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THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

Approved.

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE 27.11.2024

DSS

REPORT ON THE PROVISION OF SANITARY TOWELS BILL, 2024

(SENATE BILLS NO.7 OF 2024)

PAPERS LAID	
DATE	28/11/2024
TABLED BY	Ser. Faki on behalf of Committee
COMMITTEE	Labour
CLERK AT THE TABLE	Abdirahman

Clerk's Chambers,  
Parliament Buildings,  
NAIROBI.

OCTOBER, 2024

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## LIST OF ABBREVIATIONS/ACRONYMS

AG	Attorney General
APBET	Alternative Provision of Basic Education and Training
AYARHEP	Ambassador for Youth and Adolescent Rep Health Programme
CSR	Corporate Social Responsibility
DGAA	Department for Gender and Affirmative Action
DGAA	Department of Gender and Affirmative Action
DEPT.	Department
ECDE	Early Childhood Development and Education
FEMNET	African Women's Development and Communications Network
HENNET	Health NGOs Network
KAM	Kenya Association of Manufacturers
KEWOPA	Kenya Women Parliamentary Association
KEMSA	Kenya Medical Supplies Authority
MHM	Menstrual Hygiene Management
MHMP	Menstrual Hygiene Management Policy
MOE	Ministry of Education
M&E	Monitoring and Evaluation
NGAAF	National Government Affirmative Action Fund
PWDs	Persons with Disabilities
SRC	Salaries and Remuneration Commission
TVET	Technical, Vocational Educational and Training
UON	University of Nairobi
UNICEF	United Nations Children's Fund
WASH	Water Sanitation and Hygiene

## PRELIMINARIES

### **Establishment and Mandate of the Committee**

The Senate Standing Committee on Labour & 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, pension, gender, culture, and social welfare; youth, National Youth Service, children's welfare; national heritage, betting, lotteries, sports, public entertainment, public amenities, and recreation.

The Committee oversees four ministries as follows –

- a) The Ministry of Labour and Social Protection;
  - i. State Department for Labour and Skills Development; and
  - ii. State Department for Social Protection and Senior Citizens Affairs.
- b) The Ministry of Public Service, Performance and Delivery Management;
  - i. State Department for Public Service; and
  - ii. State Performance and Delivery Management.
- c) The Ministry of Youth Affairs, Creative Economy and Sports;
  - i. State Department for Youth Affairs and Creative Economy; and
  - ii. State Department for Sports
- d) The Ministry of Gender, Culture, the Arts and Heritage;
  - i. State Department for Gender and Affirmative Action; and
  - ii. State Department for Culture, the Arts and Heritage.

The Committee also oversees the Pensions Department in the National Treasury & Economic Planning which includes the following institutions –

- i. The Retirement Benefits Authority;
- ii. The Local Authorities Provident Fund;
- iii. Public Service Superannuation Scheme; and
- iv. The Civil Servants Accident Claim Fund.

The Committee also oversees the following Commissions and State Corporations –

- i. The Public Service Commission;
- ii. The Salaries and Remuneration Commission;

- iii. National Gender & Equality Commission;
- iv. The Commissioner of Sports & Sports Registrar; and
- v. Permanent Presidential Music Commission.

### **Membership of the Committee**

The Committee membership is as follows –

- |     |   |                    |
|-----|---|--------------------|
| (1) | Sen. Julius Murgor Recha, CBS, MP                 | - Chairperson      |
| (2) | Sen. George Mungai Mbugua, MP                     | - Vice Chairperson |
| (3) | Sen. (Rtd.) Justice Stewart Madzayo, CBS, EGH, MP | - Member           |
| (4) | Sen. Mohamed Faki Mwinyihaji, CBS, MP             | - Member           |
| (5) | Sen. Erick Okong'o Mogeni, SC, MP                 | - Member           |
| (6) | Sen. Alexander Munyi Mundigi, MP                  | - Member           |
| (7) | Sen. Crystal Kegehi Asige, MP                     | - Member           |
| (8) | Sen. Miraj Abdullahi Abdulrahman, MP              | - Member           |
| (9) | Sen. Gloria Orwoba, MP                            | - Member           |

## **CHAIRPERSON'S FOREWORD**

The Provision of Sanitary Towels Bill 2024 (Senate Bills No.7 of 2024) is an ordinary Bill that was published in the Kenya Gazette Supplement No. 44 on 1st of March, 2024. The Bill was read a first time on 3<sup>rd</sup> July 2024 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration.

The principal objective of the Bill is to provide for the provision of quality, free and sufficient sanitary towels in all public institutions and correctional facilities, establish an inter-ministerial committee at the National government level and county interdepartmental committees on provision of sanitary towels

### **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 Standard Newspapers 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 proceeded to consider the Bill extensively, scheduled and held meetings with various targeted stakeholders including the Office of the Attorney General, State Department for the technical Vocational education and Training, Kenya women Parliamentary Association, State Department for the Correctional Services State Department for Gender & Affirmative Action, State Department for Public Health and Professional Standards.

The Committee notes that the Bill focuses on the provision of Sanitary towels to all public institutions and correctional facilities and that a policy framework, the Menstrual Hygiene Management Policy (2019 -2030), on the distribution of sanitary towels, already exists.

The Committee received and considered amendments to the Bill from the above-mentioned stakeholders and held a total of six (6) meetings to consider the Bill. The minutes of the Committee in considering the Bill are attached to this Report.

The Committee received more than 90 submissions on the Bill with a majority recommending the rejection of the Bill, as they were against formation of additional forty-eight (48) committees, which apart from creating an additional burden to the taxpayer, increase bureaucracy.

Stakeholders also raised concerns on where the program will be domiciled and that the Bill has not factored in most of the provisions of the existing Menstrual Hygiene Management Policy 2019 - 2030

**Hon. Speaker,** concerns were also raised on where the funding will be drawn from, the formation of a body corporate Inter-Ministerial committee and the roles of all the stakeholders in the sector as outlined in the policy.

The Committee also noted that the Bill does not make reference to section 39 of the Basic Education Act which mandates the Cabinet Secretary in charge of Education to provide free sanitary towels to school going girls, with the objective of improving the retention rates of the girl child in school.

The Bill however, proposes to increase the beneficiaries of free sanitary towels to women in all public institutions and correctional facilities, but does not indicate where the additional funding for the new beneficiaries will come from.

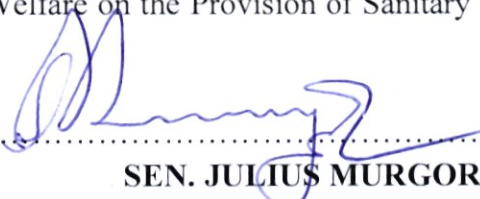
**Mr. Speaker Sir,** arising from the above observations, the Committee will not propose any amendments to the Bill and recommends as follows, That -

- a) the Senate notes the contents of Bill as well as the views of the public on the Bill;
- b) the Senate notes the provisions of the Menstrual Hygiene Management Policy (2019 – 2030); and
- c) the Bill incorporates the provisions of the Menstrual Hygiene Management Policy (2019 – 2030) and the views of the public.

**Hon. Speaker,** I wish to 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 Provision of Sanitary Towels Bill, 2024 (Senate Bills No.7 of 2024)

Signed .....



Date.. *Wednesday, 30<sup>th</sup> October, 2024*

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

## CHAPTER 1: INTRODUCTION

### 1.0 Overview of the Provision of Sanitary Towels Bill 2024 (Senate Bills No.7 of 2024)

1. The Provision of Sanitary Towels Bill is an Act of Parliament to create a legal framework for the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities, establish an inter-ministerial committee at the National government level and county interdepartmental committees on provision of sanitary towels
2. The Provision of Sanitary Towels Bill 2024 (Senate Bills No.7 of 2024) is an ordinary Bill that was published in the Kenya Gazette Supplement No. 44 on 1st of March, 2024. The Bill was read a first time on 3rd July 2024 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration. A copy of the Bill is attached as *Appendix 2* to this Report.

### 1.1 Background of the Bill

3. Article 43 of the Constitution of Kenya provides for the right to the highest attainable standard of health, which includes the right to health care services including reproductive health care.
4. Under the Fourth Schedule to the Constitution, paragraph 23 of Part 1 assigns national referral health facilities to the National government while paragraph 2 of Part 2 assigns county governments the function of county health services, including, in particular –
  - (a) county health facilities and pharmacies; and
  - (b) promotion of primary health care...
5. The Sanitary Towels programme to girls in public schools was first launched in 2011. The programme had previously been targeting girls in schools located at former districts chosen from marginalised and slum areas. Equally, a school's location as per the National Poverty Index determined whether its pupils received the government-funded sanitary.
6. The aim of the programme is to provide all school girls with sanitary towels so as to minimize absenteeism and put them at par with their male counterparts, with the objective being to increase their retention in school, transition to higher levels of learning and thereby enhance their academic performance. It is estimated that girls from poor families miss 20% of school days in each year due to lack of sanitary products.

7. In 2017, an amendment to the Basic Education Act mandated the national government to provide free, sufficient, and quality sanitary pads to every girl registered at school.
8. The Programme was transferred from the Ministry of Education to the Ministry of Gender, Arts, Culture and Heritage during the 2017/2018 Financial Year with a budget of Kenyan Shillings 470 Million. The State Department of Gender was tasked with several responsibilities including convening and facilitation of implementation committees at different levels.
9. In 2020, the government approved the Menstrual Health and Management Policy 2019–2030, which lays out a road map to ensure that women have access to information, menstrual products, and services and facilities, as well as the ability to dispose of menstrual waste safely.

## **1.2 Legislative Framework**

10. The Bill therefore seeks to mandate the national and county governments to expand the provision of sanitary towels to all public institutions and correctional facilities rather than public schools only.
11. The Bill provides for the following key areas -
  - I. the establishment of the Inter Ministerial Committee on Provision of Sanitary Towels comprised of—
    - a) the chairperson;
    - b) the Principal Secretary responsible for gender or their representative designated in writing;
    - c) the Principal Secretary responsible for basic education or their representative designated in writing;
    - d) the Principal Secretary responsible for finance or their representative designated in writing;
    - e) the Principal Secretary responsible for correctional facilities or their representative designated in writing;
    - f) the Principal Secretary responsible for higher education or their representative designated in writing;
    - g) the Principal Secretary responsible for vocational and technical training or their representative designated in writing;
    - h) the Principal Secretary responsible for public health or their representative designated in writing;
    - i) the Attorney-General or their representative designated in writing;

- j) the Chairperson of the National Gender and Equality Commission or their representative designated in writing;
- k) the Director General for Health or their representative designated in writing; and
- l) three persons, not being public officers, of whom –
  - i. one shall be nominated by the Council of County Governors;
  - ii. one shall be nominated by a public benefit organization concerned with matters related to gender; and
  - iii. one shall be nominated by the umbrella body representing the largest number of organizations in the private sector

12. The functions of the Inter Ministerial Committee on Provision of Sanitary Towels under clause 8, are to, among other things, -

- a) advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;
- b) co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;
- c) provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;
- d) in consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;
- e) receive and act on reports relating to provision of sanitary towels in public institutions and correctional facilities; and
- f) develop a framework to facilitate the availability and distribution of sanitary towels in all the public institutions and correctional facilities in Kenya...

