p>The Board's functions are adequately defined in the existing provisions. Adding specific advisory functions on gender and non-discrimination would create unnecessary specificity that may limit the Board's broader mandate.</p> <p>Constitutional Article 27 (equality and non-discrimination) obligations are</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
				addressed through the Board's general functions and Policy implementation.
8. Functions of Board	NGEC	Functions of the Board should include advising Cabinet Secretary on social protection matters relating to gender and non-discrimination	Ensures gender perspective is integrated in policy formulation and that vulnerable groups including women are not left behind.	DECLINE— The Board's functions are adequately defined in the existing provisions. Adding specific advisory functions on gender and non-discrimination would create unnecessary specificity that may limit the Board's broader mandate. Constitutional Article 27 (equality and non-discrimination) obligations are addressed through the Board's general functions and Policy implementation.
10. Composition of the Board	ICRW Africa	Expand Board composition to include: • Civil society organizations (social protection/gender) • Academic/research institutions • Informal sector	Reflects diversity of social protection ecosystem, ensures legitimacy and inclusivity in decision-making, promotes ownership and local accountability.	DECLINE – The Bill's existing Board composition is adequate and manageable. Expanding membership could make the Board unwieldy and less effective. The current composition already provides for adequate representation while maintaining operational efficiency.

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		workers representatives • Organizations of persons with disabilities Ensure gender parity and regional balance		Constitutional obligations under Articles 54, 55, and 56 can be met through the Board's functions rather than expanded membership.
28. Provision of Social Protection to Persons in Need	Ministry of Labour and Social Protection	Delete "(f) unpaid, deficient and unsupported caregivers"	This category of persons in need is prone to abuse if introduced in the Act. Can be considered later through Cabinet Secretary's gazette notice powers.	ACCEPT— The Ministry's concern about potential abuse is valid. Caregivers can be included through subsequent regulations under the Cabinet Secretary's powers, allowing for proper safeguards and eligibility criteria to be developed. This approach provides flexibility while preventing immediate implementation challenges.
28. Provision of Social Protection to	OAG & DOJ	Delete 28(3)(f) Notwithstanding subsection (2), persons in need shall include unpaid,	A caregiver is not a person in need but is a person who offers care to a person in need.	ACCEPT – The legal distinction is correct. Caregivers are service providers rather than direct beneficiaries. The Bill adequately addresses care provision

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Persons in Need		deficient and unsupported caregivers.	The aspect of care given to persons in need is catered for in section 29(b)(iii) and (vii) which provide for the provision of social care services which include respite care and homebased care.	through sections 29(b)(iii) and (vii) which cover social care services including respite care and home-based care. This approach maintains clarity in legal definitions while ensuring care needs are met.
28. Provision of Social Protection to Persons in Need	ICRW Africa	Expand persons in need to include: <ul style="list-style-type: none"> • Unpaid caregivers • Informal sector workers • Single-parent households • Internally displaced persons • Vulnerable pregnant women and new mothers • Youth not in education, employment, or training (NEETs) 	Addresses intersectional realities, aligns with constitutional obligations under Article 43, SDG 1.3, SDG 5.4, and ILO Recommendation 202 on social protection floors.	DECLINE– The Bill's existing categories of persons in need are adequate and comprehensive. Expanding the list could create administrative challenges and potential for abuse. The current framework allows for flexibility through regulations to address emerging needs without overburdening the primary legislation with excessive categorization.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
28. Provision of Social Protection to Persons in Need	CRADLE	Amend clause 28 by inserting the words "and disasters" immediately after the words "by shocks" so as to read— (e) persons affected by shocks and disasters.	Disasters, whether natural or human-made, have a profound impact on individuals, families, and communities, often resulting in displacement, loss of livelihoods, and increased vulnerability. The integration of disaster victims into the Social Protection Bill is imperative to ensure timely and effective assistance for those affected by unforeseen crises.	DECLINE— Disasters are adequately covered under the Disaster Management Act and its implementing framework. The term "shocks" in the Bill is broad enough to encompass disaster-related impacts without creating potential overlap or conflict with existing disaster management legislation. This avoids duplication and maintains clear institutional mandates.
29. Social Protection Benefits	OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE	29(b) Correct the numbering thereunder.	The provisions are not properly numbered.	ACCEPT – Technical correction necessary for legal clarity and proper statutory interpretation.
29. Social Protection Benefits	Ministry of Labour and Social Protection	Delete "29(b)(ix) essential drugs, personal care goods and assistive devices"	Prone to abuse and likely to impose on mandate of other institutions such as Ministry of Health, NDMA and NCPWD. Social Protection should focus	DECLINE – These items are integral to holistic social protection. Article 43(1)(a) guarantees right to healthcare which includes access to essential drugs and assistive devices.

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			on cushioning against poverty, vulnerability, risks and shocks.	Policy's comprehensive approach requires addressing all basic needs for human dignity. Social protection must be comprehensive to effectively address vulnerability and ensure constitutional rights are realized.
29. Social Protection Benefits	ICRW Africa	Expand benefits to include: • Maternity benefits and childbirth grants • Respite care and caregiver support services • Emergency assistance for shock-affected persons Ensure lifecycle and gender responsiveness	Acknowledges specific vulnerabilities of unpaid caregivers, women, and informal workers. Promotes equity and inclusion aligned with constitutional obligations.	DECLINE – Maternity benefits are adequately covered under the Social Health Authority (SHA) framework, avoiding duplication. The Bill should focus on its core social protection mandate rather than overlapping with health sector provisions. Emergency assistance and caregiver support can be addressed through existing benefit categories without creating new specific provisions.
30.	OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE	30 (C) Delete the word “beneficiaries” and substitute therefor	Clause 28 provides for persons in need and not beneficiaries.	ACCEPT – Technical correction ensuring consistency in legal terminology throughout the Act.

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Eligibility for Social Protection		the words “persons in need”.		
30. Eligibility for Social Protection	ICRW Africa	Expand eligibility to include: • Refugees, stateless persons • Legally resident non-citizens • Non-Kenyans in humanitarian situations Recognize non-monetary vulnerabilities including unpaid care work, gender-based discrimination	Aligns with Constitution (Article 43), Kenya's international human rights obligations, and global best practices from inclusive systems like South Africa and Thailand.	DECLINE– Assistance to foreigners has been provided for on an emergency basis through existing humanitarian frameworks. The Bill should focus on citizens and legal residents. Emergency assistance for non-citizens can be addressed through disaster management and humanitarian response mechanisms rather than regular social protection programs. This maintains clear institutional mandates and resource allocation priorities.
31.	OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE	31(1) Delete the word “beneficiary” and substitute therefor the	At the point of applying for a social protection benefit, the applicant is not a beneficiary. A beneficiary is defined in clause 2 as a person or household that	ACCEPT – Technical correction ensuring proper legal terminology. Supports clear

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
Application for Social Protection		words "person in need".	is benefitting from a social protection benefit.	distinction between application and benefit receipt stages.
31. Application for Social Protection	OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE	31(4) Add the words " and give reasons for the decision" immediately after the word "decision".	To comply with section 4(2) of the Fair Administrative Action Act which provides that every person has the right to be given written reasons for any administrative action that is taken against him.	ACCEPT – Article 47 of the Constitution (fair administrative action) requires reasoned decisions. Fair Administrative Action Act compliance is mandatory. Promotes transparency and accountability as required by Policy principles.
31. Application for Social Protection	Ministry of Labour and Social Protection	Amend 31(1): "A person or his representative may apply..." Amend 31(4): Add requirement to give reasons for rejection	Clarifies application process and ensures transparency. Reasons for rejection must be clearly stated to applicants.	ACCEPT – In line with Article 47 CoK (fair administrative action) and Policy's principle of "Good Governance, Accountability, and Participation." Ensures due process and transparency in benefit administration
31.	ICRW Africa	Ensure accessible application process	Addresses barriers faced by rural women, caregivers, and	DECLINE

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
Application for Social Protection		including: • Decentralized application points • Accessible materials and community outreach • Support for persons with physical, cognitive, linguistic barriers: SENSORY	persons with disabilities due to distance, time poverty, illiteracy, or mobility constraints.	Constitutional Article 54 (persons with disabilities) requires reasonable access. Policy's principle of "Equity, Non-Discrimination and Social Justice" requires removing barriers. Supports universal access to social protection.
31. Application for Social Protection	CRADLE	Amend clause 31(1) by inserting the words "in the prescribed manner" immediately after the words for a social protection benefit so as to read— 31(1) A beneficiary or his representative may apply to the board for a social protection	This clarifies that the application has to be made in the prescribed manner.	ACCEPT – <i>(to be in line with other amendments to the clause)</i> Comprehensive procedural framework supports constitutional Article 47 (fair administrative action). Ensures transparency, accountability, and due process as required by Policy's governance principles.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>benefit in the prescribed manner.</p> <p>Amend clause 3 i (2) by inserting the words "and request additional information where necessary" immediately after the words social protection benefit applied for" so as to read---</p> <p>The board shall upon receiving an application made under subsection (1) conduct an assessment to verify that the applicant is eligible for the protection social protection applied for and</p>	<p>This empowers the board to request for more information where there are unclear circumstances or information.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>request for additional information where necessary.</p> <p>Amend subclause (4) by deleting the words “inform the applicant of the decision” and insert new subclause (a), (b) and (c) so as to read—</p> <p>(a) that he or she does not qualify for social protection benefit under this Act</p> <p>(b) the reasons why he or she does not qualify; and</p> <p>(c) of his or her right of appeal</p>	<p>Provision of Reasons for Non-Qualification Informing individuals of the specific reasons why they do not qualify for social protection benefits upholds the principles of fairness and due process. Without this requirement, affected individuals may be left uncertain about the grounds for exclusion, leading to frustration</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		contemplated in clause 32 and of the mechanism and procedure to invoke such right.	<p>and potential disputes. Explicitly outlining non-qualification reasons promotes accountability and ensures that decisions are based on legal, objective, and justifiable grounds.</p> <p>Right to Appeal and Procedural Mechanism The inclusion of the right to appeal should be accompanied by an indication of a persons right to appeal as well as the procedures. This ensures that individuals who believe they were wrongly excluded can seek redress. Such information guarantees fairness, prevents administrative injustices, and strengthens public confidence in social protection systems</p>	
32.	CRADLE	Insert new clause 32 to read--	To ensure the effective, equitable, and transparent administration of social	DECLINE--