13. The establishment of, in each county, county interdepartmental committees on provision of sanitary towels, comprised of –

- a) the county executive committee member responsible for gender matters who shall be the chairperson;
- b) the county executive committee member responsible for children welfare or their representative designated in writing;
- c) the county executive committee member responsible for education or their representative designated in writing;
- d) the county executive committee member responsible for health their representative designated in writing;
- e) the county commissioner or their representative designated in writing;
- f) the gender officer in charge of the county;

- g) a prisons officer attached within the county nominated by the Commissioner-General of Prisons;
- h) a person nominated by, and representing, public benefits organizations operating in the respective county with knowledge in matters relating to the rights of persons with disabilities; and
- i) a representative of the Committee who shall be the secretary.

14. The functions of a county interdepartmental committee, under clause 14, are to, among other things, -

- a) advise the respective county government on the provision of sanitary towels in all county public institutions;
- b) provide free, sufficient and quality sanitary towels to every woman employed by or studying in the respective county public institution;
- c) provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county; and
- d) provide a platform for collaboration between the National government and the respective county government on provision of sanitary towels in the respective county.

### **1.3 Menstrual Hygiene Management Policy 2019-2030**

15. The mission of this policy is to ensure that all women and girls in Kenya can manage menstruation hygienically, freely, with dignity without stigma or taboos, and with access to: the right information on Menstrual Hygiene Management (MHM); menstrual products, services and facilities; and to safely dispose of menstrual waste. The MHM policy outlines the key facets that contribute to menstrual hygiene as; Information, knowledge and awareness on menstruation, the knowledge of and access to menstrual management products and the safe disposal of menstrual waste. Additionally, the guiding principles of the Policy include; equity, sustainable access, social inclusion and private sector involvement.

#### **Policy Objectives**

16. The policy objectives are to -
- (a) ensure that myths, taboos and stigma around menstruation are addressed by providing women, girls, men and boys access to information on menstruation;
  - (b) ensure women and girls have access to safe and hygienic menstrual products, services and facilities;
  - (c) ensure a clean and healthy environment for all Kenyans through appropriate technology choices for menstrual waste management and pollution control;

- (d) establish an enabling legal and regulatory environment for MHM at both National and County levels; and
- (e) establish a functionally effective monitoring and evaluation framework for MHM in Kenya, to ensure maximum accountability in policy implementation at all levels.

### **Guiding Principles**

17. The Kenya MHM Policy shall be guided by the following overarching principles –
- (a) **Menstruation as a human right** - The policy recognizes that the ability to manage menstruation safely and hygienically, without stigma or taboos, and in dignity is a precondition to meeting the human rights of girls and women. It shall therefore be the responsibility of the state to employ the best and equitable measures to enable the widest possible enjoyment of these rights.
  - (b) **Integrated approach** – Menstrual Hygiene Management is essentially multi-sectoral. An integrated approach combining MHM education, access to menstrual products, services and facilities, and safe disposal of menstrual waste, ensures improved health, access to education and work, reduced discrimination of women and girls, and increased gender-equality. The successful promotion and implementation of MHM programmes and services will require the involvement of all stakeholders in all stages from the preplanning stage, through implementation to monitoring and evaluation stages.
  - (c) **WASH as a precondition for MHM** – Adequate access to Water, Sanitation facilities and an enabling environment to learn about and practice Hygiene are integral to safe and hygienic management of menstruation.
  - (d) **Equity** – The disadvantaged (persons with disabilities, Internally Displaced Persons, refugees, the poor etc.) suffer disproportionately from the barriers of inadequate MHM. Ensuring access to safe, hygienic and dignified MHM for the disadvantaged segments of the population shall be ensured as a means of their health, access to education and work.
  - (e) **Social inclusion** – Vulnerable and disadvantaged sections of the community shall be given priority attention in Menstrual Hygiene Management Promotion. The planning of, investment in, and the promotion of Menstrual Hygiene Services and facilities must therefore address the special needs, interests and

priorities of the vulnerable – including persons with disability - to ensure adequate access, usage and maintenance of the facilities and services.

- (f) **Education** – Comprehensive understanding of menstruation is the best means of addressing myths and taboos, and ensuring the adoption of proper menstrual hygiene practices. Menstrual hygiene information shall therefore be made available in learning institutions, work places, public places and at the household level.
- (g) **Sustainable access** – To remove the barriers imposed on women and girls by inadequate MHM, they require sustainable access to menstrual products and services. It shall therefore be the responsibility of the state to create an enabling environment where these products and services can be accessed.
- (h) **Private sector involvement** – The private sector shall be encouraged and facilitated for active involvement in the provision of MHM products, facilities and services. The government shall empower and support private sector initiatives with required legal instruments including exemptions and creating the enabling environment such as clear standards and guidelines for the promotion of different technology options by the private sector.
- (i) **Promotion of sustainable, appropriate and affordable menstrual products and facilities** – A variety of affordable and appropriate menstrual products and facilities must be available to all users. The advancement and upgrading of technologies and participatory MHM methods through research and development of appropriate and affordable menstrual products and facilities shall be pursued.
- (j) **Safe disposal** – The waste resulting from Menstrual Hygiene Management can have significant negative consequences on the environment. Therefore, a set of guidelines will be accompanied by an implementation strategy to ensure that menstrual waste in learning institutions, work places, public places and at the household level is properly managed.

### **The Rationale of the Kenya Menstrual Hygiene Management Policy**

18. The Kenya MHM Policy's rationale is to enhance the MHM status of women and girls in Kenya and to contribute towards the realization of their full potential in National development. This policy also intends to highlight MHM as a rights issue and bring it into the mainstream of health and development.

19. The policy examines the prevailing social, economic, cultural and demographic context of MHM for women and girls including its implications for the consequences to their health and development.
20. As a complement to sector-specific Policies and Programs, it defines structures and key components of MHM to facilitate its mainstreaming in all sectoral planning activities. In addition, the Policy has outlined principles, objectives, priority areas and actions for MHM in Kenya.
21. The management and coordination, provision of MHM services, roles and responsibilities of various sectors and stakeholders, research and utilization of evidence-based interventions as well as monitoring and evaluation are spelt out in the policy implementation framework section.
22. The focus of the MHM Policy is to guarantee all Kenyan women and girls' fundamental rights and freedoms including dignity, safety, participation, health, education and decent work.
23. Menstruation is the critical indicator of female health and vitality and a healthy menstrual cycle indicates overall health and well-being. This policy aims to break the silence around the biological phenomenon of menstruation and menstrual blood in order to enable Kenya's women and girls to access information, make informed choices and participate fully in all walks of life each day of the month.

#### **Scope of the MHM Policy**

24. The MHM Policy proposes a range of complementary activities including Preparation of enabling legislation to provide for the implementation of the National Menstrual Hygiene Management Program.
25. The MHM Policy emphasizes Enhancement of Institutional linkages to include organizations concerned with civic education, as well as the private sector.

#### **Roles and Responsibilities of stakeholders**

##### ***Role of the Ministry of Health at National Level***

26. As the lead ministry on the MHM policy, the Ministry of Health at the National level will take a coordinating, supervising and supporting role in the implementation of this policy. The Ministry shall -
  - (a) incorporate menstrual hygiene-

- (i) at different levels of government and across the relevant ministries. This will include but is not limited to service delivery, capacity development and policy;
  - (ii) within approaches to WAS community led total sanitation, social marketing and WASH in schools: and
  - (iii) within the various Sexual Reproductive Health and Rights programmes and other relevant programmes;
- (b) develop an adequate all-inclusive plan of action for the implementation of the Policy;
  - (c) disseminate the MHM Policy at all levels of implementation;
  - (d) ensure that there is adequate human and infrastructural support to implement, monitor and enforce the policy;
  - (e) ensure that all stakeholders involved in implementation of the policy put in place proper disposal mechanisms of menstrual waste
  - (f) set standards, guidelines and regulatory mechanisms to ensure the achievement of the objectives set in the policy;
  - (g) regulate and coordinate training, information sharing and service delivery on Menstrual Hygiene Management;
  - (h) coordinate and oversee collaboration among departments and divisions within and outside the Ministry and ensure that school and community stakeholders are incorporated into the Joint Inter Agency Coordinating Committee;
  - (i) coordinate Menstrual Hygiene Management activities supported by development partners at the National and County levels;
  - (j) mobilize and allocate resources for MHM programs

***Role of the County Department of Health under the devolved system of governance***

27. County governments receive resources and are in charge of service delivery at the county level. The County Department of Health has the following responsibilities –
- (a) the MHM activities at County level shall be overseen by the County Department of Health;
  - (b) provide accurate and user-friendly information on the biological facts about menstruation and Menstrual Health and Hygiene;
  - (c) provide affordable and easy to access healthcare for menstrual health issues, including those caused by poor menstrual hygiene and those linked with other diseases;
  - (d) ensure that there is a dedicated budget for MHM by including it in the County Integrated Development Plan;

- (e) set up a coordination forum at county level for MHM activities;
- (f) ensure the provision of WASH/MHM facilities, services and products in learning institutions, workplace and public spaces; and
- (g) ensure safe disposal of menstrual waste by executing the guidelines and standards for the management of MHM waste.

### ***Role of Ministry of Education***

28. The Ministry of Education will execute the following responsibilities –

- (a) incorporate reproductive health and menstrual hygiene into the curriculum in learning institutions for all relevant sectors (WASH, protection, health, community development.);
- (b) implement MHM in-line with the Education Sector Policy on Human Immunodeficiency Virus (HIV) /Acquired Immune Deficiency Syndrome (AIDS). (2013) and School Health Policy 2018;
- (c) support utilization of ICT and other innovative approaches in delivery of MHM information;
- (d) facilitate provision of information to parents on MHM within the school set-up;
- (e) strengthen the school health system for referrals of menstruation related issues by students;
- (f) support implementation of WASH-related policies and guidelines by introducing standard guidelines that incorporate MHM needs for school WASH infrastructure & waste management;
- (g) strengthen partnership with the Ministry of Health to provide MHM information and services in schools;
- (h) generate data on the number of girls who have reached the age of puberty to facilitate the provision of free sanitary pads initiative; and
- (i) work with stakeholders to establish sustainable strategies, guidelines and mechanisms for the provision of free, sufficient and quality menstrual management materials to girls in public basic education institutions and mechanisms for disposal in schools.