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
Review of decisions of the Board		<p>32. The Board may prescribe additional requirements or conditions in respect of—</p> <p>(a) income thresholds;</p> <p>(b) means testing;</p> <p>(c) age, disabilities and care dependency;</p> <p>(d) proof of and measures to establish or verify identity, gender, age, citizenship, family relationships, care dependency and disabilities status.</p> <p>(e) forms, procedures and</p>	<p>protection programs, it is essential that the Board be empowered to prescribe additional requirements and conditions. These provisions serve to enhance accountability, prevent misuse, and ensure that benefits reach the intended recipients. The justification for each requirement is outlined below:</p> <p>1. Income Thresholds Establishing income thresholds ensures that social protection benefits are targeted at individuals and households most in need. This prevents resource dilution and ensures that assistance is directed toward those facing economic hardship.</p>	<p>These principles are already covered in the Bill through existing provisions. The Board's powers are adequately defined without requiring additional detailed enumeration. Excessive specification may limit the Board's flexibility to adapt to changing circumstances. The current framework provides sufficient authority for effective administration.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>processes for applications and payments;</p> <p>(f) measures to prevent fraud and abuse.</p>	<p>2. Means Testing Means testing provides an objective mechanism for assessing financial need, ensuring that benefits are allocated based on verifiable economic conditions rather than arbitrary determinations. This strengthens fairness and prevents undue advantage by individuals who do not meet the criteria.</p> <p>3. Age, Disabilities, and Care Dependency Social protection programs must account for age-related vulnerabilities, disabilities, and care dependency. Prescribing specific</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>conditions ensures that individuals requiring specialized support receive appropriate assistance tailored to their needs.</p> <p>4. Proof of and Measures to Establish or Verify Identity, Gender, Age, Citizenship, Family Relationships, Care Dependency, and Disability Status</p> <p>Verification measures prevent fraudulent claims and ensure that benefits are provided to legitimate recipients. Establishing clear identity and eligibility criteria safeguards the integrity of social protection programs and prevents</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>misallocation of resources.</p> <p>5. Forms, Procedures, and Processes for Applications and Payments Standardized application and payment procedures enhance efficiency, reduce administrative burdens, and ensure timely delivery of benefits. Clear guidelines prevent inconsistencies and improve accessibility for beneficiaries.</p> <p>6. Measures to Prevent Fraud and Abuse Fraud and abuse undermine the effectiveness of social protection programs, diverting resources</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>away from those in genuine need.</p> <p>Instituting preventive measures strengthens oversight, enhances accountability, and protects public funds from exploitation.</p>	
<p>33.</p> <p>Appeals</p>	<p>OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE</p>	<p>Delete the words “in the first optional instance to the Cabinet Secretary”</p>	<p>Appeals to the Cabinet Secretary may amount to a conflict of interest and is inconsistent with Article 50 (1) of the Constitution which provides that every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body.</p>	<p>ACCEPT –</p> <p>Article 50(1) CoK requires independent and impartial dispute resolution. Appeals should go directly to High Court to ensure independence and avoid conflict of interest. Supports fair administrative action principles.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			Further, the provision creates two centres of appeal. Once a person appeals to the Cabinet Secretary, he cannot appeal to the High Court.	
33. Appeals	Ministry of Labour and Social Protection	Amend appeals process: "An applicant aggrieved by Board's decision may appeal to the High Court within thirty days"	Appeal should be to an independent body to ensure fair hearing and due process.	ACCEPT – Article 50(1) CoK requires independent and impartial dispute resolution. Appeals should go directly to High Court to ensure independence and avoid conflict of interest. Supports fair administrative action principles.
34. Rights and obligations of abeneficiary.	CRADLE	Insert new subclause (e) immediately after subclause (d) to read-- (e) Receive social protection benefits within a specified timeframe after approval	Ensures efficiency and accountability in delivery of services.	ACCEPT – Supports Policy's principle of "Adequacy, Affordability, and Sustainability" and efficient service delivery. Constitutional Article 43 requires access to social security, such access ought to be timely in a Rights Based Approach framework.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
36. Termination of social protection benefits.	CRADLE	<p>Insert new clause 36 to read:</p> <p>Restrictions on transfer of rights and payments of social assistance</p> <p>(1) A benefit may not be transferred, ceded, pledged or in any other way encumbered or disposed of unless the board on good grounds in writing consents thereto.</p> <p>(2) Any act in contravention of subsection (1) is void and where the board becomes aware of any such act, he or she may order that payment of the</p>	<p>Preserving the Intended Purpose of Social Assistance</p> <p>Social assistance benefits are meant to provide direct relief to beneficiaries, ensuring their basic needs are met. Allowing unrestricted transfer or encumbrance of these benefits could lead to misuse, diversion, or exploitation, undermining the core objectives of social protection.</p> <p>Preventing Fraud and Abuse</p> <p>Without clear restrictions, there is a risk that beneficiaries may be coerced into pledging or transferring their benefits to third parties, including financial institutions or unauthorized individuals. This provision safeguards against fraudulent practices and ensures that assistance reaches those who genuinely need it.</p>	<p>DECLINE –</p> <p>The Bill already contains adequate provisions for benefit administration and fraud prevention. Adding comprehensive restrictions on transfer of rights would create unnecessary complexity and may unduly restrict beneficiaries' autonomy. Existing safeguards are sufficient to protect program integrity without excessive regulatory burden.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>relevant benefit be suspended immediately</p> <p>(a) of the boards decision;</p> <p>(b) of the reasons for that decision; and</p> <p>(c) that he or she has a right of appeal contemplated in section 18 and of the mechanism and procedure to invoke that right.</p> <p>(3) A beneficiary must without limitation or restriction receive the full amount of a benefit to which he or she is entitled before</p>	<p>Ensuring Beneficiaries Receive Full Entitlement The requirement that beneficiaries receive the full amount of their entitled benefits before any third party can enforce a claim prevents undue deductions or unauthorized transactions. This guarantees that social assistance serves its intended purpose without external interference.</p> <p>Providing a Mechanism for Appeal The inclusion of a right to appeal ensures that beneficiaries who believe their benefits were unfairly suspended or restricted have a formal avenue for redress. This strengthens accountability and ensures that decisions made by the board are subject to review.</p> <p>Allowing Limited Deductions in the Interest of</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>any other person may exercise any right or enforce any claim in respect of that amount.</p> <p>(4) Despite subsection (3), the board may prescribe circumstances under which deductions may be made directly from social protection benefit, provided that such deductions are necessary and in the interest of the beneficiary.</p> <p>(5) An amount that accrues or has accrued to a beneficiary or his or her estate in terms of this Act may not be</p>	<p>Beneficiaries While benefits should generally remain untouched, the provision allowing deductions under prescribed circumstances ensures flexibility where necessary. This could include deductions for essential services such as healthcare or education, provided they serve the best interests of the beneficiary.</p> <p>Protecting Social Assistance from Legal Claims and Insolvency Proceedings The prohibition against attaching social assistance benefits to court judgments or insolvency proceedings ensures that vulnerable individuals do not lose their essential support due to financial distress. This protection reinforces the principle that social assistance</p>	

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		<p>attached or subjected to any form of execution under a judgment or order of a court or by law, or form part of his or her insolvent estate.</p> <p>(6) Notwithstanding the provisions of subsection (1), in the case of death of a parent, or primary care giver receiving a benefit on behalf of or in respect of another person or child as the case may be, the board must appoint a person to receive the benefit on behalf or in respect of such person or child, and to use it for his or her benefit</p>	<p>is a fundamental right, not a financial asset subject to legal claims.</p> <p>Ensuring Continuity of Benefits in Case of Death In cases where a parent or primary caregiver passes away, the provision for appointing a new recipient ensures that dependents continue receiving necessary support without disruption. This prevents unnecessary hardship for children and other vulnerable individuals who rely on social assistance.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		without suspending the benefit, subject to prescribed conditions.		
38. Review of Social Protection Benefits	CRADLE	<p>Insert new clause 38 immediately after clause 37 to read—</p> <p>Discontinuation of payments to beneficiaries absent from Republic</p> <p>(1) Where a beneficiary intends to be absent from the Republic for a period exceeding 6 months, he or she must inform the board thereof</p>	<p>The inclusion of provisions governing the discontinuation of payments to beneficiaries absent from the Republic serves several critical purposes:</p> <p>1. Ensuring Proper Utilization of Public Funds Social protection benefits are designed to support individuals residing within the Republic who actively require assistance. Suspending payments for beneficiaries absent for extended periods prevents the misallocation of funds and ensures that resources are directed toward individuals who are present and in need.</p>	<p>DECLINE –</p> <p>This matter is already covered under Clause 34(2)(c) of the Bill. Creating a separate clause would duplicate existing provisions and create unnecessary redundancy. The current framework adequately addresses beneficiary obligations regarding absence from the Republic without requiring additional detailed provisions.</p>

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		<p>before leaving the Republic and the board shall, subject to subsections (2) and (3), suspend payment of benefits until that beneficiary or his representative, as the case may be, informs the board that the beneficiary has returned to the Republic.</p> <p>(2) Despite subsection (1), the board may upon written request by a beneficiary or his representative, in circumstances prescribed by regulations, continue</p>	<p>2. Preventing Fraud and Abuse Without clear regulations on absence, there is a risk of fraudulent claims where beneficiaries continue to receive payments despite being permanently or indefinitely absent. Requiring notification and suspending payments mitigates potential abuse and strengthens oversight mechanisms.</p> <p>3. Accountability and Transparency The requirement for beneficiaries to inform the board before leaving the Republic enhances transparency in social protection administration. It ensures that records are updated, preventing discrepancies in benefit distribution and reinforcing accountability in public resource management.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>payment of a benefit or a portion thereof to that beneficiary or representative subject to such conditions and for such a period as the board may determine.</p>	<p>4. Flexibility for Special Circumstances Subsection (2) provides an essential safeguard by allowing beneficiaries or their representatives to request continued payments under prescribed conditions. This ensures that individuals facing exceptional circumstances—such as medical treatment abroad or temporary relocation due to emergencies—can still access necessary support.</p> <p>5. Alignment with National Social Protection Objectives Social protection programs are designed to address socio-economic vulnerabilities within the Republic. By regulating payments for absent beneficiaries, the Bill ensures that assistance remains aligned with national development goals and does not inadvertently subsidize</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
			<p>individuals who are no longer residing within the jurisdiction.</p> <p>6. Strengthening Administrative Efficiency Implementing a structured notification and suspension process reduces administrative burdens associated with tracking absent beneficiaries. It allows the board to maintain accurate records, streamline payment processes, and enhance service delivery efficiency.</p>	
<p>39.</p> <p>Indexation of Social Protection Benefits</p>	ICRW Africa	<p>Make indexation mandatory every two years with:</p> <ul style="list-style-type: none"> • Transparent, equity-sensitive indicators • Consideration of differential impacts on marginalized groups • Published outcomes 	Ensures benefits retain purchasing power and addresses rising costs particularly affecting female-headed households and unpaid caregivers.	<p>ACCEPT –</p> <p>Constitutional Article 43 requires adequate social security. Policy's principle of "Adequacy, Affordability, and Sustainability" requires benefits to maintain real value. Mandatory indexation protects vulnerable groups from inflation impacts.</p>

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		and stakeholder consultation		
40. Social Protection Registry	OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE	40(1) Insert the word “for” immediately after the word “database”.		ACCEPT – Technical corrections improve legal clarity and statutory interpretation.
40. Social Protection Registry	OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE	40(2)(a) Delete the words “vulnerable individuals and households” and substitute therefor the word “beneficiaries”.		ACCEPT – Registry should focus on actual beneficiaries for effective program management. Supports Policy's MERL Framework and Strategic Objective 5 (improve institutional capacity).
40.	OFFICE OF THE ATTORNEY-GENERAL	40(2)(f) – Delete In the event of a shock or emergency, the Board should identify		ACCEPT – Supports Policy's evidence-based approach and MERL Framework. Constitutional Article 31 (privacy)

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Social Protection Registry		the persons in need and provide them with social protection. The Registry should therefore have data on the beneficiaries of social protection during that particular shock and not the data on vulnerable households.		requires data protection. Disaggregated data essential for monitoring constitutional equality obligations and Policy effectiveness.
40. Social Protection Registry	Ministry of Labour and Social Protection	Amend 40(2)(a): "The Registry shall be used to maintain an inventory of beneficiaries"	Important for effective service delivery and promoting linkage to complementary services. Focus should be on beneficiaries not just vulnerable individuals.	ACCEPT – Registry should focus on actual beneficiaries for effective program management. Supports Policy's MERL Framework and Strategic Objective 5 (improve institutional capacity).
40.	ICRW Africa	Establish comprehensive registry with: • Data disaggregated by sex, age, disability.	Critical for accurate targeting, responsive planning, and gender-sensitive delivery while protecting privacy and ensuring	DECLINE– This is already covered under existing law. The Data Protection Act 2019 adequately addresses data protection

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Social Protection Registry		caregiving status • Real-time monitoring and evaluation • Interoperability with other national systems • Data protection safeguards per Data Protection Act 2019	SDG 17.18 compliance on disaggregated data.	requirements, and the Bill's registry provisions are sufficient for implementation needs. Additional specifications would create unnecessary complexity and potential conflicts with existing legal frameworks.
40. Social Protection Registry	COG	Amend Board functions to include "in consultation with County Governments" and add interoperability with "other national and County registries"	The unified registry relies on data collected at County level. Counties are geographically and administratively closer to people, hence best positioned to collect accurate data on beneficiaries for the register.	DECLINE County consultation supports Policy's Enhanced Single Registry vision and inter-governmental coordination. Essential for effective data collection and implementation of the four-pillar framework at local level. Clause 6 provides for interoperability.
43	CRADLE	Delete clause 43 and substitute thereof with— False representations	This clause gives further details on offences. Preventing Fraud and Misuse of Public Funds Social	DECLINE – These provisions are already adequately provided for in the existing Clause 43.

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Giving false information.		<p>(1) A person is guilty of an offence if such person, when applying for social protection benefits, furnishes information which he or she knows to be untrue or misleading in a material respect or makes a representation which to his or her knowledge is false, in order that he or she or another person may—</p> <p>(a) obtain or retain a social benefit to which he or she is not entitled in terms of this Act; or</p>	<p>protection programs are designed to assist individuals in genuine need. False representations undermine the system by diverting resources away from rightful beneficiaries. Criminalizing fraudulent claims ensures that funds are allocated fairly and efficiently.</p> <p>Ensuring Accountability and Transparency Requiring applicants and beneficiaries to provide truthful information strengthens accountability in social protection administration. This provision deters dishonest practices and reinforces the credibility of government programs.</p> <p>Safeguarding Limited Resources Social protection funds are finite and must be distributed equitably.</p>	<p>The current framework sufficiently addresses false information and fraudulent claims without requiring comprehensive replacement. Additional detailed provisions would create unnecessary complexity and potential legal conflicts.</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>(b) obtain a social benefit in excess of that to which he or she is entitled in terms of this Act.</p> <p>(2) A person who receives a social benefit knowing that he or she is not entitled thereto, or is not entitled to the full amount which he or she is receiving, and he or she fails to inform the board thereof, he or she is guilty of an offence and shall be liable upon conviction to a fine not less than 100,000 or imprisonment not less</p>	<p>Fraudulent claims reduce the availability of assistance for those who genuinely qualify. Penalizing false representations ensures that benefits reach the intended recipients.</p> <p>Detering Intentional Misrepresentation The provision criminalizing deliberate misrepresentation discourages individuals from attempting to manipulate the system for personal gain. The prescribed penalties serve as a deterrent, reinforcing ethical conduct in social assistance applications.</p> <p>Ensuring Timely Disclosure of Material Changes Beneficiaries must inform the board of any material changes that affect their eligibility. Failure to do so results in continued receipt of benefits</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		<p>than one year or to both.</p> <p>(3) A beneficiary who knowingly fails to inform the board of any material change of information contemplated in section 31, is guilty of an offence.</p>	<p>under false pretenses. Criminalizing non-disclosure ensures that assistance is adjusted based on current circumstances.</p> <p>Strengthening Legal and Administrative Oversight Establishing clear legal consequences for false representations enhances oversight mechanisms within social protection programs. It provides enforcement agencies with the authority to investigate and prosecute fraudulent claims, ensuring compliance with established regulations.</p>	
47.	COG	Establish Social Protection Fund "with a 30:70 sharing ratio between national	County Governments are expected to implement social protection programmes according to this Bill and provide resources for the same.	<p>DECLINE</p> <p>The Policy maintains that "Social Protection remains a function of the National Government" while Counties</p>

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
Social Protection Fund		government and county governments"	Therefore, the fund should be accessible to County Governments to support implementation.	have increased roles. Specific fund-sharing ratios should be determined through PFM Act procedures and budget processes.
48. Regulations	COG	Amend to read: "The Cabinet Secretary, in consultation with the Council of Governors, may make regulations for the better carrying out of this Act"	Counties will be expected to comply with regulations. The bill should explicitly provide for consultation during development of regulations to ensure all stakeholders have a voice and regulations are effective and inclusive.	DECLINE Delegated legislation is granted to one Rule Making Authority, who then engages the public through public participation and presents the draft rules to Parliament for approval. Consultation with COG supports Policy's inter-governmental coordination requirements and Strategic Objective 5. Essential for effective implementation of social protection across both levels of government.
48. Regulations.	CRADLE	Insert new subclause 48(2) (l) immediately after subclause (k) to read---	Safeguarding Public Funds Social protection programs are funded through public resources, and any erroneous or	ACCEPT – Protects public resources and program integrity. Constitutional Article 232 requires efficient use of public resources.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
		(l) the repayment of amounts overpaid or erroneously paid in respect of benefits;	<p>excessive payments must be recovered to prevent financial losses. Granting the Board regulatory authority ensures that mechanisms are in place to reclaim funds efficiently, preserving the sustainability of social assistance programs.</p> <p>Preventing Fraud and Abuse Without clear regulations, individuals may exploit administrative errors to receive undue benefits. Establishing a structured repayment framework deters fraudulent claims and ensures that social protection funds are allocated to rightful beneficiaries.</p>	Essential for sustainable social protection system and accountability in benefit administration.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE OBSERVATIONS AND DETERMINATION
49. Repeal of Cap 258A.	Ministry of Labour and Social Protection	Repeal Social Assistance Act (Cap 258A) due to: <ul style="list-style-type: none"> • Misalignment with Kenya Social Protection Policy 2023 • Conflict with PFM Act on fund establishment • Need for comprehensive law replacement 	The 2013 Act was not aligned to broad policy recommendations and conflicts with PFM Act requirements for fund establishment with National Assembly approval.	ACCEPT— This Bill under Clause 49 repeals the Social Assistance Act
General	Coast Regional Budget Hub	Withdraw the Social Protection Bill and implement the existing Social Assistance Act (Cap. 258A) Parliament should investigate fund transfers without proper legal establishment	Since 2013, the Authority has not been in place and cash transfers operate outside established fund structure, posing legal breaches. The existing Act covers most provisions.	DECLINE— Existing Act is inadequate for comprehensive social protection as envisioned by Policy 2023. Constitutional Article 43 requires progressive realization of social security rights, which needs updated legislative framework. Current transfers need proper legal foundation.



**MINISTRY OF LABOUR AND SOCIAL PROTECTION
OFFICE OF THE CABINET SECRETARY**

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KENYA**

Ref: ML&SP/SP/9/24

6th June, 2025

Mr. Jeremiah M. Nyegenye, CBS
Clerk of the Senate
Parliament Buildings,
P.O Box 41842-00100
NAIROBI

Dear *Mr. Nyegenye,*

**STAKEHOLDER ENGAGEMENT ON THE SOCIAL PROTECTION
BILL, 2025 (NATIONAL ASSEMBLY BILLS, NO.12 OF 2025)**

Reference is made to your letter dated 27th May 2025 under Ref.SEN/DSEC/DISSC/SCLSW/2025/124 regarding the above subject matter.

Attached, is our written submissions on the Social Protection Bill, 2025.

Yours *Sincerely,*


Hon. (Dr.) Alfred Mutua, EGH
CABINET S SECRETARY

Copy to: Joseph M.Motari,CBS
Principal Secretary
State Department for Social Protection & Senior Citizen Affairs
Ministry of Labour and Social Protection
NAIROBI



MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS

The following is the position of the State Department for Social Protection and Senior Citizen Affairs on the Social Protection Bill (*National Assembly Bill No.12 of 2025*) (hereinafter "the Bill")

A. INTRODUCTION

The Bill primarily seeks to provide a framework for the administration of the non-contributory social protection interventions, to establish the National Board for Social Protection and to provide for various logistical and administrative arrangements towards these objectives.

B. COMMENTS ON THE BILL

S/No.	Provision in the Bill	Justification/Comments
1.	Clause 1 on the Short title: Social Protection Bill	This Bill seeks to address existing gaps in the social protection sector; make provision for non-contributory social protection, mitigate economic and social vulnerabilities to poverty, risks, contingencies, and shocks experienced throughout the life cycle of a person.
2.	Clause 2 on interpretation: Add " household " means a person or group of persons living together as a single unit and with a recognised head of unit. "Registry" means the social protection registry under section 40 ;	<p>The term has been used in defining <i>beneficiary</i>, hence the need to interpret it as used in the social protection sector.</p> <p>The term registry is as established under section 40 and not 36.</p>

3.	Clause 3 on Objects of the Act	The goal is to target all vulnerable persons in Kenya. The social protection benefits are as stipulated under Clause 29.
4.	Clause 4 on scope	The Bill shall only apply to non-contributory social protection
5.	Clause 5 on Guiding principles	These guiding principles are aligned with the Kenya Social Protection Policy, 2023 and conforms to the provisions of Article 10 of the Constitution of Kenya
6.	Clause 6 on the Role of County Government	County Governments have a role to develop County-specific social protection policies and legislations as well as implement County-specific social protection interventions in line with Schedule 4 of the Constitution of Kenya.
7.	Clause 7 on Establishment of the Board	This is borrowed from the best practice under the governance of the various contributory social protection schemes in Kenya under the National Social Security Fund Act (Cap 258) and Social Health Insurance Act No.16 of 2023. The statutory board will to operate with a degree of independence and within the guidelines set by the Act, which promotes responsible decision-making and oversight.
8.	Clause 8 on Functions of the Board	The Board shall undertake the stipulated functions for effective administration and management of non-contributory social protection
9.	Clause 9 -27 on (Powers of the Board, Composition of the Board, Qualification of Board Members, Tenure of Office, Vacancy, the Chief Executive Officer, Removal of the Chief Executive Officer, Committees of the Board, Remuneration of Members of the Board, Conduct of the Business and Affairs of the Board, Staff of the Board, Delegation of Powers of the Board Seal of the Board, Protection from	This is in accordance with the governance structure and practice as guided by the Mwongozo, the Code of Governance for State Corporations and in line with the provisions of the State Corporations Act (Cap 446) Laws of Kenya.

	Personal Liability, Funds of the Board, Financial Year, Annual Estimates Cap. 412A , Books of Account and Annual Reports).	
10	<p>Clause 28 on Provision of Social Protection to persons in need.</p> <p>Delete (f) <i>unpaid, deficient and unsupported caregivers.</i></p>	<p>This category of persons in need is prone to abuse if introduced in the Act.</p> <p>If and as when there is need to consider this category as persons in need, then Clause 28 which allows the Cabinet Secretary, in consultation with the Board, to determine other categories of persons in need through a notice published in the Gazette, may be invoked.</p>
11	<p>Clause 29 on Social Protection Benefits</p> <p>Delete 29(b) (ix) <i>essential drugs, personal care goods and assistive devices.</i></p>	<p>The Clause is not only prone to abuse but is also likely to impose on the mandate of other institutions such as the Ministry of Health, Special programmes, NDMA and NCPWD. Social Protection is intended to cushion persons in Kenya against poverty, vulnerability, risks and shocks.</p>
12	<p>Clause 30 on Eligibility on Social Protection</p> <p>Amend 30(c) to read: <i>falls within the categories of persons in need specified in section 28; and</i></p>	<p>The category listed under Clause 28 is persons in need and not beneficiaries.</p>
13	<p>Clause 31 on Application for Social Protection</p> <p>Amend 31(1) to read: <i>A person or his representative may apply to the board for social protection benefit.</i></p> <p>Amend 31(4) to read: <i>If the applicant does not qualify for a social protection benefit provided under this Act, the Board shall inform the applicant of the decision, giving reasons thereof.</i></p>	<p>This Clause is on the application of social protection benefit. At this stage, an applicant is not a beneficiary yet.</p> <p>Reasons for rejection must be clearly stated to the applicant.</p>

14	<p>Clause 33 on Appeals</p> <p>Amend to read:</p> <p><i>An applicant who is aggrieved by the decision of the Board may appeal to the High Court within thirty days of the decision.</i></p>	Appeal should be to an independent body.
15	Clause 34: on Rights and Obligations of a Beneficiary	<p>This Clause is in line with the Bill of Rights under the Constitution of Kenya and the Data Protection Act (Cap 411C) Laws of Kenya, that safeguards the rights of beneficiaries on access to information, informed consent, and to be treated with dignity.</p> <p>Under Clause 34(2), beneficiaries have a duty to utilize social protection benefits responsibly and to disclose accurate information to the Board.</p>
16	Clause 35: Abuse of Social Protection Benefits	This Clause safeguards against the abuse of social protection benefits and further stipulates penalties for any person convicted.
17	Clause 36: Termination of Social Protection Benefits	This Clause outlines the modalities for the termination of social protection benefits under different conditions.
18	Clause 37: Refund to the Board	It makes provision for the procedures to refund or recover social protection benefits erroneously paid to a beneficiary.
19	Clause 38: Review of Social Protection Benefit	<p>This Clause provides modalities for recertification to maintain eligibility for social protection benefit</p> <p>It is to be noted that the rationale for this Clause is that social protection benefits are not a lifetime benefits.</p>
20	Clause 39: Indexation of Social Protection benefits	<p>The Clause seeks to protect the real value of social protection benefits against inflation. Such review is to be undertaken periodically with the concurrence of the National Treasury.</p> <p>Social assistance benefits to beneficiaries are to be paid from public finances.</p>

		Responsibilities of managing public finances lie with the National Treasury as outlined in the Public Finance Management Act (Cap 412A) (PFM Act). Since inflation is dependent on various economic circumstances such as cost of living, revenue collection among other factors, the concurrence of the Cabinet Secretary of the National Treasury and Economic Planning is required to ensure that the prevailing economic circumstances are taken into consideration when enhancing the benefits.
21	<p>Clause 40: Social Protection Registry</p> <p>Amend 40(2)(a) to read: The Registry shall-</p> <p><i>(a) be used to maintain an inventory of beneficiaries.</i></p>	<p>This Registry is important for:</p> <p>a) effective and efficient non-contributory social protection service delivery;</p> <p>b) promoting linkage of recipients of non-contributory social protection into other complementary services.</p>
22.	Clause 41 Data handling	This Clause ensures the safety and security of data in line with the Data Protection Act (Cap 411C) Laws of Kenya.
23.	Clause 42-46 (Obstruction, Giving false information, Unlawful disclosure of information, Fraud, Misappropriation of funds)	This Clause makes provisions for general offences and penalties.
24.	Clause 47 Social Protection Fund	<p>Establishes a Social Protection Fund.</p> <p>It shall consist of grants and donations, such monies as may be appropriated by the National Assembly, income generated from proceeds of the Fund, and any monies accruing to or received by the Fund from any lawful source.</p> <p>The purpose of the Fund shall include:</p> <p>a) to provide for the development and promotion of non-contributory social protection in the country;</p> <p>b) to mobilise resources from development partners and other sources for the Fund;</p> <p>c) provide funds for capacity and technical expertise for development and expansion of non-contributory social protection.</p>

		<p>Since the Fund shall be established under the PFM Act (Cap 412C), it shall be subject to strict oversight and reporting requirements which in turn shall promote accountability and ensure that resources are used for their intended purpose. Being a special-purpose Fund, resources shall be allocated directly to the targeted programmes, and in particular the cash transfer programme, in order to secure the social benefits of persons in need.</p>
25.	Clause 48 Regulations	<p>This Clause empowers the Cabinet Secretary to develop regulations for the implementation of the Act. This is particularly for the provisions that are not self-enforcing.</p>
26.	Clause 49 Repeal of Cap 258A	<p>This Clause repeals the Social Assistance Act (Cap 258A.) The ground for the repeal is as follows:</p> <ul style="list-style-type: none"> i. The Social Assistance Act (Cap 258A) as enacted in 2013 was not aligned to the broad Policy recommendations captured in the Kenya Social Protection Policy, 2011(now reviewed). ii. Establishment of National Government Public Funds should be in accordance with section24(4) of the PFM Act (Cap 412A) which states that the Cabinet Secretary may establish a national government public fund with the approval of the National Assembly. Evidently therefore, by providing for establishment of a National Social Assistance Fund (section 34 (i)), the Social Assistance Act (Cap 258A) is in conflict with the provision under the PFM Act (Cap 412A)., necessitating the need for removal of all provisions relating to the operationalization of the Fund under the Social Assistance Act (sections 17-40 of the said Act) to pave way for establishment of the

		<p>Social Assistance Fund under the PFM Act.</p> <p>iii. The identification and removal of all provisions relating to establishment of the Social Assistance Fund under the Social Assistance Act (Cap 258A) means that no substantive provisions relating to social assistance or any other related subject matter under the Act would be left in the said Act, hence the rationale to repeal it and enable development of a more comprehensive law in its place.</p>
27.	Clause 50 Transitions of Staff	This Clause makes provision for the transitioning of staff of the National Social Protection Secretariat and the Directorate of Social Assistance, both under the State Department for Social Protection and Senior Citizen Affairs.
28.	Clause 51 Obligations and liabilities	This Clause transits pending obligations and liabilities from the National Social Protection Secretariat and the Directorate of Social Assistance to the Board.
29.	Clause 52 Reference to the Directorate of Social Assistance or the National Social Protection Secretariat	After the commencement of this Act, reference shall be made to the Board since the Directorate of Social Assistance and the National Social Protection Secretariat shall be deemed directorates under the Board.
30.	Clause 53 Vesting of assets	After the commencement of this Act, Assets of the Directorate of Social reference Assistance and the National Social Protection Secretariat shall be deemed assets of the Board.
31.	Clause 54 Legal proceedings	This Clause transits any pending legal proceedings from the Directorate of Social reference Assistance and the National Social Protection Secretariat to the Board.
32.	Clause 55 Directions, orders and authorization	After the commencement of this Act, Directions, Orders, Authorizations, Permits issued or Registrations made by the Directorate of Social Assistance and the National Social Protection Secretariat shall be deemed as Directions, Orders, Authorizations, Permits issued or Registrations of the Board.