### ***Ministry of Water and Sanitation***

29. The Ministry of Water and Sanitation responsibilities are as follows –

- (a) support and integrate MHM into water sanitation and hygiene programs;
- (b) coordinate with other relevant ministries to implement the adequate supply of water to ensure women and girls can manage menstruation safely and

- hygienically in learning institutions, work places, household level and public spaces;
- (c) support the Ministry of Education and Health in the design and implementation of guidelines and standards for management of menstrual waste; and
- (d) support the Ministry of Education in addressing incorrect information on menstruation perpetuated by local cultural practices and beliefs.

#### ***Ministry of Planning and Devolution***

30. The Ministry is mandated to –
- (a) support policy advocacy and generation of data/information;
  - (b) create the necessary resource mobilization mechanisms by allocating codes for MHM to specific budget lines; and
  - (c) support gender mainstreaming in all MHM and related programs.

#### ***Ministry of Public Service, Youth and Gender Affairs***

31. The Ministry shall –
- (a) promote inclusion of MHM in the various gender policies;
  - (b) promote holistic MHM approach: breaking the silence; safe and hygienic management; and safe disposal – during the distribution of sanitary pads to school girls;
  - (c) provide sex disaggregated data for effective planning of MHM activities;
  - (d) mainstream MHM into their existing programs (i.e. Anti – FGM Campaign) and Initiatives to reduce and end Gender Based Violence; and
  - (e) support the Ministry of Education in addressing incorrect information on menstruation perpetuated by local cultural practices and beliefs.

#### ***NGOs, CSOs, CBOs, FBOs and Private Sector***

32. The Non-Governmental Organizations (NGOs), Civil Society Organizations (CSOs) Community Based Organizations (CBOs), Faith Based Organizations (FBOs) and the private sector will take upon the following responsibilities –
- (a) support provision of MHM information and services to girls and women in schools and community, especially those with special needs and in marginalized areas;
  - (b) support research and MHM Policy formulation and dissemination;
  - (c) build community and stakeholder support for MHM programs;

- (d) meaningfully involve women and girls in policy formulation, program design, implementation and research;
- (e) advocate and mobilize resources for MHM policy implementation; and
- (f) enhance MHM content in learning institutions' curricula at both pre- and in-service levels.

### ***Roles of Households and Individuals***

33. The heads of households would be required to work hand in hand with individual members of the household to –
- (a) promote MHM in their households through information sharing;
  - (b) mobilize and invest in household resources for MHM;
  - (c) ensure that the sanitation and waste disposal facilities in their households meet structural standards set by the Ministry of Health and are appropriate, used properly and maintained in good working condition;
  - (d) dispose of menstrual waste generated from the household using environmentally sustainable hygienic method; and
  - (e) participate in the promotion of MHM at community level, while encouraging participation of all household members in household and community level MHM activities.)

### ***State Department of Gender***

34. The State Department shall –
- (a) co-chair the National and County Menstrual Hygiene Management taskforces alongside the Ministry of Health;
  - (b) develop and maintain gender disaggregated data and management information systems to facilitate reporting on MHM interventions; and
  - (c) integrate MHM into relevant Female Genital Mutilation (FGM) and Sexual and Gender Based Violence (SGBV).

### ***Office of the Attorney General***

35. The Office of the Attorney General shall—
- (d) advice the government and the MHM taskforce on the legal implications during the policy implementation process;
  - (e) ensure that all MHM related guidelines and documents are in line with other overarching legal documents; and

- (f) provide and promote mechanisms for anchoring MHM into National and County legal environment

***Kenya Bureau of Standards (KEBS)***

- 36. The responsibilities of KEBS are to –
  - (a) develop and set standards for menstrual management materials;
  - (b) forensic and surveillance audit to be conducted of Menstrual Hygiene Products in the market; and
  - (c) inspect imported MHM products at all points of entry.

***Ministry of Labour and Social Protection***

- 37. The Ministry shall –
  - (a) promote the integration of MHM into various programme for persons with disabilities; and
  - (b) develop guidelines on MHM at the work place and ensure adherence to provision of menstrual management materials and information at the workplace.

***Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works***

- 38. The Ministry shall –
  - (a) integrate waste disposal facilities in all infrastructure development plans Ministry of Environment; and
  - (b) support the Ministry of Education, Health, Water and Sanitation in developing guidelines for management of menstrual waste.

***Ministry of Industry, Trade and Cooperatives***

- 39. The Ministry shall build local capacity for production of MHM products.

***Research Institutions***

- 40. Research Institutions shall conduct continuous research on MHM and generate information for decision making including policy revision and/or development including but not limited to social, economic and public health effects; and develop and transfer of novel Menstrual Hygiene Management technologies and products.

***National Treasury and Ministry of Planning***

- 41. The National Treasury and Ministry of Planning shall set aside a National budget for Menstrual Hygiene Management Intervention.

## CHAPTER 2: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

### 2.0 Committee Undertakings

42. 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 Bill are annexed to this Report as *Appendix 1*.
43. The Committee published an advertisement in the daily newspapers of Tuesday, 16th July, 2024, 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. A copy of the advertisement is annexed to this Report as *Appendix 3*.
44. Subsequently, during consideration of the Bill, the Committee resolved to invite additional submissions from the key stakeholders, including –
  - a) The Office of the Attorney General;
  - b) State Department for Technical Vocational education and Training;
  - c) African Women Development and Communication Network (FEMNET)
  - d) Kenya Women Parliamentarians Association (KEWOPA);
  - e) The Cradle;
  - f) United Disabled Persons of Kenya;
  - g) State Department for Correctional Services;
  - h) State Department. for Gender & Affirmative Action;
  - i) State Department. for Public Health and Professional Standards; and
  - j) Mzalendo.
45. In response to the said invitations above, the Committee received submissions from the stakeholders and members of the public. Copies of the written submissions are attached to this Report as *Appendix 4*.
46. The Committee considered the submissions and made recommendation in Chapter Three (3) of this report.
47. 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 Overview of Stakeholder Submissions on the Bill

48. The Ministry of Education made the following submissions –
- a) Amend the title to read—The Provision of Sanitary Towels to Public Education Institutions;
  - b) The definition of the Cabinet Secretary should be amended to mean the CS responsible for education.
  - c) Amend the definition of Committee to mean the Inter-Ministerial Technical Committee on Provision of Sanitary Towels to Public Education Institutions;
  - d) Include the definition of County Education Board to mean the County Education Board established under section 18 of Basic Education Act;
  - e) Amend 4 (2) to read— The Committee shall be an administrative coordination mechanism chaired by the Principal Secretary for Basic Education for provision of sanitary towels to public education institutions;
  - f) Under 5 (1) include PSs for Basic Education, Gender, Finance, TVET, Higher Education and three other persons nominated by CS from outside the government. Delete (c), (e), (i) (j) and (k);
  - g) Amend 5 (2) to read— The Cabinet Secretary shall gazette the chairperson and members of the committee;
  - h) Delete (3) and (4);
  - i) Delete clause 7. The Committee should not be a body corporate;
  - j) Substitute correctional facilities with public education institutions. Delete paragraphs 8 (c), (d) – (i);
  - k) Delete the entire clause 12
  - l) Replace the committee with the County Education Board in clause 13;
  - m) Delete Part IV and replace with a clause on Accounting for Funds for Provision of Sanitary Towels;
  - n) Amend Clause 21 to mandate CS to make regulations without consultations;
  - o) Delete Clause 23;
  - p) That up to financial year 2022/23, the Ministry of Education, State Department of Basic Education, was responsible for procurement and distribution of sanitary towels to learners in public education institutions. That State Department of Gender took over the procurement and distribution of sanitary towels in the financial year 2023/24; and it is the most appropriate home for the sanitary towels programme because—learners’ data is domiciled in the Ministry of Education; and

- q) MOE maintains daily contact with the learners and is best suited to determine and monitor the quality of the sanitary towels; it is responsible for the health and hygiene of learners within learning institutions. It has the necessary structures for procurement, distribution and monitoring of the quality and availability of sanitary towels for learners at no cost. The structures are— Quality Assurance and Standards Directorate; Schools Health, Nutrition and WASH Unit; fully operational regional, county and sub county offices across the country, County Education Boards in all counties, and School Health Committees for each school.

49. Katiba Institute made the following submissions -

- a) Deletion of the short title and amend it to read ‘The Provision of Period Products Bill;
- b) An amendment to include sanitary products to mean products, the purpose of which is to absorb or collect menstrual flow and include disposable sanitary pads that comply with the standards contemplated in this Policy Framework;
- c) An amendment to define the term ‘Menstruation’ to mean the monthly cycle of changes in the ovaries and the lining of the uterus, preparation itself for fertilisation;
- d) An amendment to define the term ‘Sanitary dignity’ as the preservation and maintenance of the self-esteem of a girl or woman especially during menstruation;
- e) An amendment to define ‘sanitary waste’ as used sanitary products that cannot be re-used or recycled;
- f) An amendment to define what public institutions are contemplated;
- g) Deletion of clause 13;
- h) Delete Clause 22;
- i) Defining what the public institutions are in the Bill will be key in resolving the issue of how to treat allocations during the revenue division process. It will also inform the nature of intergovernmental arrangements that must be included in the Bill to ensure compliance with the Constitutional imperatives on devolution, including whether intergovernmental agreements are required to facilitate its implementation. Article 201 of the Constitution requires prudence and responsibility in using resources; hence, the efficient implementation of the Bill will clarify the institutions to which it applies and the implementing Ministry at the national level;
- j) It is a welcome reprieve to have funds appropriated directly from the National Assembly to provide sanitary towels, solving the perennial problem of de-prioritisation of the provision of sanitary towels when the monies allocated are at the discretion of the Cabinet Secretaries;

- k) This will allow Parliament to appreciate the policy, infrastructure, and resource gaps and hopefully allocate more resources to reach all the intended beneficiaries. Parliament should also address corruption and mismanagement by scrutinising the annual budget reports to ensure transparency and accountability of the funds appropriated;
- l) Once the public institutions have been identified, funds can be distributed through the various ministries and their departments, for example for schools, through the Ministry of Education in the distribution programs, for women and girls, not in school, perhaps through the Ministry of Public Service, Youth and Gender Affairs, or through the State Department of Correctional Facilities. There is no need to create new or multiple duplicate levels of implementation of the Act; and
- m) The Basic Education Act No. 17 of 2017 mandates free sanitary towels for schoolgirls, but many in informal and marginalised regions are left out. This Bill can strengthen the implementation of existing policies like the Basic Education Act No. 17 of 2017 by establishing regular monitoring and evaluation mechanisms to ensure compliance and effectiveness.

50. University of Nairobi submitted as follows –

- a) Amend the short title to read— The Provision of Menstrual Health and Hygiene Products;
- b) Insert the following definitions— Sanitary towels should be included in a broad definition of menstrual health products. The term sufficient should be defined.
- c) There should be a definition of the terms “public institutions” and “correctional facilities”, and provide an eligibility criteria;
- d) The number of committee members will be revised downward;
- e) Insert additional functions for the Committee as highlighted in the written memorandum;
- f) Replace the position of the county executive committee member responsible for children's welfare with a county executive committee member responsible for persons with disabilities; and
- g) In Clause 14 Insert the following new functions as outlined in the written memorandum.