33.	Clause 56 Transition of social assistance benefits, programmes and beneficiaries	This Clause makes provision for the transition of social assistance benefits, programs and beneficiaries implemented by the Directorate of Social Assistance to the Board.
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C. CONCLUSION

It is our considered view that the proposals made herein be effected as they are constructive.

Submissions By:



Hon (Dr.) Alfred Mutua, EGH

CABINET S SECRETARY



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our Ref: AG/LDD/386/1/9

10th June 2025

Mr. J.M. Nyegenye, CBS

The Clerk of the Senate

Clerk's Chambers, Parliament Buildings

P. O. Box 41842-00100

NAIROBI

**RE: STAKEHOLDER ENGAGEMENT ON THE SOCIAL PROTECTION BILL,
2025 (NATIONAL ASSEMBLY BILL NO. 12 OF 2025)**

We refer to your letter dated 27th May 2025 and referenced SEN/DSEC/DISSC/SCLSW/2025/128 through which you requested this Office to submit written submissions on the Social Protection Bill (National Assembly Bill No. 12 of 2025).

We have reviewed the Bill and our comments are set out in the matrix below.

Clause	Provision	Recommendation	Justification
28(3)(f)	Notwithstanding subsection (2), persons in need shall include unpaid, deficient and unsupported caregivers.	Delete	A caregiver is not a person in need but is a person who offers care to a person in need. The aspect of care given to persons in need is catered for in section 29(b)(iii) and (vii) which provide for the provision of social care services which include respite care and homebased care.
29(b)		Correct the numbering thereunder.	The provisions are not properly numbered.
30(c)	A person is eligible for the appropriate social	Delete the word "beneficiaries" and	Clause 28 provides for persons in need

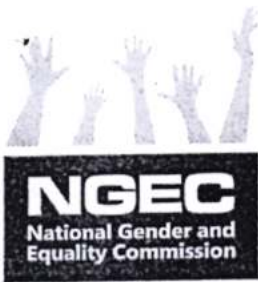
	protection benefit under this Act, if the person falls within the categories of beneficiaries specified in section 28;	substitute therefor the words "persons in need".	and not beneficiaries.
31(1)	A beneficiary or his representative may apply to the Board for a social protection benefit.	Delete the word "beneficiary" and substitute therefor the words "person in need".	At the point of applying for a social protection benefit, the applicant is not a beneficiary. A beneficiary is defined in clause 2 as a person or household that is benefitting from a social protection benefit.
31(4)	If the applicant does not qualify for a social protection benefit provided under this Act, the Board shall inform the applicant of the decision.	Add the words " and give reasons for the decision" immediately after the word "decision".	To comply with section 4(2) of the Fair Administrative Action Act which provides that every person has the right to be given written reasons for any administrative action that is taken against him.
33	An applicant who is aggrieved by the decision of the Board may appeal in the first optional instance, to the Cabinet Secretary or to the High Court within thirty days of the decision.	Delete the words "in the first optional instance to the Cabinet Secretary"	Appeals to the Cabinet Secretary may amount to a conflict of interest and is inconsistent with Article 50 (1) of the Constitution which provides that every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body.

			Further, the provision creates two centres of appeal. Once a person appeals to the Cabinet Secretary, he cannot appeal to the High Court.
40(1)	The Board shall establish a Social Protection Registry which shall be the singular database social protection interventions under this Act.	Insert the word "for" immediately after the word "database".	Editorial error.
40(2)(a)	The Registry shall be used to maintain an inventory for vulnerable individuals and households in the country.	Delete the words "vulnerable individuals and households" and substitute therefor the word "beneficiaries".	It is not sustainable to maintain a record of all vulnerable individuals and households in the country because their social economic circumstances keep on changing. However, the Registry should have a record of the beneficiaries for purposes of transparency and accountability.
40(2)(f)	The Registry shall be used to provide data of vulnerable households in the event of shocks or emergencies;	Delete	In the event of a shock or emergency, the Board should identify the persons in need and provide them with social protection. The Registry should therefore have data on the beneficiaries of social protection during that particular shock and not the data on

			vulnerable households.
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We thank you and assure you of our continued support.


DORCAS A. ODUOR SC, OGW, EBS
ATTORNEY-GENERAL



National Gender and Equality Commission

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NGEC/CS/SEN/VOL. I (29)

5th June 2025

NATIONAL GENDER AND EQUALITY COMMISSION

Jeremiah. M. Nyegenye. CBS

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Dear *Mr. Nyegenye, CBS*

**COMMENTS ON THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILL
NO 12 OF 2025)**

Reference is made to your call for the submission of memoranda on the Social Protection Bill 2025.

The Commission participated in the development of the Bill, and the memoranda is limited to a few issues that we consider crucial for the Act.

Yours

Purity Ngina, PhD, MBS

COMMISSION SECRETARY/ CEO

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“Gender Equality and Non-Discrimination”



MEMORANDA: THE SOCIAL PROTECTION BILL 2025

S/NO	CLAUSE	PROPOSAL	RATIONALE/JUSTIFICATION
1.	Interpretations "social protection" means non-contributory measures aimed at preventing and mitigating economic and social vulnerabilities to poverty, risks, contingencies and shocks experienced throughout the life cycle of a person	Amend by substituting the phrase "means" with "for purposes of this Act is limited to" This is emphasized in Clause 4 as follows-; 4. This Act shall apply to non-contributory social protection	The National Social Protection Policy has four pillars, namely-; Pillar 1 -Income Security, consisting of Social Security and social assistance Pillar 2 - Social Health Protection Pillar 3 -Shock-Responsive Social Protection Pillar 4- Complementary Programmes The NSSF Act regulates Social Security, which is contributory, while Pillar 2 the Social Health, which is also contributory, is regulated by the Social Health Insurance Act. The proposed amendment seeks to clarify to the user that there are other pillars of Social protection that are contributory but regulated by other frameworks

2.	Proposed new interpretation “fair labour market interventions”	To interpret as follows-; “fair labour market interventions” means practices that uphold the dignity of workers, provide them with a liveable wage and protect their rights	<p>The National Social Protection Policy provides for Fair Labour Markets interventions as a benefit under the Income Security pillar.</p> <p>However, there are other aspects of the interventions that are non-contributory and are not regulated under any other framework, including unemployment protection (for workers who have lost their jobs), sickness, maternity income protection (especially for informal workers)etc.</p> <p>https://www.socialprotection.go.ke/sites/default/files/Downloads/KENYA%20SOCIAL%20PROTECTION%20POLICY.pdf</p> <p>The proposed interpretation justifies the inclusion of the following representatives as Board Directors in clause 10 (e) of the Bill</p> <p>(e) four persons not being public officers, appointed by the Cabinet Secretary as follows—</p> <p>(i) one person nominated by the most representative federation of trade unions by virtue of knowledge and experience in matters relating to social protection;</p> <p>(ii) one person nominated by the most representative federation of employers' organizations by virtue of knowledge and experience in matters relating to social protection;</p>
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Pen

			Further amendments are on clause 8 on the Functions of the Board to reflect the aspects of fair labour interventions
3.	<p>Clause 8. Functions of the Board.</p> <p>The functions of the Board shall be to—</p> <p>(a) advise the Cabinet Secretary on matters relating to social protection;</p> <p>(b) design, implement, monitor and evaluate social protection interventions and programmes;</p> <p>(c) provide social assistance and social care to vulnerable persons;</p> <p>(d) coordinate social protection interventions, services and programmes;</p> <p>(e) foster collaboration in the implementation of social protection interventions among government ministries, departments, and agencies;</p> <p>(f) establish and maintain a social protection registry and ensure continuous collection and disaggregation of data;</p> <p>(g) facilitate data sharing and interoperability among different social protection information systems in collaboration with relevant social protection agencies;</p>	<p>Propose to amend clause 8(c) by inserting the following after “social assistance “:;</p> <p>“Fair labour interventions” to read as follows-;</p> <p>(c) provide social assistance, non-contributory fair labour interventions and social care to vulnerable persons;</p>	<p>The aspect of Non-contributory fair labour interventions has not been mentioned in the entire Bill. We propose to include this to lay emphasis on the functions and obligations of the proposed Board</p>

	<p>(h) undertake civic education on social protection;</p> <p>(i) promote a community of practice for social protection as a knowledge-sharing platform;</p> <p>(j) periodically undertake indexation of social assistance benefits in collaboration with the National Treasury;</p> <p>(k) undertake resource mobilisation for purposes of this Act;</p> <p>(l) undertake periodic research to inform policy and programme interventions; and</p> <p>(m) perform any other function conferred on it by any written law</p>		
4.	<p>Composition of the Board.</p> <p>10. (1) The Board shall consist of—</p> <p>(a) a Chairperson appointed by the President;</p> <p>(b) the Principal Secretary for the time being responsible for matters relating to social protection or their representative designated in writing;</p> <p>(c) the Principal Secretary to the National Treasury or their representative designated in writing;</p> <p>(d) one person nominated by the Council of County Governors;</p> <p>(e) four persons not being public officers, appointed by the Cabinet Secretary as follows—</p>	<p>We propose to include an additional Board member as follows-;</p> <p>d) the Principal Secretary for the time being responsible for matters relating gender or their representative designated in writing</p> <p>We further propose to amend 10(1) (f) by inserting after the phrase “Board” the following- “Who shall be an ex-Officio member”</p>	<p>The proposed membership is a major stakeholder in issues of social protection . The proposed addition will bring the membership to 9 which is in compliance with the <i>Mwongozo</i> code on governance.</p> <p>The proposed amendment to 10(1)(f) on the CEO as an ex-officio member with no voting rights is also in compliance with the Mwongozo code as rightly captured in Clause 14(2)(a) as follows-;</p> <p>14.(2) The Chief Executive Officer shall—</p>

But

	<p>(i) one person nominated by the most representative federation of trade unions by virtue of knowledge and experience in matters relating to social protection;</p> <p>(ii) one person nominated by the most representative federation of employers' organizations by virtue of knowledge and experience in matters relating to social protection;</p> <p>(iii) one person with disability nominated by organisations of persons with disabilities by virtue of knowledge and experience in matters relating to social protection;</p> <p>(iv) one older member of society nominated by organisations of older members of society by virtue of knowledge and experience in matters relating to social protection; and</p> <p>(f) the Chief Executive Officer of the Board.</p>		<p>(a) have no right to vote at any meeting of the Board</p>
5.	<p>Vacancy.</p> <p>13. (1) The office of the Chairperson or a member of the Board shall become vacant if the holder—</p> <p>(a) dies;</p> <p>(b) resigns from office by notice in writing addressed to the appointing authority; or</p> <p>(c) is removed from office on any of the following grounds that the office holder—</p>		<p>The Provision is discriminatory and prejudicial to persons with disabilities. The CRPD provides for Reasonable accommodation to enable the person to continue performing their duties, and the issue of incapacity only arises after examination by a qualified panel of doctors.</p> <p>The office does not, therefore, become automatically vacant in a similar manner to the other grounds unless and until a report by a qualified medical panel is given.</p>

	<p>(i) has been adjudged bankrupt or has entered into a composition scheme or arrangement with his creditors;</p> <p>(ii) has been absent from three consecutive meetings of the Board without permission of the Board;</p> <p>(iii) is otherwise unable or unfit to discharge the functions of the office;</p> <p>(iv) contravenes Chapter Six of the Constitution;</p> <p>(v) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; or</p> <p>vi) Is incapacitated by prolonged physical or mental illness</p>	<p>The Commission proposes deletion of Clause 13(c)vi) without any replacement</p>	<p>This is a process that takes its own course, which need not be legislated.</p>
Proposed new clause			
6.	<p>Proposed New clause</p> <p>Corporation Secretary</p>	<p>Propose to amend by inserting a clause/provision on the Corporation Secretary</p>	<p>To comply with the Mwongozo Code on governance.</p> <p>The provisions have been omitted.</p>



THE SOCIAL PROTECTION BILL, 2025

FROM

THE COUNCIL OF GOVERNORS

TO

THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

A. INTRODUCTION

The Council of Governors,

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the National level and the County level;

In further recognition of Article 6 (2) that Governments at the National and County levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments and to ensure that legislation provides clarity on the responsibilities of the two levels of government, including the financing of the responsibilities.

Conscious that Government at either level ought to perform its functions and exercise its powers in a manner that respects the functional and institutional integrity of government at the other level.

Cognizant of the fact that National Government has been assigned the function of **standards for social security and capacity building and technical assistance to the counties**, it is the County Governments to play the critical role of implementing Social Protection as the interventions/ programs are mainly devolved functions. The principle of devolution of powers to County Governments in Kenya, as outlined in the Constitution of Kenya 2010, empowers Counties to put in place interventions aimed at preventing the population against poverty and vulnerabilities to shocks. It further requires that mitigation measures are put in place to alleviate the impact of such shocks.