51. State Department for Gender and Affirmative Action (DGAA) submitted as follows –

- a) Define public institutions as used in the Bill;
- b) Insert the following to the Inter- Ministerial Committee—a representative of the Ministry of Interior and Coordination;
- c) Replace the Director General for Health with the Principal Secretary for Public Health and Sanitation;
- d) Remove the Chairperson, National Gender and Equality Commission;
- e) Ensure compliance with the one third gender rule and the representation of PWDs and marginalised communities;
- f) Under sub clause (1) expand the scope of qualifications to include Public Health, sociology, education to provide a pool of diverse skills;
- g) In 8 (b) delete the word “coordinate” and replace it with the word “oversee”;
- h) In 8 (c) delete the words “to every woman employed by...”;
- i) In clause 12 The Secretary should be nominated by the Ministry of Gender;

52. Technical, Vocational Educational and Training submitted as follows –

- a) Delete the entire membership of the county committee;
- b) Delete entire clause 15. Should be reviewed as it is not clear which matters will result in non-liability;
- c) Clause 16 to Include allocations by county assemblies; and
- d) Quorum should be at least nine members in clause 23.

53. State Department for Gender submitted as follows –

- a) Amend the definition of “sanitary towel” to read— “sanitary towel” means absorbent pads used by women to absorb menstrual blood, encompassing sanitary pads, tampons, and menstrual cups;
- b) It is necessary to provide a precise legal definition for “Public Institution” to delineate the scope of entities covered under this law;
- c) Broaden the scope of qualifications for appointment to include expertise in social sciences, education, health, and other relevant fields, thereby ensuring a diverse and comprehensive representation of skills and knowledge within the Committee;
- d) same provision should be in the legislation. Amend 6 (1) (c) to read – (c) has at least five years working experience;
- e) Mandate the committee to maintain a database or register to track the status of the provision of sanitary towels;
- f) Selection of committee members should factor in gender representation and the
- g) To ensure feasibility and practicality, it is recommended to specify the target beneficiaries under 8 (c);

- h) That the Bill would benefit from clarifying the definition of "public" to encompass all relevant institutions, establishing clear and transparent criteria for identifying beneficiaries, and revising the proposed administrative structure to mitigate potential cost escalation;
- i) That detailed provisions on implementation, enforcement mechanisms, and sustainable funding sources are essential for ensuring the effective delivery and longevity of the Bill's objectives;
- j) That the Bill should establish a Board with clear and comprehensive oversight, this amendment will ensure more structured, accountable, and effective management of the provision of sanitary towels across the country;
- k) That the Bill should apply to all public educational and training institutions, correctional facilities for youth below the age of 25 years, and all women in correctional facilities;
- l) That the Bill should include a provision for the allocation of adequate funding to support the free provision of sanitary towels. This funding should cover procurement, distribution, monitoring, and educational programs. The allocation should be reviewed annually to address any changes in demand or cost;
- m) That the Bill should include correctional institutions is included within the scope of the Committees jurisdiction;
- n) That the Bill should ensure that the sanitary towels meet high standards of quality, and are sufficient in quantity to meet the needs of the recipients; ensuring harmonised and comprehensive legislative changes across all affected acts is essential for the seamless implementation and enforcement of new education policies;
- o) In order to avoid duplication of functions and potential conflicts, we recommend that instead of establishing a new Committee, a dedicated budget line be created within each relevant department, funded by the Treasury based on actual projections. This budget line should be managed by the existing departmental structures to ensure streamlined operations and reduce administrative overhead; and
- p) That clarification is essential to ensure comprehensive coverage across all relevant sectors, including Early Childhood Development Education (ECDE), to address potential gaps in service delivery and ensure equitable access to necessary resources.

54. The Office of the Attorney General (AG) in its submissions-

- a) That Clause 12 of the Bill does not provide of the manner of appointment or deployment of the secretariat therefore, the definition or the clause should be reviewed to reflex the intended purpose;

- b) Clause 3 the terms “public institution” and “correctional facility” need to be expressly defined to provide a clearer scope of which institutions the Act is intended to apply to;
- c) Clause 4 of the Bill establishes the Inter-Ministerial Committee as a body corporate. The Committee should not be established as a body corporate and if so established the law must comply with the provisions of the State Corporation Act and the Mwangozo code of conduct. On the nomenclature of the entity, it should be revised in line with the current drafting practices and the applicable laws;
- d) Clause 5 of the Bill sets out the composition of the Committee to include 14 members, this membership should abide by the Mwangozo code which restricts the membership of such entities to between seven and nine members;
- e) Clause 8 of the Bill assigns the Committee the function of providing sanitary towels to “every woman”. However, this appears to exclude other persons such as children or intersex persons who do not fall in the category of women;
- f) Further, the Bill assigns the committee the function of developing intergovernmental agreements for joint implementation of activities for distribution of sanitary towels. However, intergovernmental arrangements are within the purview of the Intergovernmental Relations Act Cap 256F. The provision should be revised to align the Bill to include or reference the Intergovernmental Relations Act;
- g) Clause 12 establishing the Secretariat comprising “such public officers as the CS may, in consultation with the CS responsible for education and with the approval of the Committee, deploy” however, as specified in the Public Service Commission is vested with the power of establishing and abolishing offices in the public service in this regard, the provision should be revised to reflect this role played by the PSC;
- h) Additionally, clause 12(2) as drafted assigns the SRC the function of determining the terms and conditions of appointment of the Secretary contrary to Article 230(4)(b) of the Constitution which limits the role of the SRC to advising national and county governments on remuneration and benefits;
- i) The financial provisions in the Bill do not include provisions on the funds and how the operational expenses of the county interdepartmental committees will be met. This must be included; and
- j) The policy informing the implementation lies with the Ministry responsible for Gender, Ministry for education and the National Treasury. There is therefore a need for engagement on this legislative proposal.

55. State Department for Correctional Services submitted as follows -

- a) Insert the definition of “correctional facilities” to mean penal institutions established under Kenya Prisons Service and Probation and Aftercare Service;
- b) Align the membership of the Committee with Mwongozo Code of Conduct on maximum number of membership; and
- c) Insert the following on the membership of county interdepartmental committee- a probation officer attached within the county nominated by the Secretary Probation and Aftercare Services.

56. Council of Governors rejected the Bill in its entirety and submitted that -

- a) The Bill establishes Committees for roles which can be undertaken by both the National and county governments government structures;
- b) There is additional tax burdens on Kenyans for the Committees and the secretariat; sanitary towels should be provided to all girls and women; and
- c) There are budgetary constraints in the Bill as formulated.

57. Kenya Association of Manufacturers submitted as follows –

- a) Define each term separately as follows;
  - i) Sanitary Towels (Pads): Absorbent pads worn in the underwear to absorb menstrual flow.
  - ii) Tampons: Cylindrical absorbent material inserted into the vagina to absorb menstrual blood.
  - iii) Menstrual Cups: Reusable bell-shaped cups inserted into the vagina to collect menstrual blood
- b) Rename the Part to read— Inter-Ministerial Committee on Provision of Menstrual Products;
- c) Reserve one slot for local manufacturers of period products in the Committee;
- d) Amend clause 8 to recognise the role played by Producer Responsibility Organisations established under the Sustainable Waste Management Act, 2023, to read as follows: “in consultation with the registered Producer Responsibility Organisation for sanitary towels under the Sustainable Waste Management Act, provide a safe and environmentally friendly mechanism for disposal of sanitary towels”;
- e) Amend the clause to read— The County Interdepartmental Committees will foster the growth of local menstrual product manufacturing and distribution through innovation and support;
- f) The Committee shall remit payment to a supplier of sanitary towels on or before the payment date specified in the written contract governing the supply of said sanitary towels;

- g) In the event that the Committee fails to remit payment to a supplier of sanitary towels on or before the payment date specified in subsection (1), the Committee shall, unless otherwise agreed in writing, be obligated to pay interest to the supplier on the outstanding amount due under the contract for the supply of sanitary towels. The interest shall be calculated in accordance with the provisions set forth in this section;
- h) The Committee shall pay interest under this Act for the period beginning on the day after the payment date and ending on the date on which the payment of the amount due is made. The interest payable under this section shall be at the prevailing rate as set by the Central Bank of Kenya;
- i) When procuring sanitary towels, the Committee shall give priority to locally manufactured sanitary towels;
- j) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for National Treasury, provide incentives for the local production of sanitary towels; and
- k) The Committee shall collaborate with businesses and non-governmental organisations to implement educational programs aimed at reducing stigma and increasing awareness of menstrual health and hygiene.

58. Kituo cha Sheria submitted as follows –

- a) This Act Shall apply to all public institutions including APBET schools and correctional facilities;
- b) Add a section to include school representatives from respective sub counties in the committees. We can have one representative per sub county appointed by schools attending the committee;
- c) Amend 14 (c) to read— Provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county; Recommended disposal method be the use of pit latrines unless the institution is ready to buy and maintain sanitary disposal bins at their cost;
- d) Amend subclause (2) of Clause 15 to the effect that subclause (1) shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written law; and
- e) Under clause 21 (2) (b)— The all-inclusive and cheapest/cost effective procedure to be followed in the distribution of sanitary towels to public institutions under this Act developed and agreed upon by the institution’s heads/representatives and the committee.