B. GENERAL COMMENTS

1. The Council of Governors lauds the efforts made in developing this Bill. That notwithstanding, we raise fundamental policy issues that require due attention to wit:

- i. **Title of the Bill-** Whereas the title of the bill is Social Protection, the Bill in its conceptualization only addresses one component of Social Protection, being social assistance. This narrow approach deviates from the Kenya Social Protection Policy, 2023. Notably, the Bill leaves out other components of social protection including; income security, Provision of social health protection, Fair labour market interventions and Complementary programs. As such, the Bill diminishes the broader concept and importance of social protection.
- ii. **Scope of the Bill-** The Bill only provides for non-contributory Social protection. The Bill ought to be comprehensive and incorporate both contributory and non-contributory aspects. This will broaden the financing of the schemes to include contribution from workers, employers among others.
- iii. **Role of the two levels of Government-** Notably and aptly, the Bill is premised on the Human rights principles whose primary objectives are **First**, to empower rights-holders to claim and exercise their rights and **Second**, to strengthen capacity of duty-bearers (in the case of Kenya -National and County Governments), who have the obligations to respect, protect, promote, and fulfil human rights. It is therefore unimaginable that the County's role in the Bill is **discretionary**. Importantly, is that the non-contributory support would ideally and in practice fall in function areas assigned to County Governments. Clause 6 in our considered view is a **drafting afterthought** and distanced from the other clauses of the Bill.
- iv. **Targeting, Equity and Double dipping/ benefitting-** One of the challenges social protection programs face is effective targeting of the most vulnerable populations and address inequalities, including gender disparities. In many instances beneficiaries/ households benefits from more than one program to the disadvantage of others. This requires a multi-sectoral and multilevel approach to social protection. This can only be achieved if there is sharing of data and a strong Management information system between the National and County Governments and amongst other non-state actors.

- v. **Funding for social protection interventions-** Further to (ii) above, and granted that it's the duty of the state to protect its population from vulnerability and poverty as well as provide mitigation for its population that are in need of protection. There ought to be a clear funding mechanism for the national and county Governments. The Social Protection fund as provided for under of the Bill excludes County Governments from having a share/ access to the fund. Further, The Bill places the burden of **resource allocation** for Social Protection on County Governments under Clause 6, whereas funding ought to come from the National Treasury, enabling Counties to implement effectively without financial strain.
- vi. **National Social Protection Board-** The Bill assigns functions to the National Social Protection Board that properly fall within the mandate of the Ministry responsible for Social Protection; thus, establishing unnecessary structures. The Bill ought to explicitly define the Cabinet Secretary's role and eliminate the Board altogether. Further, the functions assigned to the Board should be strategic and policy-oriented such as Setting national policy direction, standards and frameworks. The actual implementation of Social Protection programs is inherently local and community-based, and should therefore be undertaken by County Governments.
- vii. **Social Protection registry-** The Bill places a responsibility to both the Board and County Governments with regards to the registry for social protection creating a risk of parallel structures. There should be a centralized registry, populated by harmonized registries from all 47 counties leveraging their proximity to communities to ensure accurate and real-time data on beneficiaries and households.
- viii. The Bill is based on "shock-responsiveness", where eligibility for support is tied to experiencing a shock, such as Orphan hood, Disability and Old age and this makes the programs reactive rather than preventive or proactive.

C. **SPECIFIC COMMENTS**

The Council wishes to give its specific input/ comments to the Bill as follows;

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
CLAUSE 3: OBJECTIVES	The objectives of the Act are to: <ul style="list-style-type: none"> a) Cushion all persons against risks and contingencies throughout their life cycles b) Build human capital capabilities and resilience of all persons c) Promote the well-being of all persons 	Amend to insert new provisions as follows: <ul style="list-style-type: none"> d.) Give effect to the State's obligation in respect to the rights guaranteed under Article 43(3) of the Constitution e.) Provide mechanisms for effective coordination of actors in social protection sector at the national and county levels 	The National and County Government should work in collaboration and co-operation towards the realization of Social Protection. As such, the Act ought to have an objective speaking to effective coordination of all actors.
CLAUSE 4 SCOPE OF THE ACT	This Act shall apply to non-contributory social protection	Amend to read as follows; This Act shall apply to contributory and non-contributory social protection	The Bill ought to be comprehensive and incorporate both contributory and non-contributory aspects. This will broaden the financing of the schemes to include contributions from workers, employers and contribution from workers, employers among others.

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
<p>CLAUSE 5</p> <p>GUIDING PRINCIPLES</p>	<p>The implementation of this Act shall be guided by the following principles:</p>	<p>Amend to insert new provisions as follows:</p> <p>(a) Gender responsive social protection.</p> <p>(b) collaboration between the National Government and the relevant stakeholders, including county governments;</p>	<p>County Governments have a constitutional mandate over functions related to social protection. The Constitution emphasizes on consultation and cooperation between both levels of government. Embedding this in the Bill as a guiding principle ensures that implementation of social protection programs reflects the spirit of devolution and constitutional governance.</p> <p>Women and girls often face unique socio-economic disadvantages and as such, a guiding principle on gender-responsive social protection system is key to acknowledge these disparities</p>

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
<p>CLAUSE 40</p> <p>SOCIAL PROTECTION REGISTRY</p>	<p>(4) The Board shall:</p> <p>a) Keep, maintain and regularly and update the register</p> <p>b) Undertake periodic registration of beneficiaries</p> <p>c) Facilitate real time updating of changes in household data through interoperability with the other national registries</p>	<p>Amend to read as follows:</p> <p>The Board shall <u>in consultation with County Governments.</u></p> <p>a.)</p> <p>b.)</p> <p>c.) Facilitate real time updating of changes in household data through interoperability with other national and County registries</p>	<p>The unified registry heavily relies on data collected at the County level. The register should thus be a repository of all the data collected at County level with regards to beneficiaries and households. Given that beneficiaries reside within counties; and county governments are geographically and administratively closer to the people hence best positioned to collect accurate data on the beneficiaries for the register</p>
<p>CLAUSE 47</p> <p>ESTABLISHMENT OF THE NATIONAL SOCIAL PROTECTION FUND</p>	<p>(2) The Cabinet Secretary responsible for the National Treasury, shall pursuant to section 24 of the Public Finance Management Act, 2012, establish a Social Protection Fund to</p>	<p>(2) The Cabinet Secretary responsible for the National Treasury, shall pursuant to section 24 of the Public Finance Management Act, 2012, establish a</p>	<p>County Governments are expected to implement social protection programmes according to this Bill and provide resources for the same. Therefore, the fund should be accessible to County</p>

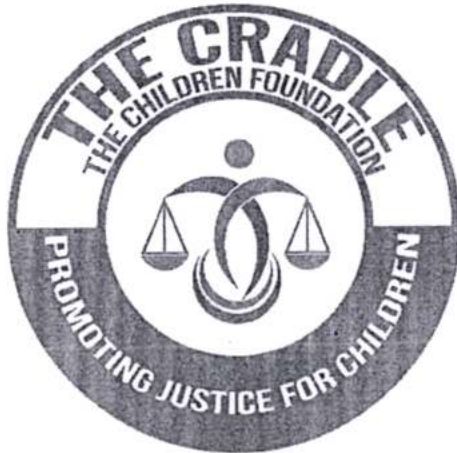
Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
	facilitate the implementation of this Act.	Social Protection Fund with a 30:70 sharing ratio between national government and county governments, to facilitate the implementation of this Act.	Governments to support the implementation of these programmes.
CLAUSE 48 REGULATIONS	The Cabinet Secretary may make regulations for the better carrying out of this Act.	Amend to include consultation with the Council of Governors as follows: The Cabinet Secretary, in consultation with the Council of Governors may make regulations for the better carrying out of this Act.	Counties are taking steps to implement interventions in social protection. All actors in the social protection space, including Counties, will be expected to comply with the regulations. Therefore, the bill should explicitly provide for consultation during the development of the regulations. This will ensure that all stakeholders have a voice in the process

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
			and that the regulations are effective and inclusive.

D. Conclusions

We urge that the fundamental issues raised herein be considered or else implementation of the law, especially by county Governments, who are critical duty bearers will be a challenge and ultimately, the law may not achieve its primary goal of reducing poverty and vulnerabilities.

THE CRADLE, THE CHILDREN FOUNDATION



MEMORANDA TO THE SOCIAL PROTECTION BILL, 2025

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TITLE/CLAUSE	PROVISION	PROPOSED AMENDMENT	JUSTIFICATION
Clause 2	Definitions	<p>Insert the following new definitions—</p> <p>“applicant” means a person who applies for social protection benefit in respect of himself or herself or on behalf of another person in terms of this Act;</p> <p>“beneficiary” means a person who receives social protection benefit within this Act</p> <p>“person with disability” means a person as defined by the Persons with Disability Act</p> <p>“disaster” means “disaster” as defined in by the Disaster Management Act;</p> <p>“primary care giver” means a person older than 18 years, who takes primary responsibility for meeting the daily care needs of that child;</p> <p>“social protection benefit” means a social grant, social relief of distress or an additional payment contemplated in this</p>	<p>Applicant Defining "applicant" ensures that the process of applying for social protection benefits is clearly distinguished from the status of a beneficiary. This definition clarifies eligibility requirements and procedural obligations for individuals seeking assistance, whether for themselves or on behalf of another person.</p> <p>Beneficiary The term "beneficiary" establishes the legal recognition of individuals entitled to receive social protection benefits. This definition is necessary to differentiate between applicants and those who have successfully qualified for assistance, ensuring proper administration and accountability in benefit distribution.</p> <p>Person with Disability Aligning the definition of "person with disability" with the Persons with Disability Act ensures consistency across legislative frameworks. This prevents discrepancies in eligibility criteria and guarantees that individuals with disabilities receive appropriate social protection in accordance with established legal standards.</p> <p>Disaster Incorporating the definition of "disaster" as per the Disaster Management Act ensures that social protection measures are responsive to emergencies. This definition provides a legal basis for extending assistance to disaster victims, reinforcing the</p>

		Act	<p>government's commitment to resilience and recovery efforts.</p> <p>Primary Caregiver Defining "primary caregiver" ensures that individuals responsible for the daily care of children or dependents are recognized within the social protection framework. This definition is crucial for determining eligibility for benefits related to child welfare and dependent care, ensuring that vulnerable individuals receive adequate support.</p> <p>Social Protection Benefit Establishing a clear definition of "social protection benefit" ensures that all forms of assistance—including social grants, relief of distress, and additional payments—are legally recognized. This prevents misinterpretation and ensures that beneficiaries receive the full range of entitlements provided under the Act.</p>
Clause 3	New subclause (d) and (e)	<p>Amend clause 3 by inserting new subclause (d) and (e) to read—</p> <p>(d) to provide for the rendering of social protection to persons;</p> <p>(e) to provide for the mechanism for the rendering of such assistance;</p> <p>(f) ensure that minimum norms and standards are prescribed for the delivery of social protection; and</p>	<p>(d) Provision for the Rendering of Social Protection to Persons The legal framework must explicitly guarantee access to social protection programs for all persons in need, ensuring that no individual is left behind due to economic hardship, age, disability, or vulnerability. By codifying this objective, Parliament will reaffirm the government's commitment to fulfilling constitutional and international obligations related to social justice and human rights.</p> <p>(e) Mechanism for the Rendering of Social Protection</p>

		(g) to provide for the establishment of board for social protection	<p>Assistance Social protection is only effective when there is a structured, well-defined mechanism for its delivery.</p> <p>(f) Minimum Norms and Standards for the Delivery of Social Protection To uphold the integrity and effectiveness of social protection initiatives, it is imperative that minimum service standards and norms are prescribed in law. These standards will serve as benchmarks for the quality, efficiency, and accessibility of services, preventing discrepancies in service delivery.</p> <p>(g) Establishment of a Social Protection Board Effective governance and oversight are central to a functional social protection system. The creation of a Social Protection Board provides a dedicated entity responsible for policy formulation, monitoring, evaluation, and coordination of programs.</p>
New Clause 4	Insert new Clause 4	<p>Insert new clause to read—</p> <p>Guiding Principles The provision of social protection shall be guided by the following values and principles</p> <ul style="list-style-type: none"> (a) Inclusivity (b) Equity and Fairness (c) Sustainability and Adequacy (d) Transparency and Accountability (e) Human Dignity 	<p>(a) Inclusivity: Social protection must be accessible to all persons, regardless of socio-economic status, gender, disability, or geographic location. The incorporation of inclusivity ensures that no individual or community is excluded from receiving necessary support, in alignment with constitutional guarantees of equality and human rights.</p> <p>(b) Equity and Fairness: A fair and just social protection system requires mechanisms that</p>

			<p>equitably distribute resources, prioritizing those in greatest need while ensuring balanced access for all citizens. The inclusion of this principle in the Bill will mitigate disparities, combat systemic inequalities, and uphold social justice.</p> <p>(c) Sustainability and Adequacy: To ensure the long-term viability of social protection programs, provisions must be made for sustainable funding and adequacy of benefits. This principle guarantees that financial and institutional structures are designed for continuity, preventing disruptions in service delivery and ensuring that beneficiaries receive meaningful support.</p> <p>(d) Transparency and Accountability: Effective governance of social protection programs demands strong oversight mechanisms. The inclusion of transparency measures will promote public trust, prevent fraud and mismanagement, and ensure that funds are utilized for their intended purpose. A legal mandate for accountability strengthens institutional integrity and reinforces responsible administration.</p>
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			<p>(e) Human Dignity: At its core, social protection is about upholding the dignity of individuals by safeguarding them against socio-economic vulnerabilities. This principle ensures that beneficiaries are not treated as passive recipients but as active participants in a system that recognizes and respects their rights, agency, and aspirations for a better quality of life.</p>
Clause 6	<p>6. In the administration and provision of social protection, a county government may-</p> <p>(a) implement national government policies on social protection through county specific legislations and strategies;</p> <p>(b) allocate resources for social protection interventions at the county level;</p> <p>(c) collaborate with national government in the provision of social protection interventions;</p> <p>(d) develop an interoperable</p>	<p>Insert new sub-clause (f) and (g) immediately after subclause (e) to read—</p> <p>(f) establish robust monitoring and evaluation systems to assess the impact, efficiency, and sustainability of social protection interventions;</p> <p>(g) collaborate with non-state actors, including non-governmental organizations and private sector entities, to expand the reach and impact of social protection initiatives.</p>	<p>Continuous assessment helps identify gaps and areas for improvement, ensuring better service delivery and long-term sustainability of social protection measures.</p> <p>Partnerships with non-state actors, such as NGOs and private organizations, can expand the reach and impact of social protection initiatives by leveraging additional resources, expertise, and innovative approaches.</p>

	county registry for social protection; and (e) develop civic education and public participation strategies on social protection in line with county governments act.		
Clause 28	Amend clause 28(e)	Amend clause 28 by inserting the words “and disasters” immediately after the words “by shocks” so as to read— (e) persons affected by shocks and disasters.	Disasters, whether natural or human-made, have a profound impact on individuals, families, and communities, often resulting in displacement, loss of livelihoods, and increased vulnerability. The integration of disaster victims into the Social Protection Bill is imperative to ensure timely and effective assistance for those affected by unforeseen crises.
Clause 31	31(1) A beneficiary or his representative may apply to the board for a social protection benefit 31 (2) The board shall upon receiving an application made under subsection (1)	Amend clause 31(1) by inserting the words “in the prescribed manner” immediately after the words for a social protection benefit so as to read— 31(1) A beneficiary or his representative may apply to the board for a social protection benefit in the prescribed manner. Amend clause 31(2) by inserting the words “and request additional information where necessary” immediately after the words	This clarifies that the application has to be made in the prescribed manner. This empowers the board to request for more information where there are unclear circumstances or

	<p>conduct an assessment to verify that the applicant is eligible for the social protection benefit applied for.</p>	<p>social protection benefit applied for” so as to read---</p> <p>The board shall upon receiving an application made under subsection (1) conduct an assessment to verify that the applicant is eligible for the protection social protection applied for and request for additional information where necessary.</p> <p>Amend subclause (4) by deleting the words “inform the applicant of the decision” and insert new subclause (a), (b) and (c) so as to read—</p> <p>(a) that he or she does not qualify for social protection benefit under this Act</p> <p>(b) the reasons why he or she does not qualify; and</p> <p>(c) of his or her right of appeal contemplated in clause 32 and of the mechanism and procedure to invoke such right.</p>	<p>information.</p> <p>Provision of Reasons for Non-Qualification Informing individuals of the specific reasons why they do not qualify for social protection benefits upholds the principles of fairness and due process. Without this requirement, affected individuals may be left uncertain about the grounds for exclusion, leading to frustration and potential disputes. Explicitly outlining non-qualification reasons promotes accountability and ensures that decisions are based on legal, objective, and justifiable grounds.</p> <p>Right to Appeal and Procedural Mechanism The inclusion of the right to appeal should be accompanied by an indication of a persons right to appeal as well as the procedures. This ensures that individuals who believe they were wrongly excluded can seek redress.</p>
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			Such information guarantees fairness, prevents administrative injustices, and strengthens public confidence in social protection systems.
New clause 32	Insert new clause 32	<p>Insert new clause 32 to read—</p> <p>32. The Board may prescribe additional requirements or conditions in respect of—</p> <ul style="list-style-type: none"> (a) income thresholds; (b) means testing; (c) age, disabilities and care dependency; (d) proof of and measures to establish or verify identity, gender, age, citizenship, family relationships, care dependency and disabilitiesstatus. (e) forms, procedures and processes for applications and payments; (f) measures to prevent fraud and abuse. 	<p>To ensure the effective, equitable, and transparent administration of social protection programs, it is essential that the Board be empowered to prescribe additional requirements and conditions. These provisions serve to enhance accountability, prevent misuse, and ensure that benefits reach the intended recipients. The justification for each requirement is outlined below:</p> <ol style="list-style-type: none"> 1. Income Thresholds Establishing income thresholds ensures that social protection benefits are targeted at individuals and households most in need. This prevents resource dilution and ensures that assistance is directed toward those facing economic hardship. 2. Means Testing Means testing provides an objective mechanism for assessing financial need, ensuring that benefits are allocated based on verifiable economic conditions rather than arbitrary determinations. This strengthens fairness and prevents undue advantage by individuals who do not meet the criteria. 3. Age, Disabilities, and Care Dependency Social

			<p>protection programs must account for age-related vulnerabilities, disabilities, and care dependency. Prescribing specific conditions ensures that individuals requiring specialized support receive appropriate assistance tailored to their needs.</p> <p>4. Proof of and Measures to Establish or Verify Identity, Gender, Age, Citizenship, Family Relationships, Care Dependency, and Disability Status Verification measures prevent fraudulent claims and ensure that benefits are provided to legitimate recipients. Establishing clear identity and eligibility criteria safeguards the integrity of social protection programs and prevents misallocation of resources.</p> <p>5. Forms, Procedures, and Processes for Applications and Payments Standardized application and payment procedures enhance efficiency, reduce administrative burdens, and ensure timely delivery of benefits. Clear guidelines prevent inconsistencies and improve accessibility for beneficiaries.</p> <p>6. Measures to Prevent Fraud and Abuse Fraud and abuse undermine the effectiveness of social protection programs, diverting resources away from those in genuine need. Instituting preventive measures strengthens oversight,</p>
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			enhances accountability, and protects public funds from exploitation.
Clause 34	<p>34(1) A beneficiary of a social protection benefit under this Act has the right to –</p> <ul style="list-style-type: none"> (a) Information on available social protection interventions and eligibility criteria (b) Provide informed consent for the collection of his personal data for the purpose of providing social protection benefits under this Act; (c) Be treated with dignity and without any form of discrimination; and (d) Have his/her complaint and grievances handled 	<p>Insert new subclause (e) immediately after subclause (d) to read--</p> <ul style="list-style-type: none"> (e) Receive social protection benefits within a specified timeframe after approval 	Ensures efficiency and accountability in delivery of services

	by the board in an expeditious, efficient, lawful, reasonable and procedurally fair manner.		
New Clause 38	Insert new Clause 38	<p>Insert new clause 38 immediately after clause 37 to read—</p> <p>Discontinuation of payments to beneficiaries absent from Republic</p> <p>(1) Where a beneficiary intends to be absent from the Republic for a period exceeding 6 months, he or she must inform the board thereof before leaving the Republic and the board shall, subject to subsections (2) and (3), suspend payment of benefits until that beneficiary or his representative, as the case may be, informs the board that the beneficiary has returned to the Republic.</p> <p>(2) Despite subsection (1), the board may upon written request by a beneficiary or his representative, in circumstances prescribed</p>	<p>The inclusion of provisions governing the discontinuation of payments to beneficiaries absent from the Republic serves several critical purposes:</p> <ol style="list-style-type: none"> 1. Ensuring Proper Utilization of Public Funds Social protection benefits are designed to support individuals residing within the Republic who actively require assistance. Suspending payments for beneficiaries absent for extended periods prevents the misallocation of funds and ensures that resources are directed toward individuals who are present and in need. 2. Preventing Fraud and Abuse Without clear regulations on absence, there is a risk of fraudulent claims where beneficiaries continue to receive payments despite being permanently or indefinitely absent. Requiring notification and suspending payments mitigates potential abuse and strengthens oversight mechanisms. 3. Accountability and Transparency The requirement for beneficiaries to inform the board before leaving the Republic enhances

		<p>by regulations, continue payment of a benefit or a portion thereof to that beneficiary or representative subject to such conditions and for such a period as the board may determine.</p>	<p>transparency in social protection administration. It ensures that records are updated, preventing discrepancies in benefit distribution and reinforcing accountability in public resource management.</p> <p>4. Flexibility for Special Circumstances Subsection (2) provides an essential safeguard by allowing beneficiaries or their representatives to request continued payments under prescribed conditions. This ensures that individuals facing exceptional circumstances—such as medical treatment abroad or temporary relocation due to emergencies—can still access necessary support.</p> <p>5. Alignment with National Social Protection Objectives Social protection programs are designed to address socio-economic vulnerabilities within the Republic. By regulating payments for absent beneficiaries, the Bill ensures that assistance remains aligned with national development goals and does not inadvertently subsidize individuals who are no longer residing within the jurisdiction.</p> <p>6. Strengthening Administrative Efficiency Implementing a structured notification and suspension process reduces administrative burdens associated with tracking absent</p>
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			beneficiaries. It allows the board to maintain accurate records, streamline payment processes, and enhance service delivery efficiency.
New Clause 36	Insert new clause 36	<p>Insert new clause 36 to read:</p> <p>Restrictions on transfer of rights and payments of social assistance</p> <p>(1) A benefit may not be transferred, ceded, pledged or in any other way encumbered or disposed of unless the board on good grounds in writing consents thereto.</p> <p>(2) Any act in contravention of subsection (1) is void and where the board becomes aware of any such act, he or she may order that payment of the relevant benefit be suspended immediately</p> <p>(a) of the board's decision;</p> <p>(b) of the reasons for that decision; and</p> <p>(c) that he or she has a right of appeal contemplated in section 18 and of the mechanism and procedure to invoke that right.</p>	<p>Preserving the Intended Purpose of Social Assistance Social assistance benefits are meant to provide direct relief to beneficiaries, ensuring their basic needs are met. Allowing unrestricted transfer or encumbrance of these benefits could lead to misuse, diversion, or exploitation, undermining the core objectives of social protection.</p> <p>Preventing Fraud and Abuse Without clear restrictions, there is a risk that beneficiaries may be coerced into pledging or transferring their benefits to third parties, including financial institutions or unauthorized individuals. This provision safeguards against fraudulent practices and ensures that assistance reaches those who genuinely need it.</p> <p>Ensuring Beneficiaries Receive Full Entitlement The requirement that beneficiaries receive the full amount of their entitled benefits before any third party can enforce a claim prevents undue deductions or unauthorized transactions. This guarantees that social assistance serves its intended purpose without external interference.</p> <p>Providing a Mechanism for Appeal The inclusion of a</p>

		<p>(3) A beneficiary must without limitation or restriction receive the full amount of a benefit to which he or she is entitled before any other person may exercise any right or enforce any claim in respect of that amount.</p> <p>(4) Despite subsection (3), the board may prescribe circumstances under which deductions may be made directly from social protection benefit, provided that such deductions are necessary and in the interest of the beneficiary.</p> <p>(5) An amount that accrues or has accrued to a beneficiary or his or her estate in terms of this Act may not be attached or subjected to any form of execution under a judgment or order of a court or by law, or form part of his or her insolvent estate.</p> <p>(6) Notwithstanding the provisions of subsection (1), in the case of death of a parent, or primary care giver receiving a benefit on behalf of or in respect of another person or child as the case may be, the board must appoint a person to receive</p>	<p>right to appeal ensures that beneficiaries who believe their benefits were unfairly suspended or restricted have a formal avenue for redress. This strengthens accountability and ensures that decisions made by the board are subject to review.</p> <p>Allowing Limited Deductions in the Interest of Beneficiaries While benefits should generally remain untouched, the provision allowing deductions under prescribed circumstances ensures flexibility where necessary. This could include deductions for essential services such as healthcare or education, provided they serve the best interests of the beneficiary.</p> <p>Protecting Social Assistance from Legal Claims and Insolvency Proceedings The prohibition against attaching social assistance benefits to court judgments or insolvency proceedings ensures that vulnerable individuals do not lose their essential support due to financial distress. This protection reinforces the principle that social assistance is a fundamental right, not a financial asset subject to legal claims.</p> <p>Ensuring Continuity of Benefits in Case of Death In cases where a parent or primary caregiver passes away, the provision for appointing a new recipient ensures that dependents continue receiving necessary support without disruption. This prevents unnecessary hardship for children and other vulnerable individuals who rely on social assistance.</p>
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		the benefit on behalf or in respect of such person or child, and to use it for his or her benefit without suspending the benefit, subject to prescribed conditions.	
Clause 43	Delete Clause 43	<p>Delete clause 43 and substitute thereof with—</p> <p>False representations</p> <p>(1) A person is guilty of an offence if such person, when applying for social protection benefits, furnishes information which he or she knows to be untrue or misleading in a material respect or makes a representation which to his or her knowledge is false, in order that he or she or another person may—</p> <p>(a) obtain or retain a social benefit to which he or she is not entitled in terms of this Act; or</p> <p>(b) obtain a social benefit in excess of that to which he or she is entitled in terms of this Act.</p> <p>(2) A person who receives a social benefit knowing that he or she is not entitled</p>	<p>This clause gives further details on offences.</p> <p>Preventing Fraud and Misuse of Public Funds Social protection programs are designed to assist individuals in genuine need. False representations undermine the system by diverting resources away from rightful beneficiaries. Criminalizing fraudulent claims ensures that funds are allocated fairly and efficiently.</p> <p>Ensuring Accountability and Transparency Requiring applicants and beneficiaries to provide truthful information strengthens accountability in social protection administration. This provision deters dishonest practices and reinforces the credibility of government programs.</p> <p>Safeguarding Limited Resources Social protection funds are finite and must be distributed equitably. Fraudulent claims reduce the availability of assistance for those who genuinely qualify. Penalizing false representations ensures that benefits reach the intended recipients.</p> <p>Deterring Intentional Misrepresentation The provision criminalizing deliberate misrepresentation discourages individuals from attempting to manipulate the system</p>

		<p>thereto, or is not entitled to the full amount which he or she is receiving, and he or she fails to inform the board thereof, he or she is guilty of an offence and shall be liable upon conviction to a fine not less than 100,000 or imprisonment not less than one year or to both.</p> <p>(3) A beneficiary who knowingly fails to inform the board of any material change of information contemplated in section 31, is guilty of an offence.</p>	<p>for personal gain. The prescribed penalties serve as a deterrent, reinforcing ethical conduct in social assistance applications.</p> <p>Ensuring Timely Disclosure of Material Changes Beneficiaries must inform the board of any material changes that affect their eligibility. Failure to do so results in continued receipt of benefits under false pretenses. Criminalizing non-disclosure ensures that assistance is adjusted based on current circumstances.</p> <p>Strengthening Legal and Administrative Oversight Establishing clear legal consequences for false representations enhances oversight mechanisms within social protection programs. It provides enforcement agencies with the authority to investigate and prosecute fraudulent claims, ensuring compliance with established regulations.</p>
Clause 48(2)	New subclause 48(2)(l)	<p>Insert new subclause 48(2) (l) immediately after subclause (k) to read—</p> <p>(k) the repayment of amounts overpaid or erroneously paid in respect of benefits;</p>	<p>Safeguarding Public Funds Social protection programs are funded through public resources, and any erroneous or excessive payments must be recovered to prevent financial losses. Granting the Board regulatory authority ensures that mechanisms are in place to reclaim funds efficiently, preserving the sustainability of social assistance programs.</p> <p>Preventing Fraud and Abuse Without clear regulations, individuals may exploit administrative errors to receive undue benefits. Establishing a structured repayment</p>

			framework deters fraudulent claims and ensures that social protection funds are allocated to rightful beneficiaries.
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THE CLERK OF THE SENATE

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NAIROBI.