59. Policy Action Initiative submitted as follows -
- a) Add: one shall be a youth nominated by civil society organisations to represent interests of young people;
  - b) Include that not more than two-thirds of the committee members shall be of the same gender;
  - c) Delete subclause (3) and replace with— The Chairperson and members of the Committee appointed under subsection (1)(l) shall hold office for a non-renewable term of two years
  - d) Amend 6 (1) (c) to read – has at least five years working experience in a gender related field; and
  - e) Include the following paragraphs—in liaison with relevant state agencies, develop infrastructure for domestic sanitary towel production; conduct comprehensive community engagement and awareness campaigns on menstrual health and hygiene.
60. Ministry of Labour and Social Protection submitted as follows -
- a) Include the function of awareness creation, education and sensitization on menstrual hygiene and health;
  - b) Clarify which Ministry will house the secretariat in clause 12;
  - c) Include the Principal Secretary in charge of children matters in the Committee; and
  - d) Include the County Children Officer in the County Inter Departmental Committee.
61. Nathan D Ngumi submitted that there should only be one representative from the Ministry of Health, say the Principal Secretary for Public Health. The Committee has two representatives from the Ministry of Health. This is a duplication.
62. Cradle submitted as follows –
- a) Include the following membership to the Inter-Ministerial Committee -
    - i. the Principal Secretary for children matters or a representative;
    - ii. a representative of the private sector nominated by the Cabinet Secretary for Gender;
    - iii. a person to represent intersex persons; and
    - iv. a person to represent PWDs.
  - b) Amend 6 (1) (c) to read – has at least five years working experience in a gender related field;
  - c) Amend clause 8 by inserting the following new paragraphs;
  - d) Advise the Cabinet Secretary on budgetary estimates for provision of sanitary towels;

- e) Advise the government on promotion of local manufacturing of sanitary towels;
  - f) Insert “intersex” persons under paragraph (c);
  - g) Conduct continuous education on menstrual health;
  - h) Insert the following new paragraphs in 13 (2)— a person to represent intersex persons; a person to represent persons with disabilities; and
  - i) Include regulations to encourage local manufacturing of sanitary towels in clause 21.
63. The State Department for Correctional Facilities submitted that the Bill should be amended by inserting the following on the membership of county interdepartmental committee which states that a probation officer attached within the county nominated by the Secretary Probation and Aftercare Services.
64. KEWOPA submitted as follows -
- a) The title of the Bill should be changed to “The Menstrual Health and Hygiene Act.”;
  - b) The Bill should expand the application to include women who cannot afford to purchase sanitary towels such as those living in informal settlements. Further accessibility to the sanitary towels should be expanded to include level 1 and level 2 hospitals especially in the event the public institutions are close;
  - c) Clause 4 and 8 of the Bill on the National Committee should be harmonised and aligned with the already existing mechanism in the Ministry of Gender as well as the National Government Affirmative Action Fund. Further there is need to ensure that these mechanisms are inclusive and have representation for people of different diversities;
  - d) The county interdepartmental committee should harmonise the enumerated function to the already existing structures in the county that is the county executive committee for gender working together with that of health;
  - e) The provision on funds of the committee should be harmonised to align with and support the existing efforts to manage the sanitary towels program under NGAAF, ensuring there are no contradictions or overlaps;
  - f) Include a clause that regulates the pricing of sanitary towels in Kenya. Furthermore, sanitary towels should be zero-rated to further reduce the cost of production and ultimately lower the retail price;
  - g) Include provisions to improve local manufacturing of high-quality menstrual products;
  - h) Include a clause that provides for a clean and healthy environment through appropriate means of disposing menstrual waste in a bid to ensure environmental protection and pollution control;

- i) Include a clause that provides for the mandatory inclusion of menstrual hygiene and health as part of the basic primary education curriculum to eradicate myths and misconceptions about menstrual hygiene; and
- j) Provide for a clear and comprehensive framework of the procurement, purchase and distribution of menstrual products as well as the criteria that will be used for the identification of public institutions and correctional facilities.

65. Ms. Irene Mwelu submissions called for rejection of the Bill and noted that the Bill does not –

- a) Correspond with the local needs of menstruating people in Kenya;
- b) Consider educational programs on sanitation and hygiene, necessary sex education for young girls, education on diseases that menstruating people face like endometriosis, and so many other issues that have not been considered; and
- c) Empower local manufacturers so the costs for provision of sanitary products can be manageable.

66. HENNET made the following submissions that the Bill should –

- a) Specify implementation stages or prioritise institutions to manage logistics better;
- b) Define "public institutions" more precisely, perhaps by listing examples or categories; clarify what constitutes "quality sanitary towels" by setting standards or referencing recognized quality marks. These standards can set the stage, especially for the local manufacturing of sanitary towels;
- c) Include more representatives from non-governmental organisations and private sectors, especially those with expertise in women's health and education as well in the committees;
- d) Require a more rigorous vetting process, including public disclosure of qualifications and backgrounds. Consider including a clause for continuous professional development;
- e) Ensure checks and balances are in place by requiring regular audits and public reporting of activities and expenditures of the committees and provision of sanitary towels;
- f) Define the collaboration mechanisms of the committees with other government and non-governmental entities clearly to avoid redundancy;
- g) Reduce the time frame for the appointment of new members to fill vacancies; ensure the recruitment process is competitive and transparent, with a focus on merit-based appointments;
- h) Encourage coordination with existing local health and education initiatives to leverage resources and avoid duplication;

- i) Include provisions that protect whistle-blowers and ensure that protection from liability does not cover acts of gross negligence or corruption;
- j) Secure stable funding from the national budget and encourage sustainable practices; require compliance with existing financial management laws;
- k) Ensure committees' reports are accessible to the public and include detailed performance metrics. Implement a mechanism for feedback from beneficiaries;
- l) Require public consultation and Parliamentary oversight for all significant regulations to ensure they serve the public interest; and
- m) Define specific offences and corresponding penalties clearly. Include anti-corruption measures and safeguards against misuse of funds; and include provisions that support local manufacturing.

67. HENNET also raised the following concerns –

- a) Lack of inclusivity - The Bill focuses on sanitary towels, neglecting other Menstrual Health Products options like tampons and menstrual cups;
- b) Sustainability - The Bill doesn't address how the program will be funded in the long term;
- c) Duplication of efforts - The Bill might create new committees while existing ones already address Menstrual Health management;
- d) Lack of clarity on implementation - How Menstrual Health Products will be distributed to various locations is unclear; and
- e) Accessibility: The Bill doesn't consider how to reach women and girls who are not in public institutions, particularly those in remote areas.

68. HENNET made the following recommendations –

- a) Include various Menstrual Health Products options in the Bill;
- b) Focus on how to ensure sustainable funding and distribution;
- c) Leverage existing committees instead of creating new ones;
- d) Address the bigger issue of improving local Menstrual Health Products production;
- e) Making the Bill more comprehensive to address all aspects of Menstrual Health Management, including research and support for vulnerable groups; and
- f) There needs to be a reworking of the Bill based on the comments provided. There is a need for the Bill but with the interest of women and girls in mind.

69. WeCare Youth Organization submitted that the Bill should –

- a) Define what a public institution is;
- b) That the Act be incorporated into the Sanitary Towels Programme launched in 2011; and
- c) That the Act aligns with existing policies.

70. United Nations International Children's Emergency Fund (UNICEF) in its submission, state the following -

- a) Replace sanitary towels to menstrual products in the entire Bill;
- b) Expand the choices for the menstrual products;
- c) The committees to be gender balanced;
- d) Include Ministry of Interior in the committees;
- e) Diversify the composition of the committee as Menstrual Health is multidimensional;
- f) Remove employed staff from receiving free sanitary pads as they can afford;
- g) Include Ministry of Environment for sustainable solutions on disposal; add the role of menstrual Health Education to the committees;
- h) All relevant line ministries of water, Health, Education, Gender, Environment and Finance to be involved at the county level;
- i) Include financial provision for county committees and regulations for acquisition of the menstrual products locally at the counties (if feasible);
- j) The Bill needs to drive local production and supply chains of sanitary towels to stimulate jobs and value chains especially for women and youth led companies;
- k) In the definition - may there be a definition of sanitary towel vis a vis sanitary pads - the two are used interchangeably and would be good for the Bill to define the similarity or difference; and
- l) The Bill excludes informal learning institutions;

71. Hon. Lilian Gor from Kisii County Assembly submitted that -

- a) A clear definition of which public institutions are required. Further to that, include "homes" as a third distribution channel. Basic Education laws anticipate that all learners are brought to school. The reality is that learners with mental health and other physical health challenges don't attend schools regularly. Some are not registered at all. While the Education Act allows for Home based learning,

distribution of sanitary towels and info on menstrual health can also be availed at home;

- b) The inter-ministerial committee at the county level can use its resources (Community Health Volunteers) to map out, assess and distribute the sanitary towels;
- c) To minimise chances of duplicating sanitary towels distribution and budgeting roles, a representative from the office of the Woman Representative and that of the women league in respective county assemblies, should be part of the county inter-ministerial committee; and
- d) Knowledge on menstrual health hygiene together with availability of water and sanitation services should be frequently availed to the public through local radio stations. Make this an express mandate of the county committee;

72. Nairobi People Social Movement and Budget Champions submitted that –

- a) The title of the Bill should be amended to read “END PERIOD POVERTY ACT, 2024; and
- b) The Bill does not really elaborate its objective and the objective of the inter-ministerial committee; hence we propose the that the Bill’s object should be to—
  - i. facilitate access to sanitary towels in both public and private institutions;
  - ii. promote menstrual health and hygiene;
  - iii. reduce menstrual poverty;
  - iv. enhance Menstrual Health Education and Accessibility for Women and Girls with Disabilities in Remote Communities;
  - v. raise awareness and reduce stigma on menstrual health;
  - vi. promote environmental sustainability through use of environmentally friendly sanitary products;
  - vii. recognize access to sanitary products as a basic human right; and
  - viii. implement Systems for Continuous Monitoring and Evaluation of Sanitation Practices and infrastructure to identify areas for improvement.
- c) The Bill should include both private institutions and vulnerable community women as a benefactor to free sanitary towels;
- d) A person qualified as a chairperson should have a working experience in a gender related field not just any university degree;
- e) There is also a need to reduce the working experience from ten years to five years; and

- f) There is a dire need for free sanitary pads to be provided not only to women employed in public institutions but also in all institutions both public and private and also ensure the vulnerable women in informal communities are equally put into consideration. This is very discriminative of unemployed poor women.

73. Kamukunji Youth Advisory Committee stated in its submissions that –

- a) The Bill focuses solely on public institutions and correctional facilities. This focus is discriminatory, as many women outside these institutions also struggle to afford sanitary towels;
- b) The proposal to create an inter-ministerial committee and county interdepartmental committees to advise the government on distribution is questionable;
- c) The Bill does not specify the source of the sanitary towels; and
- d) The formation of a 13-member inter-ministerial committee and 9-member county interdepartmental committees duplicates existing roles handled by the Ministry of Gender Affairs.

74. Forum for African Women Educationalists – Kenya Chapter (FAWEK) submitted that

- a) the Bill to be called “Menstrual Hygiene Management Bill”;
- b) the Bill has left out -
  - i. guidelines on the provision of adequate information on Menstrual Hygiene Management;
  - ii. issues on myths, misconceptions and cultural issues concerning Menstruation Hygiene;
  - iii. sustainability mechanisms, sustainable funding, investing on reusable pads and provision of affordable materials for manufacturing and making of reusable pads within the communities;
- c) Budget and accountability of Menstrual Hygiene Budget; guidelines on domestication of policies managing Menstrual Hygiene Management in the Counties; and
- d) Zero rated Menstrual Products and raw materials for production; collaboration strategies with stakeholders; and monitoring, Evaluation and Research framework.

75. Myra submitted that the committees should be scrapped, no person with a criminal record should hold office and that sanitary towels should not be taxed.

76. Samantha Atieno submitted that sanitary towels should be provided to all women and that taxation for sanitary towels should be catered for as well as involving the Ministry of Health in distribution of the sanitary towels.

77. Ms. Claire Samoka made the following submissions –

- a) That the Bill focuses more on the administrative aspects of who is involved rather than the actual provision. The name should probably be changed to match the contents;
- b) The Bill should apply to all public institutions, correctional facilities, and children out of school. A collaborative effort between the Children's Department, Education and local structures like nyumba kumi at the sub-county can be able to trace them and provide assistance;
- c) The Kenya Bureau of Standards should be included in the committee as a key player so as to provide quality assurance on the status of sanitary towels being received or purchased and distributed;
- d) A public-private partnership is needed to ensure consistency in funding. Additionally, increased production of reusable sanitary towels can trim down the cost. We cannot separate menstruation from WASH, so they can be a joint effort. Ensure there are toilets and water points that can be used once the reusable are in influx; and
- e) The government should implement the Kenya Menstrual Hygiene Policy 2019-2030 instead of coming up with other laws.

78. Sharley Imele made the following submissions –

- a) That the Bill contains more of a structure in forming committees in the county levels and no documentation from whom they will purchase the pads from, pricing and all;
- b) The committees will seek funding from the National assembly which will further increase the burden on taxpayers;
- c) The Ministry of Gender Affairs has the capacity to do all these duties stated in this Bill in conjunction with the offices of the women reps in every county;
- d) That the Senate entirely withdraws this Bill entirely as proposed by Gloria Orwoba which is under recommendation by the Senate. This is because it lacks transparency and it is discriminative in nature. It only provides for those in public institutions and correctional facilities forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money, then it should accommodate all women in the country;

- e) That the idea of providing free sanitary towels to women is noble. Instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution;
- f) There should be transparency on the tendering of the Sanitary towels purchased and the distribution of the same;
- g) That the drafters of this Bill seek funding from institutions in the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers; and
- h) The Bill should not duplicate roles yet there are already set structures that can implement provision of sanitary towels; and that the Senate should reject the Bill in its entirety.

79. Kenya Association of Manufacturers requested the Senate to amend the Bill to –

- a) Provide a centralised national procurement system. This system would cater for the procurement of sanitary towels at all levels, both at the national and county level. This will also minimise waste and streamline the procurement process; and
- b) For local manufacturers to be eligible and capable of manufacturing the sanitary towels to be pre-qualified by the Committee in consultation with the Ministry of Investments, Trade and Industry. This will ensure that only capable manufacturers are allowed to produce the products and also reduce waste.

80. Felix Jomo Mwangala noted that the Bill –

- a) Is a commendable initiative that aims to address the issue of menstrual hygiene and accessibility to sanitary products, particularly for girls and women from low-income backgrounds;
- b) Should ensure that the provision of sanitary towels is not limited to schools, but also extended to other public institutions, such as health facilities and community centres, to reach a wider population in need;
- c) Destigmatize menstruation and promote better understanding of menstrual hygiene management.
- d) Should include provisions for the sustainable and environmentally friendly production and distribution of sanitary products, potentially through partnerships with local women-led enterprises. This would not only address the immediate need but also contribute to long-term economic empowerment. We have a banana resource as waste in Taita, Meru, Kisii, let's optimise by building county capacities.

81. Francis K. Mahia made the following submissions –
- a) That the Bill proposes creation of committees which is against the need for a leaner government; and
  - b) That sanitary towels can be provided through the already existing leadership structures in public institutions and correctional facilities. There is no need to add a layer of bureaucracy on top of this for no discernible benefit; and that the Bill should be rejected and withdrawn.
82. Brenda Ondieki submitted that the Bill-
- a) Does not consider persons who may face additional challenges in accessing the products such as: the disabled, homeless, victims of domestic abuse, places where cultural barriers exist;
  - b) Only provides for provision but does not state where and how free products can be obtained. This process should be neither complex nor bureaucratic. Products should be freely accessible from places where individuals are comfortable doing so without having to ask for them or justify why they need them, or the amount needed; and
  - c) Should be amended to have the committees serve for a period of one year. No extension, no more recruitment to the committees.
83. Karen made the following submissions on the Bill –
- a) That the committee should only be in charge of provision of hygiene products and advisory and not borrowing and lending money and purchase of property as this could lead to abuse of power through wasteful resources; and
  - b) That the fine should be in relation to the value of the items (recommended three times) and not a predetermined amount.
84. The Coast Regional Budget Hub rejected the Bill in its entirety.
85. KELIN Kenya, Zamara Foundation, Community Voices Network, Nivalishe Pad Initiative, Activista Nairobi, WAGE Kenya, The Bold Phase Initiative (BPI), Inspire Teenagers Foundation, AYARHEP and Aids HealthCare Foundation Kenya made the following submissions -
- a) Recommended Title Change to "The Provision of Menstrual Products & Health Management Bill, 2024";

- b) Additionally, the Bill should address environmental concerns by mandating all public institutions to have incinerators for proper disposal of sanitary products and ensuring that the materials used are environmentally friendly. Menstrual hygiene and related issues should also be included, recognizing that menstruation encompasses more than just sanitary towels;
- c) Include definitions of: public institutions, menstrual health, reusable sanitary towels;
- d) The composition of committees should emphasise gender balance and the inclusion of women with lived experiences of menstrual health challenges; and
- e) That the committee not only focuses on the distribution of sanitary towels but also on broader menstrual health education. This education should encompass breaking the stigma surrounding menstruation, promoting menstrual health hygiene, and addressing the environmental impact of menstrual products.

86. It is recommended that the Committee at the County level include the County Women Representative, given their role in championing women's affairs at the county level –

- a) The Bill does not address the quality of the menstrual towels to be provided, considering the government's tendency to procure low-quality products;
- b) There is no provision for the distribution methods and accessibility of sanitary towels, particularly for young girls and women from marginalised communities;
- c) The inclusion of a gender audit could be a progressive step to ensure that financial practices are gender-responsive and equitable;
- d) The Bill should explicitly state that all sanitary towels, whether imported or locally manufactured, will be exempt from taxes. This measure is crucial to ensure affordability and accessibility for all; and
- e) Regulation making under the Bill should be inclusive and consultative.

87. Stephanie Njeri and Ed Wazi Kenya stated that they opposed the Bill because the Bill –

- a) Does not address the need or challenge around Menstrual Health for women and girls; lacks a sustainable funding mechanism;
- b) Does not have a detailed logistics plan to ensure that the products reach all intended beneficiaries, especially those in remote and underserved areas, in a timely and equitable manner;
- c) Does not have a comprehensive approach that includes education and awareness about menstrual health;

- d) Does not provide for the involvement of key stakeholders, including healthcare providers, educational institutions, and community organisations, is necessary to develop a more holistic and effective approach to addressing menstrual health needs, not just government actors; and
- e) Lacks a creative approach to menstrual health which is critical.

88. Gatwiri Bundi submitted that –

- a) The Bill is the perfect example of what she would call “bloatware” legislation; legislation that is unwanted, unneeded; and unnecessary in the Kenyan legal landscape. The Education Act already requires the government to provide sanitary towels (Sec 39A). The State department for gender is already responsible for logistics, and M&E of the project; and
- b) FREE CONDOMS are distributed competently across the country without the need for a special Bill and committee. Why do we need a committee to distribute pads? We do not need a special committee, replicated across 47 counties, to distribute pads; and the Ministry of Gender should perform the coordination role.

89. Lilian Mutinda submitted that –

- a) The Bill proposed does not solve any problem and in fact only increases further hurdles in the provision of sanitary towels;
- b) The existing program under the ministry of Gender, Culture, the arts and Heritage provides sanitary products for school girls. The program has a legal provision under the Basic Education Act of 2016. Therefore, any other structure will be a duplication in service delivery and a burden to tax payers; and
- c) The Menstrual Hygiene Management Policy of 2019 to be adopted into law and fully implemented. This will cover the ground in all that is needed to advance menstrual hygiene health for girls and women.

90. Whitney Njiru, Njeri Maina, Dorothy Kigen, Mukwanyaga Mwende, Victoria Ngina, Joyce Ngugi, Isha Jaffer, Glory Kanji, Cynthia Ngángá, Joanne Kirimi, Barbara Muthoka, Faith Kyalo, Roseline Mwangi, Winnie, Angela, Freelancer, Nduku Wambua, Jayla Wairimu, Jemimah Muthoni, Maxine Makenna, Kelvin, Bilha Wanjiku Sylvia, Hellen Mwangeli Mutua, Pauline, James, Wendy Kithinji, Victor Ndambuki, Alvin Mwangi, Tee, Wariara., Gasherry, Pauline Rimui, Gabriel Gicheha, Yvette Ndungu, Justine Wanda, Celeste, Geena, Georginah, Marcus, Ashley Wairimu, Femme, Njoroge wa Mumbi , Njeri Maina, made the following submission –

- a) That the Bill fails to demonstrate how menstrual products will be procured, provided, distributed, accessed, and accounted for;
- b) To appoint a 13-member inter-ministerial committee, appointed on a 3-year contract and a further 9-person committee in each county interdepartmental committee will be a duplication of roles of the ministry of gender affairs and the office of the women representatives on the county level;
- c) The drafters of the Bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project;
- d) That the Bill should aim to make sanitary towels accessible to all women in Kenya;
- e) That funding for provision of sanitary towels has not been addressed in the Bill;
- f) That there are enough structures on provision of sanitary towels at the national government and county government levels;
- g) That instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution;
- h) That the Bill lacks transparency as it does not specify which company will supply the sanitary towels or their pricing;
- i) That the Bill calls for creating of 48 committees which is unnecessary;
- j) That the sanitary towels management program under the Ministry of Gender already does the distribution of the same to public school-going girls, and there is therefore no need of replication; and
- k) That the Bill should be rejected by the Senate in its entirety and reintroducing it when it has been well thought through.

91. Rosemarie Bridges made the following submission –

- a) An audit from the Office of the Auditor General gave robust recommendations to the Ministry of Education on how to improve the sanitary towels program in schools. These recommendations do not include the creation of numerous unnecessary committees at the expense of taxpayers. This Bill is complicating issues, is in bad faith and appears to be a further conduit for the misuse of public funds;
- b) The Bill proposes various committees including an Inter-ministerial committee which would duplicate the functions of MOE, MOH, Ministry of Youth, State Dept. for Gender and Affirmative Action which is unconscionable and unsustainable; and distribute sanitary pads, yes, but do it without setting up useless, money draining committees;

- c) The Bills should include capacity building for local companies involved in manufacturing of sanitary products; and
- d) The entire Provision of Sanitary Towels Bill, 2024 should be done away with, in totality.