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CC

Email: laboursocialwelfarecomm.senate@parliament.go.ke

5th June, 2025.

Dear Sir,

RE: SUBMISSION ON THE SOCIAL PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 12 OF 2025)

INTRODUCTION

The Bill aims to first provide a framework for the administration of non-contributory social protection interventions, and second to establish the national board for social protection.

Who are we?

The Coast Regional Budget Hub is a civic engagement space, that operates in Mombasa, Kwale, Kilifi, Lamu, TaitaTaveta and TanaRiver Counties. The Coast Regional Budget Hub is composed of budget coordinators, facilitators and community budget champions, drawn from organizations or individuals. Our key mandate is budget advocacy, and to ensure fiscal decisions under taken 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
	PART I—PRELIMINARY	<p>The Act may be cited as the Social Protection Bill,2025</p> <p>First, the Bill is titled the Social Protection while its contents are restricted to just one aspect of social protection, social assistance. In fact, the Bill only mentions two forms of social assistance – cash transfers, and personal care services (whatever this means)</p> <p>Introduction of a new interpretation to “beneficiary” and not providing an interpretation to the word used “social protection benefit”</p> <p>New words for interpretation that are not found in the Social Assistance Act (Cap. 258A)</p>	<p>We recommend that the Act may be cited as the Social Assistance (Amendment) Bill,2025</p> <p>An interpretation of “social protection benefit” is provided.</p> <p>Amend the Social Assistance Act (Cap. 258A)</p> <p>Part I – PRELIMINARY</p> <p>2. Interpretation</p> <p>In this Act, unless the context otherwise requires—</p> <p>Insert all the new words and amend the word/s as introduced by the Social Protection Bill,2025</p>	<p>SOCIAL ASSISTANCE ACT</p> <p>CAP. 258A</p> <p>Published in Kenya Gazette Vol. CXV—No. 32 on 1 March 2013</p> <p>Assented to on 14 January 2013</p> <p>Commenced on 25 January 2013</p> <p>[Revised by 24th Annual Supplement (Legal Notice 221 of 2023) on 31 December 2022]</p>



COAST REGIONAL
BUDGET HUB

	PART II— NATIONAL BOARD FOR SOCIAL PROTECTION	The National Board is not a recommendation of the Kenya Social Protection Policy – 2023 hence should not form part of the Bill.	We recommend The National Social Protection Steering Committee AND other coordinating structures be inserted as an Amendment to the Social Assistance (Amendment) Bill,2025	KENYA SOCIAL PROTECTION POLICY - 2023 4.1 National, County and Intergovernmental implementation structures
	PART III – ADMINISTRATION OF SOCIAL PROTECTION	This part is well captured in the SOCIAL ASSISTANCE ACT CAP. 258A Part III – SOCIAL ASSISTANCE	We recommend that PART III – ADMINISTRATION OF SOCIAL PROTECTION should not be part of the Amendment to the Social Assistance (Amendment) Bill,2025	SOCIAL ASSISTANCE ACT CAP. 258A Part III – SOCIAL ASSISTANCE Section 17 to Section 33
	PART IV – OFFENCES	This part is well captured in the SOCIAL ASSISTANCE ACT CAP. 258A	We recommend that PART IV – OFFENCES should not be part of the Amendment to the Social Assistance (Amendment) Bill,2025	SOCIAL ASSISTANCE ACT CAP. 258A
	PART V – MISCELLANEOUS	This part is well captured in the SOCIAL ASSISTANCE ACT CAP. 258A Part IV – FINANCIAL PROVISIONS	We recommend that PART V – MISCELLANEOUS should not be part of the Amendment to the Social Assistance (Amendment) Bill,2025	SOCIAL ASSISTANCE ACT CAP. 258A

PART VI — REPEAL SAVING AND TRANSITION PROVISIONS	This part is well captured in the SOCIAL ASSISTANCE ACT CAP. 258A	We recommend that PART VI — REPEAL SAVING AND TRANSITION PROVISIONS should not be part of the Amendment to the Social Assistance (Amendment) Bill,2025	SOCIAL ASSISTANCE ACT CAP. 258A SOCIAL ASSISTANCE ACT CAP. 258A
SCHEDULE - CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD	This part is well captured in the SOCIAL ASSISTANCE ACT CAP. 258A	We recommend that SCHEDULE - CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD should not be part of the Amendment to the Social Assistance (Amendment) Bill,2025	SOCIAL ASSISTANCE ACT CAP. 258A

General Observations and Recommendations

1. We note will great concern that since the assent and commencement of the ACT on 14 January 2013 and 25 January 2013 respectively.
 - a. The Authority has not been in place.
 - b. The cash transfers have been operating outside the establishment of a fund thus posing serious breach of the law.
2. The KENYA SOCIAL PROTECTION POLICY – 2023 did not undergo Public Participation thus leading to a serious gap in ensuring availability of resources by making the National Treasury as guardian to the realization of the National Social Assistance Fund.



We recommend the following;

- i. The Social Protection Bill (National Assembly Bill No. 12 of 2025) be withdrawn and the **SOCIAL ASSISTANCE ACT (CAP. 258A) be implemented forthwith.**
- ii. Parliament should enquire on how funds have been transferred to beneficiaries without the establishment of the National Social Assistance Fund.

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MEMORANDUM ON THE SOCIAL PROTECTION BILL, 2025

Submitted to:

**Clerk of the Senate
P.O Box 48842-00100
Nairobi.**

Att: Departmental Committee on Social Protection

From:

**International Center for Research on Women (ICRW) Africa
P.O. Box 42818 – 00100 Nairobi, Kenya
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Date: June 5, 2025

1. INTRODUCTION

Kenya's proposed *Social Protection Bill, 2025* represents a timely and commendable effort by the Government of Kenya to establish a comprehensive, inclusive, and rights-based legal framework for social protection. The Bill reflects growing national consensus on the importance of addressing vulnerability, poverty, and inequality through coordinated systems of social assistance, social insurance, and social care services.

While the Bill offers a strong foundation, this memorandum provides constructive recommendations to align it more fully with constitutional values, gender equality commitments, and global best practices. The insights presented herein are drawn from field-level experiences, technical analysis, and the voices of those often left at the margins—especially women, caregivers, informal workers, persons with disabilities, and communities affected by shocks. Our aim is to contribute meaningfully to the Bill's refinement, ensuring it delivers on its transformative promise and is responsive to the realities of those it seeks to protect.

2. ABOUT THE INTERNATIONAL CENTER FOR RESEARCH ON WOMEN (ICRW)

The International Center for Research on Women (ICRW) is a global research and policy organization dedicated to advancing gender equity, social inclusion, and economic justice. With offices in Nairobi, Delhi, Kampala, Washington, D.C., and around the world, ICRW has spent over four decades generating evidence, shaping policy, and catalyzing change for women, girls and marginalized populations.

In Kenya and the broader East Africa region, ICRW is deeply engaged in promoting gender-responsive social protection systems, strengthening the care economy, and supporting inclusive policy design. Through participatory research, technical assistance, and multi-stakeholder dialogue, ICRW works closely with government ministries, county governments, civil society, and grassroots actors to address systemic barriers and advance social and economic wellbeing for all.

This memorandum reflects ICRW's ongoing commitment to support the Government of Kenya in actualizing the right to social protection under Article 43 of the Constitution, while promoting innovative, evidence-based, and inclusive approaches that leave no one behind.

3. GENERAL OBSERVATIONS

The Social Protection Bill, 2025 presents a timely and commendable effort by the Government of Kenya to formalize, consolidate, and strengthen the legal and institutional framework for social protection. The Bill reflects the country's ongoing commitment to reduce poverty, enhance resilience, and expand equity in access to essential services—aligned with constitutional principles and international development goals.

In reviewing the Bill, ICRW acknowledges the significant progress made, while also identifying areas where further refinement could enhance the Bill's impact, inclusivity, and long-term effectiveness when it becomes an Act of Parliament. The following observations are shared in the spirit of partnership and technical collaboration, and are grounded in evidence from community engagement, gender analysis, and global best practices including the Beveridge Report.

Issue	Observations
a) Strong foundation, with opportunities for further strengthening	<p>The Bill represents a significant policy advancement and reflects the Government of Kenya's commitment to formalize and harmonize social protection delivery.</p> <p>However, its implementation potential is limited by limited definitions of core concepts, discretionary clauses, and gaps in lifecycle and gender inclusion that risk excluding the very populations it aims to protect.</p>
b) Gender equality and care responsibilities require more explicit integration	<p>While the Bill acknowledges social care, it does not yet fully reflect Kenya's commitments to gender equality, recognition of unpaid care work, and inclusive service delivery. Strengthening provisions that recognize the care economy and address the structural barriers faced by women especially informal workers, caregivers, and female-headed households would enhance equity and responsiveness.</p>
c) Eligibility and targeting criteria could be broadened and clarified	<p>The current categories of persons in need (Clause 28) and eligibility conditions (Clause 30) could benefit from clearer definitions and greater inclusivity, particularly to ensure that vulnerable populations such as non-Kenyan legally residing in Kenya, persons with caregiving burdens, youth out of school or work, and undocumented informal workers are not unintentionally excluded.</p>
d) Improving accessibility and application processes will enhance reach	<p>The application provisions (Clause 31) could be enhanced by embedding decentralized, accessible, and supported registration mechanisms including mobile outreach, multilingual formats, and accommodations for persons with disabilities. Such provisions would align with the realities faced</p>

	by many who are time-poor, care-dependent, or geographically remote.
e) Data governance and registry provisions can be strengthened	The proposed Social Protection Registry is critical. Its effectiveness would be improved by incorporating explicit data protection safeguards, gender- and disability-disaggregated data requirements, and full interoperability with other relevant national systems. Clarity on access protocols and roles for counties and other agencies would support better coordination and real-time response.
f) Board composition would benefit from broader representation	To reflect the diversity of actors in the social protection ecosystem, the composition of the Board could be expanded to include non-state actors, subject matter experts, caregivers, and informal worker representatives. Ensuring gender parity and regional balance would further enhance legitimacy and inclusivity in decision-making.
g) Indexation mechanisms should be predictable and rights-based	The clause on indexation (Clause 39) is a valuable inclusion, but could be strengthened by making benefit reviews mandatory, conducted at regular intervals, and guided by transparent, equity-sensitive indicators. This would help maintain the real value of benefits amid inflation and economic shocks.
h) Embedding rights-based principles will promote accountability and inclusion	To fully align with the Constitution of Kenya (Article 43) and international human rights norms, the Bill could benefit from stronger articulation of principles such as participation, transparency, dignity, and non-discrimination. Embedding clear grievance redress mechanisms, participatory feedback loops, and inclusive communication strategies will help ensure no one is left behind.

4. SECTIONAL REVIEWS AND PROPOSED REVISIONS

PART I- INTERPRETATION

Proposed additional contextual terminologies

- a. **"Person in need"** means any individual or household experiencing economic, social, or care-related vulnerability, including but not limited to orphans, older persons, persons with disabilities, informal workers, unpaid caregivers, persons affected by shocks, single-parent households, and those with limited access to basic services.
- b. **"Interoperability"** means the ability of information systems, data registries, or applications to exchange and make use of information securely and in real time, allowing for integrated and coordinated delivery of social protection and related services.
- c. **"Gender-responsive delivery"** means the design and implementation of policies, programs, and services in a way that recognizes and addresses the specific barriers, risks, and needs experienced differently by women, men, and

intersex individuals, particularly relating to caregiving, income inequality, time poverty, and decision-making power.