92. Linda Asena and Gachui Kariuki submitted that –

- a) The issue the Bill seeks to address is a health issue and should fall under the Ministry of Health;
- b) Menstrual hygiene products suffice as the umbrella name for sanitary serviettes, sanitary towels, cups, liners, discs, tampons, sponges, period panties, and washable pads;
- c) Menstrual hygiene Products should in this context be flagged and identified as pharmaceutical products;
- d) Existing structures as given in the 2019 - 2030 Menstrual Hygiene Management Policy should be operationalised;
- e) An alleged inter-ministerial and inter-departmental county committee on provision of sanitary towels has no business borrowing and lending money;
- f) The Bill does not cure the issue of period poverty at all;
- g) The Bill only seeks to expand the Wage Bill and create positions for political players at no point has this Bill cited in precise detail how exactly said Menstrual Health Products will be supplied to every woman in Kenya;
- h) The Bill does not address the dire need for provisions to women who undergo reproductive injuries and procedures; and
- i) We propose that the Bill be rejected and all Legislation regarding Menstruation be channelled through the Ministry of Health as this is a biological function and not a recreational activity and no one should reduce the lived experiences of Kenyan girls and women to political games for social, economic and political capital.

93. Tucci Herbert submitted that -

- a) The Bill is unnecessary and will burden taxpayers; the function of distribution of Sanitary Towels already exists under the State department of Gender and Affirmative Action: Under the above mentioned, state department exists the directorate of Socio-Economic Empowerment whose core functions include Coordination of the Sanitary Towel distribution program; and
- b) The proposed Committees will add to an already ballooning wage Bill.

94. Wangui Gachigi submitted that -

- a) The Bill should be implemented under the Ministry of Health as opposed to the Ministry of Gender Affairs;
- b) This Bill should be implemented by the department of the General Ministry of Health in the Ministry of Health;
- c) In regard to having a national registry, the Ministry of Health is not only capable but also mandated to have such records for easy tracking of registration and distribution of sanitary towels;
- d) The insistence of creating a county interdepartmental committee is an unnecessary move as it ought to be the responsibility of each Governor with the help of Council of County Governors to ensure that all public institutions and correctional facilities in their respective counties are registered with the ministry of Health. This will not only utilise the available resources but also reduce the salaries and wages that the country is grappling with.;
- e) The handling and storing of sanitary towels should be done by KEMSA as they already have the warehouses and distribution channels not forgetting depots in different counties. Hence efficient and fast distribution to all constituencies; and
- f) In the wake of #rejectfinaceBill2024 and a bloated government expenditure, we should endeavour to create lasting solutions but not create more 'burdens' whilst implementing solutions.

95. Njoki Mwisya submitted that –

- a) There is no need to create committees for the distribution and disposal of period products as the Ministry of Gender, Culture, Arts and Heritage; there is no need for duplication of roles and effort as there is a Sanitary Towels Programme in Kenya; and
- b) The Menstrual Health Management Strategy document is already in effect with different public officials from the MOH, Ministry of Gender, MOE, et al. quoted in conjunction with county departments, this responsibility and suggestions in part 8 should be embedded in this document except (g). It is very important to review the current state of implementation of the aforementioned strategy document on menstrual health to ensure that the recommendations in this document are considered for uptake with current government structures, and strategy and ensure the implementation under clause 14; instead of consulting with the Committee of Sanitary Towels, there should be an added clause on 'Creating an Enabling Environment for MHM for girls in schools' which should include a mechanism for education and empowerment, reporting on the number of girls that miss school or classes due to lack of access of period products, utilisation of provided period products and the state of toilets and disposal mechanisms in place under clause 23.

96. The National Treasury and Economic Planning does not support the passage of the Bill in its current form and submitted that –
- a) The scope of public institutions as stated in the Bill is not clear as even Ministries, Departments and Agencies are public institutions; It is not justified why there should be free provision of Sanitary Towels to staff employed in these institutions;
  - b) The main objective of introducing the free sanitary towels especially to learners in basic education was to eliminate the barriers to the right to quality education and promote the realisation of the right to basic education;
  - c) The establishment of the Committees and Secretariat both at the National and County levels will cause huge financial implication due to expenses related to compensation of employees, allowances to the Committees and attendant operations and maintenance expenses. This will therefore negate the Government Policy of containing the Public Sector Wage Bill;
  - d) The proposed functions of the Committee and Secretariat can be carried out through the relevant Government Departments without establishing a body corporate given that the Government is in the process of identifying public bodies with duplicated roles and merging or disbanding them; and
  - e) There is no justification in the Memorandum of Objects and Reason why there is a need to provide free sanitary towels to all public institutions.

## CHAPTER 3: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

### 3.0 Committee Observations on the Bill

97. Having considered the Provision of Sanitary Towels Bill 2024 (Senate Bills No.7 of 2024) and the submissions received, the Standing Committee on Labour and Social Welfare makes the following observations –
- a) the Bill focuses on the provision of Sanitary towels to all public institutions and correctional facilities;
  - b) the Committee received over ninety (90) submissions on the Bill with a majority recommending the rejection of the Bill, as they were against the formation of additional forty-eight (48) committees, which would cause additional burden to the taxpayer;
  - c) the Submissions also raised concerns on where the Provision of Sanitary Towels program will be domiciled;
  - d) most of the submissions were against the creation of more bureaucratic structures by creating 48 committees to procure and distribute sanitary towels;
  - e) the Bill has not factored in most of the provisions of the Menstrual Hygiene Management Policy 2019 - 2030;
  - f) the Bill does not clearly state where the funding will be drawn from;
  - g) the formation of a body corporate Inter-Ministerial committee may be in conflict with other laws on establishment of body corporates;
  - h) the Bill does not provide for the role of county governments;
  - i) the Bill has not addressed the roles of all the stakeholders in the Sector; and
  - j) the Bill has also not addressed the standardization of products keeping in mind the different products that different beneficiaries may require.
98. The Committee also notes that the Bill makes reference to section 18 (1) (k) of the Basic Education Act, Cap. 211, which mandates the County Education Board to prepare and submit a comprehensive school termly annual report including Educational Management Information System data to the Cabinet Secretary on all areas of its mandate including education and training services, curriculum, policy implementation and school based audit report within the County.
99. The Committee further noted that the Bill does not make reference to section 39 (k) of the Basic Education Act, Cap. 21, which mandates the Cabinet Secretary for Education to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty and provide a safe and environmentally sound mechanism for disposal of the sanitary towels.

100. The Committee notes that the objective of the provision of free sanitary towels to school going children was to improve the retention rates of the girl child in school, while the Bill seems to have increased the beneficiaries to women in all public institutions and correctional facilities.

101. The Bill however does not indicate where the additional funding for the new beneficiaries will come from.

### **3.1 Committee Recommendations**

102. Arising from the above observations, the Committee will not propose any amendments to the Bill.

## LIST OF APPENDICES

**Appendix 1:** Minutes of the sittings;

**Appendix 2:** Provision of Sanitary Towels Bill, 2024 (Senate Bills No.7 of 2024);

**Appendix 3:** Advertisement as published in the Daily Nation and Standard Newspapers;

**Appendix 4:** Public Participation Submissions –

1. The Office of the Attorney General;
2. State Department for Technical Vocational education and Training;
3. African Women Development and Communication Network (FEMNET)
4. Kenya Women Parliamentarians Association (KEWOPA);
5. The Cradle;
6. United Disabled Persons of Kenya;
7. State Department for Correctional Services;
8. State Department. for Gender & Affirmative Action;
9. State Department. for Public Health and Professional Standards; and
10. Mzalendo.
11. The Coast Regional Budget Hub
12. Policy Action Initiative (PAI).
13. UNICEF
14. The Ministry of Education
15. Rosemarie Bridges
16. Nairobi People Social Movement and Budget Champions
17. HENNET
18. The Kenya Association of Manufacturers
19. State Department for Gender and Affirmative Action
20. State Department for Correctional Services
21. The Ministry of Labour and Social Protection
22. The Office of the Attorney General
23. State Department for Technical Vocational Education and Training
24. The Council of Governors
25. State Department for Gender and Affirmative Action.
26. Kituo Cha Sheria
27. Katiba Institute
28. National Treasury and Economic Planning
29. Kamukunji Youth Advisory Committee
30. WeCare Youth Organization
31. Forum for African Women Educationalists – Kenya Chapter (FAWEK)
32. University of Nairobi, African Women Studies, Women Economic Empowerment Hub
33. KELIN Kenya
34. Zamara Foundation
35. Community Voices Network
36. Nivalishe Pad Initiative
37. Activista Nairobi
38. WAGE Kenya
39. The Bold Phase Initiative (BPI)
40. Inspire Teenagers Foundation
41. AYARHEP
42. Aids HealthCare Foundation Kenya
43. Ed Wazi Kenya
44. Karen
45. Samantha Atieno
46. Marya
47. Wangui Gachigi
48. Hon. Lilian Gor from Kisii County Assembly
49. Njoki Mwisya
50. Brenda Ondieki
51. Francis K. Mahia
52. Felix Jomo Mwangala
53. Sharley Imele
54. Lilian Mutinda
55. Gatwiri Bundi
56. Stephanie Njeri

57.	Claire Samoka	74.	Faith Kyalo	91.	Tee
58.	Irene Mwelu	75.	Roseline Mwangi	92.	Wariara
59.	Whitney Njiru	76.	Winnie	93.	Gasherry
60.	Tucci Herbert	77.	Angela	94.	Pauline Rimui
61.	Linda Asena	78.	Freelancer	95.	Gabriel Gicheha
62.	Gachui Kariuki	79.	Nduku Wambua	96.	Yvette Ndungu
63.	Whitney Njiru	80.	Jayla Wairimu	97.	Justine Wanda
64.	Njeri Maina	81.	Jemimah Muthoni	98.	Celeste
65.	Dorothy Kigen	82.	Maxine Makenna	99.	Geena
66.	Mukwanyaga Mwendu	83.	Kelvin	100.	Georginah
67.	Victoria Ngina	84.	Bilha Wanjiku Sylvia	101.	Marcus
68.	Joyce Ngugi	85.	Hellen Mwangeli Mutua	102.	Ashley Wairimu
69.	Isha Jaffer	86.	Pauline	103.	Femme
70.	Glory Kanji	87.	James	104.	Njoroge wa Mumbi
71.	Cynthia Ngángá	88.	Wendy Kithinji	105.	Njeri Maina
72.	Joanne Kirimi	89.	Victor Ndambuki		
73.	Barbara Muthoka	90.	Alvin Mwangi		

## Appendix 5: Public Participation Matrix

# APPENDIX 1



**MINUTES OF THE THIRTY – EIGHTH (38<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN VIRTUALLY ON TUESDAY, 16<sup>TH</sup> JULY, 2024 AT 11.00 AM**

**MEMBERS PRESENT**

- |   |                                       |                    |
|---|---------------------------------------|--------------------|
| 1 | Sen. Julius Murgor Recha, CBS, MP     | - Chairperson      |
| 2 | Sen. George Mungai Mbugua, MP         | - Vice-Chairperson |
| 3 | Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member           |
| 4 | Sen. Alexander Munyi Mundigi, MP      | - Member           |
| 5 | Sen. Crystal Asige, MP                | - Member           |
| 6 | Sen. Miraj Abdulahi Abdulrahman, MP   | - Member           |
| 7 | Sen. Gloria Orwoba, MP                | - Member           |

**APOLOGIES**

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

**SECRETARIAT**

- |    |                     |                               |
|----|---------------------|-------------------------------|
| 1. | Ms. Mwanate Shaban  | - Senior Clerk Assistant      |
| 2. | Mr. Reinhardt Choge | - Clerk Assistant III         |
| 3. | Mr. Jeremy Chabari  | - Legal Counsel               |
| 4. | Ms. Nigma Adow      | - Research Officer III        |
| 5. | Ms. Ndindi Kibathi  | - Research Officer III        |
| 6. | Ms. Juliet Masinde  | - Media Relations Officer III |
| 7. | Mr. John Pere       | - Sergeant at Arms            |
| 8. | Mr. Joseph Otieno   | - Audio Officer               |

**MIN/SEN/SCLSW/229/2024: PRAYERS**

The Chairperson called the meeting to order at 11.09 am followed with a word of prayer.