- d. **"Unpaid care work"** means non-remunerated activities performed within households and communities, such as caring for children, older persons, persons with disabilities, and household maintenance, which contribute to economic and social well-being but are not recognized in formal labour systems.
- e. **"Beneficiary representative"** means a person lawfully authorized or reasonably acting on behalf of a person in need, including family members, caregivers, guardians, or recognized community representatives, especially where the beneficiary is unable to apply independently due to age, disability, illness, or literacy barriers.
- f. **"Intersectional vulnerability"** means a state of disadvantage arising from the interaction of multiple factors such as gender, disability, age, economic status, location, displacement, or caregiving responsibilities, which compound exclusion or hardship. *(Introduced in Clause 28, 30, and 39 revisions.)*
- g. **"Care dependency"** means the condition of a person who requires ongoing care and support due to illness, disability, age, or developmental status, and whose dependency places a burden on their household or caregivers.
- h. **"Proxy means testing"** means a targeting method that uses observable household characteristics such as housing quality, asset ownership, or demographic information to estimate a household's level of welfare or income in the absence of verified financial records.
- i. **"Shock-responsive social protection"** means the use of existing social protection systems, programs, and delivery mechanisms to respond flexibly and rapidly to covariate shocks such as natural disasters, pandemics, economic crises, or conflict.
- j. **"Participatory targeting"** means a method of identifying eligible beneficiaries through community-level consultations, validation, and decision-making, ensuring local knowledge and social legitimacy guide the selection process. *(Implied in revisions related to Clause 28(3), 30, and 31.)*
- k. **"Equity-sensitive indexation"** means the regular adjustment of social protection benefits based on inflation and cost of living, taking into account the differentiated impacts on women, persons with disabilities, caregivers, and other marginalized groups. *(Introduced in the revision of Clause 39.)*
- l. **"Referral mechanism"** means a system for linking beneficiaries of social protection programs to other services such as health, education, legal aid, housing, or livelihoods to ensure holistic and coordinated support. *(Introduced in clause 40)*

PART II- THE NATIONAL BOARD FOR SOCIAL PROTECTION

Clause 8: Functions of the Board

Subsection	Improved/added function	Justification
(b) Design, implement, monitor and evaluate social protection interventions and programmes.	Design, implement, monitor, and evaluate inclusive, lifecycle-based, and gender-responsive social protection policies, interventions, and programmes in collaboration with relevant stakeholders and county governments;	The Board should lead in gender- and care-responsive social protection policy development, not just program implementation
(c) Provide social assistance and social care to vulnerable persons;	Oversee and ensure the equitable provision of social assistance and social care services to persons in need as specified in this Bill;	The Board's role should be coordination and oversight, not direct service delivery. Direct delivery will be undertaken by the Secretariat under the Chief Executive Officer
(d) Coordinate social protection interventions, services and programmes;	Coordinate social protection interventions, services, and programmes across national and county governments, and with development partners, private sector actors, and civil society organizations;	To support devolved service delivery and multisectoral collaboration for sustainability.
(f) Establish and maintain a social protection registry and ensure continuous collection and disaggregation of data;	Establish and maintain a social protection registry and ensure continuous collection and disaggregation of data by sex, age, disability, location, caregiving status, and other relevant indicators of vulnerability;	To ensure data equity, accountability, and compliance with Kenya's Data Protection Act (2019) and SDG 17.18 (disaggregated data)
(g) Facilitate data sharing and interoperability among different social protection information systems in collaboration with relevant social protection agencies	Facilitate data sharing and interoperability among social protection agencies in compliance with data protection principles and human rights standards;	To safeguard privacy and prevent misuse of sensitive information, especially for marginalized populations, and mitigate double targeting.
	Establish and oversee inclusive, gender-sensitive	To ensure rights-based access, as grievance

Additional Board Functions	grievance redress and appeals mechanisms to ensure transparency, accountability, and accessibility for all claimants and beneficiaries;	mechanisms are critical for inclusion and trust in SP programs.
	Mainstream gender equality, unpaid care work recognition, and disability inclusion in all social protection policy and program processes under this Bill.	Aligns with SDG 5.4
	Facilitate regular stakeholder consultations, participatory policy dialogue, and community feedback mechanisms to inform inclusive and evidence-based social protection delivery;	Promotes ownership, learning, and local accountability.

Clause 10: Composition of the Board

Proposed Amendment to Clause 10 – Composition of the Board

10. (1) The Board shall consist of the following members—

- a) a chairperson appointed by the President in accordance with the provisions of this Bill;
- b) the Principal Secretary responsible for matters relating to social protection or a representative;
- c) the Principal Secretary responsible for the National Treasury or a representative;
- d) the Principal Secretary responsible for health or a representative;
- e) the Principal Secretary responsible for education or a representative;
- f) one person nominated by the Council of Governors, representing county governments;
- g) one person representing organizations of persons with disabilities, nominated by an umbrella body;
- h) one person representing civil society organizations working in the field of social protection, care economy, or gender responsive budgeting;
- i) one person representing academic or research institutions with demonstrated expertise in social protection;
- j) one person representing informal sector workers, nominated by a nationally recognized umbrella organization; and

- k) the Chief Executive Officer of the Board who shall be an ex-officio member and secretary to the Board.

(4) The Cabinet Secretary shall when appointing members of the Board—

- a) not more than two-thirds of the members are of the same gender in accordance with Article 27(8) of the Constitution;
- b) the membership reflects regional diversity, marginalized groups, and persons with disabilities; and
- c) the composition includes persons with expertise in human rights, gender-responsive social protection, disability inclusion, and community development.

PART III- ADMINISTRATION OF SOCIAL PROTECTION

Proposed Revisions to Particular clauses

Current clause	Proposed Revision	Justification
Clause 28: Provision of social protection to persons in need.	28(3): Notwithstanding subsection (2), persons in need shall include, but not be limited to— (a) orphans and vulnerable children; (b) poor older members of society; (c) persons with disabilities; (d) persons in extreme poverty; (e) persons affected by shocks; (f) unpaid caregivers; (g) informal sector workers; (h) single-parent households; (i) internally displaced persons; (j) vulnerable and poor pregnant women and new mothers; and (k) youth not in education, employment, or training (NEETs).	This expanded formulation reflects Kenya's constitutional obligations under Article 43, addresses the intersectional realities highlighted in ICRW's 2025 research, and aligns with SDG 1.3, SDG 5.4, and ILO Recommendation 202 on social protection floors. It also ensures that no vulnerable group is inadvertently excluded due to narrow definitions.
Clause 29. Social protection benefits	29. (1) The Board shall, in accordance with this Act and any regulations made thereunder, provide a range of social protection benefits to persons in need, which shall include but not be limited to— (a) Social assistance benefits, including— (i) unconditional and conditional cash transfers; (ii) transfers in kind; (iii) maternity benefits and childbirth grants; (iv) child and school-based education stipends or bursaries; (v) food and nutrition assistance; and (vi) emergency assistance for persons affected by shocks. (b) Social care and support services, including— (i) rehabilitation and re-integration services; (ii) psychosocial support and mental health services; (iii) respite care and caregiver support services;	The proposed amendment to Clause 29 clarifies the categories of benefits and eligibility, ensuring that all persons in need—across different stages of life—are explicitly recognized. It introduces gender- and care-responsive language that acknowledges the specific vulnerabilities of unpaid caregivers, women, and informal workers, thereby promoting equity and inclusion. Furthermore, the amendment aligns with Kenya's constitutional obligations under Article 43, which guarantees every person the right to social security and social services. It also complies with

	<p>(iv) early childhood care and development programs;</p> <p>(v) home-based and community-based care services;</p> <p>(vi) disability support services, including assistive devices; and</p> <p>(vii) training programs for promoting the skills, knowledge, caregiving capacities, and qualifications of persons in need.</p> <p>(2) In designing and implementing the benefits provided under this section, the Board shall ensure—</p> <p>(a) responsiveness to lifecycle vulnerabilities including childhood, maternity, disability, old age, and caregiving burdens;</p> <p>(b) inclusion of informal workers, unpaid caregivers, and other persons facing intersectional disadvantages;</p> <p>(c) flexibility for the progressive realization of new or emerging social protection needs as determined by evidence and public consultation.</p>	<p>international standards, particularly ILO Recommendation 202 on Social Protection Floors, and strengthens Kenya's implementation of Sustainable Development Goals 1.3 and 5.4, which call for universal access to social protection and the recognition of unpaid care and domestic work.</p>
<p>Clause 30: Eligibility for social protection</p>	<p>30. (1) A person shall be eligible for the appropriate social benefit under this Act if the person—</p> <p>(a)</p> <p>(i) is—</p> <p>(ii) a Kenyan citizen; or</p> <p>(b) a refugee, stateless person, legally resident non-citizen, or a non-Kenyan in a humanitarian or emergency situation as may be prescribed in regulations;</p> <p>(b) falls within the categories of persons in need specified under section 28, including but not limited to orphans and vulnerable children, older persons, persons with disabilities, persons in extreme poverty, persons affected by shocks, unpaid caregivers, informal workers, single-parent households, and other persons with intersecting vulnerabilities; and</p> <p>(c) complies with the eligibility criteria prescribed by the Cabinet Secretary in regulations, including but not limited to income</p>	<p>This amendment ensures that Clause 30 is aligned with Kenya's Constitution (Article 43) by affirming the right to social security for all, including those often excluded by rigid eligibility rules. It responds directly to ICRW's evidence on the invisibility of informal workers, whose vulnerabilities are frequently overlooked in social protection systems. By expanding the scope to include refugees, stateless persons, and those facing structural disadvantages, the amendment upholds Kenya's international human rights obligations and reflects global best practices from</p>

	<p>thresholds, means testing, age limits, health status, disability, care dependency, or other relevant social or economic indicators.</p> <p>(2) The eligibility criteria prescribed under subsection (1)(c) shall—</p> <p>(a) be designed and applied in a manner that promotes inclusion and equity;</p> <p>(b) recognize non-monetary and structural vulnerabilities, including unpaid care work, gender-based discrimination, displacement, and informal employment; and</p> <p>(c) ensure that no person is denied social protection solely on the basis of documentation status, literacy, or mobility constraints.</p>	<p>inclusive systems in countries such as South Africa and Thailand.</p>
<p>Clause 31: Application for social protection</p>	<p>Insert sub clause 2 to read:</p> <p>(2) The Board shall ensure that the application process is accessible, inclusive, and responsive to the needs of all persons in need as identified under Clause 28 (3), including through decentralized application points, accessible materials, community outreach, and provision of application support for persons facing physical, cognitive, linguistic, or socio-economic barriers.</p>	<p>Inserting this clause cures the gap or assumption that applicants can reach the Board or submit applications in a centralized or formalized setting. ICRW's research has shown that rural women, caregivers, and persons with disabilities were often unable to apply the existing Social protection mechanisms due to distance, time poverty, illiteracy, or mobility constraints.</p>
<p>Clause 39: Indexation of social protection benefits</p>	<p>39. (1) The Board shall, in consultation with the National Treasury, conduct a review of the adequacy of social assistance benefits at least once every two years to account for changes in the cost of living and ensure that the benefits retain their real value over time.</p> <p>(2) The review shall be based on relevant economic and social indicators, including but not limited to inflation rates, national</p>	<p>A robust indexation mechanism is vital to ensure that social protection benefits retain their purchasing power and policy relevance over time.</p> <p>We propose that indexation should be:</p> <p>a) Mandatory and predictable,</p>

	<p>poverty lines, food and basic needs indexes, and the cost of caregiving and essential services.</p> <p>(3) In conducting the review, the Board shall consider the differential impacts on marginalized groups, including female-headed households, persons with disabilities, older persons, and informal workers, and shall ensure that the adjustments are equity-sensitive and gender-responsive.</p> <p>(4) The Board shall publish the outcomes of each indexation review and shall consult with relevant stakeholders, including representatives of civil society, beneficiaries, and county governments before finalizing any adjustments.</p>	<p>b) Based on clear economic and social indicators, and</p> <p>c) Conducted through a transparent and participatory process.</p> <p>ICRW's studies highlight that fixed benefit amounts—unchanged for years—fail to respond to rising food and childcare costs, particularly hurting female-headed households and unpaid caregivers who rely heavily on such support.</p>
<p>Clause 40: Social Protection registry</p>	<p>40. (1) The Board shall establish and maintain a centralized Social Protection Registry which shall serve as the singular, integrated, and authoritative database for social protection interventions under this Act.</p> <p>(2) The Registry shall—</p> <p>(a) maintain a dynamic and regularly updated inventory of vulnerable individuals and households, disaggregated by sex, age, disability, location, household composition, and caregiving status;</p> <p>(b) provide a user-friendly platform for applications and re-certification processes for social protection programs;</p> <p>(c) support the selection, registration, and verification of beneficiaries across all tiers of social protection;</p> <p>(d) enable coordination and planning of social protection interventions across national and county levels, including with non-state actors;</p> <p>(e) support real-time monitoring, evaluation, and public reporting of program reach and inclusion outcomes;</p> <p>(f) provide up-to-date vulnerability data to inform rapid response</p>	<p>The proposed framing ensures the registry is inclusive, dynamic, interoperable, and rights-based and critical for ensuring accurate targeting, responsive planning, and gender-sensitive delivery of social protection in Kenya.</p>

	<p>during emergencies, disasters, or economic shocks; (g) enable linkage and referral across social protection, healthcare, education, livelihoods, and civil registration systems; (h) adhere to the principles of data protection, privacy, consent, and transparency in accordance with the Data Protection Act, 2019.</p> <p>(3) The Registry shall contain such particulars as may be prescribed in regulations, including consent procedures, validation protocols, and community verification mechanisms.</p> <p>(4) The Board shall—</p> <p>(a) keep, maintain, and update the Registry in real time; (b) undertake periodic household registration and verification exercises to reflect changing needs and vulnerabilities; (c) ensure interoperability with other national and county-level databases including but not limited to the Civil Registration System, Social Health Insurance, Social Health Authority, Educational Management Systems, and refugee or migrant databases; (d) facilitate secure and equitable access to registry data by authorized agencies and county governments for planning and coordination of services.</p>	
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For Further Engagement:

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End of Memorandum