**MIN/SEN/SCLSW/230/2024: ADOPTION OF AGENDA**

The Program was adopted having been proposed by Sen. Gloria Orwoba, MP and seconded by Sen. Alexander Mundigi, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. **Confirmation of Minutes of the 33<sup>rd</sup>, 34<sup>th</sup>, 35<sup>th</sup> and 36<sup>th</sup> Sittings of the Committee;**
4. **Matters Arising;**
5. **Briefing on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024);**
6. Any Other Business; and
7. Adjournment.

**MIN/SEN/SCLSW/231/2024 CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

The Agenda item was deferred to the next meeting.

**MIN/SEN/SCLSW/232/2024 MATTERS ARISING**

The Agenda item was deferred to the next meeting.

**MIN/SEN/SCLSW/233/2024 BRIEFING ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)**

**a) Briefing by the Legal Counsel**

1. The Committee was briefed on the above bill, taking the Members through the Bill Digest giving the background on the existing legal and policy provisions of the Bill.
2. The Committee was informed that the Bill provides for establishment of an inter-ministerial committee, the functions of the aforementioned committee, establishment of county interdepartmental committees and the functions of the aforementioned county committees.

**b) Comments by Sponsor of the Bill**

1. The Sponsor of the Bill, who is also a Member of the Committee stated that the functions of the National Committee are resource mobilization which had been left out of the Bill;
2. The functions of the County Committee haven't been considered especially the procurement function as the different counties may have different preferences on what Sanitary products they prefer to use either reusable or menstrual cups;

3. There are currently no regulations on the disposal of Sanitary towels (products);
4. The budget needs to be ring-fenced as currently there is misappropriation of funds set aside to purchase sanitary towels currently;
5. The Bill gives an opportunity for the promotion of use of high quality sanitary products that are locally manufactured;
6. A further elaboration is needed on the roles of the County Committee to show how they will benefit the citizenry especially on the distribution front; and
7. The program should be domiciled in the Gender Ministry.

**c) Members Interventions**

1. The Committee raised concerns over the venue for the stakeholder engagement, noting the number of stakeholders invited. The Committee resolved to stagger such meetings in future.
2. The Committee also raised concern on the misinformation out in the social media and other public spaces on the Bill;
3. The Committee recommended that KEWOPA should be contacted to provide their memoranda on the Bill;
4. The Committee also directed that the public participation should be widened to include social media pages;
5. the Committee raised concerns over the fragmented procurement and recommended a standardized policy on purchase and procurement;
6. The Committee advocated for avoidance of the duplicity of roles;
7. The Committee also raised concerns on the use of re-usable Sanitary towels which needs the provision of clean water to for cleaning;
8. the Committee also raised concerns over the formation of county committees and called for the usage of existing frameworks.

**d) Committee Resolutions**


1. The SAA was assigned to reserve the County Hall Mini Chamber for Thursday, 18<sup>th</sup> July, 2024, and in future the secretariat to consider staggering stakeholder especially when discussing Bills with a lot of public scrutiny;
2. The Committee resolved to schedule another hearing for the Civil Society and other members of the public upon submission of the names of the institutions by Senators who raised the concerns;
3. The Committee to reconsider public participation and seek out platforms that have wide coverage of the citizens;
4. The Committee to visit the company manufacturing Sanitary products in Busia County, during Senate Mashinani.

**MIN/SEN/SCLSW/234/2024      ANY OTHER BUSINESS**

There was no other business.

MIN/SEN/SCLSW/235/2024     ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.30 pm.

SIGNED.......... DATE *Tuesday, 30<sup>th</sup> July, 2024*.....  
For: CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



**MINUTES OF THE THIRTY – NINTH (39<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 1, BUNGE TOWER ON THURSDAY, 18<sup>TH</sup> JULY, 2024 AT 11.00 AM**

**MEMBERS PRESENT**

- |    |                                  |                    |
|----|----------------------------------|--------------------|
| 1. | Sen. George Mungai Mbugua, MP    | - Vice-Chairperson |
| 2. | Sen. Alexander Munyi Mundigi, MP | - Member           |
| 3. | Sen. Crystal Asige, MP           | - Member           |
| 4. | Sen. Gloria Orvoba, MP           | - Member           |

**APOLOGIES**

- |    |  |               |
|----|--|---------------|
| 1. | Sen. Julius Murgor Recha, CBS, MP            | - Chairperson |
| 2. | Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member      |
| 3. | Sen. Erick Okong'o Mogeni, SC, MP            | - Member      |
| 4. | Sen. Mohamed Mwinyihaji Faki, CBS, MP        | - Member      |
| 5. | Sen. Miraj Abdulahi Abdulrahman, MP          | - Member      |

**SECRETARIAT**

- |    |                     |                               |
|----|---------------------|-------------------------------|
| 1. | Ms. Mwanate Shaban  | - Senior Clerk Assistant      |
| 2. | Mr. Reinhardt Choge | - Clerk Assistant III         |
| 3. | Mr. Jeremy Chabari  | - Legal Counsel               |
| 4. | Ms. Nigma Adow      | - Research Officer III        |
| 5. | Ms. Ndindi Kibathi  | - Research Officer III        |
| 6. | Ms. Juliet Masinde  | - Media Relations Officer III |
| 7. | Mr. John Pere       | - Sergeant at Arms            |
| 8. | Mr. Joseph Otieno   | - Audio Officer               |

**IN-ATTENDANCE**

- |    |                        |   |
|----|------------------------|---|
| 1. | Mr. Julius Motari, CBS | - Principal Secretary, State Department for Social Protection and Citizen Affairs |
| 2. | Ms. Catherine Ochanda  | - Chief State Counsel   |
| 3. | Ms. Maureen Odendo     | - Senior Parliamentary Counsel  |

4. Dr. Damaris Ogama - Deputy Chief State Counsel, State  
Department for Technical and Vocational  
Education and Training

**MIN/SEN/SCLSW/236/2024: PRAYERS**

The Chairperson called the meeting to order at 11.30 am followed with a word of prayer. This was followed by introductions by all present.

**MIN/SEN/SCLSW/237/2024: ADOPTION OF AGENDA**

The Agenda of the Meeting was adopted having been proposed by Sen. Crystal Asige, MP and seconded by Sen. Alexander Mundigi, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. Stakeholder Engagement on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No.7 of 2024);
4. Any Other Business; and
5. Adjournment.

**MIN/SEN/SCLSW/238/2024 STAKEHOLDER ENGAGEMENT ON THE  
PROVISION OF SANITARY TOWELS BILL, 2024  
(SENATE BILLS NO. 7 OF 2024)**

The Chairperson invited the Stakeholders to introduce themselves and laid out the order they would make their submissions.

**a) Presentation by the Attorney General's Office**

1. They presented that the Bill though providing for a Secretariat, does not provide for the manner of deployment of the Secretariat;
2. The terms public institutions and correctional facilities need to be expressly defined to provide a clearer scope of the institutions the Act is intended to apply to;
3. Clause 4 providing for the formation of the Inter-Ministerial Committee on Provision of Sanitary Towels establishes it as a body corporate which should not be the case and therefore should be revised in line with the current drafting practice and applicable laws;
4. The Composition of the Committee is 14 members which is against the Mwongozo code which restricts membership of such committees to between seven and nine members;
5. Clause 8 appears to exclude other persons such as children or intersex persons who do not fall within the category of women but may need sanitary towels;

6. The Financial provisions of the Bill do not include provisions on the funds and how the operational expenses of the county inter departmental committees will be met; and
7. The Bill does not raise significant constitutional issues save for the improper assignment of the appointing function to the Salaries and Remuneration Commission.

**b) Presentation by the State Department for Social Protection**

1. The Ministry of Labour and Social Protection supports the Bill and presented the four clauses requiring amendments;
2. Clause 5(1) on composition of the Inter-Ministerial Committee to include the Principal Secretary in charge of children matters as a member to allow inclusion of orphans and vulnerable children;
3. Clause 8 on functions of the Committee to include awareness creation, education and sensitization on menstrual health and hygiene;
4. Clause 12 on where exactly the Committee secretariat will be housed, whether the Ministry responsible for gender matters or education; and
5. Clause 13 should include Children officer at the county level in the County Inter Departmental Committee.

**c) Presentation by the State Department for Technical Vocational Education and Training**

1. The Bill represents a pivotal step towards addressing menstrual health and hygiene needs among women and girls in Kenya;
2. The Bill requires clarification on the definition of "public" to encompass all relevant institutions, establishing clear and transparent criteria for identifying beneficiaries and revising the proposed administrative structure to mitigate potential cost escalation;
3. Further, detailed provisions on implementation, enforcement mechanisms and sustainable funding sources are essential for ensuring effective delivery and longevity of the Bills objectives; and
4. The Bill should also ensure a provision on designing of a curriculum to empower youth on the menstrual hygiene space which can lead to the manufacturing of local sanitary towels.

**d) Committee Observations**

1. The Committee notes that the local producers usually don't have a budget for marketing, brand positioning and promotion as compared to international manufacturers and importers, thus an intervention is needed to allow locally manufactured products to receive attention and purchase priority once the Bill is implemented;
2. The Committee resolved to visit the local Sanitary towels producing plant in Busia during Senate Mashinani in Busia County in September; and


3. The Committee resolved to invite the other government institutions that did not turn up to the next meeting on the matter. The institutions include the National Treasury, the Ministry of Interior, the Council of Governors, the Ministry of Gender and the Ministry of Health.

MIN/SEN/CLSW/239/2024      ANY OTHER BUSINESS

There was no other business.

MIN/SEN/CLSW/240/2024      ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.09 pm.

SIGNED  DATE Tuesday, 30<sup>th</sup> July, 2024

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



**MINUTES OF THE FORTY-FOURTH (44<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 2, BUNGE TOWER ON TUESDAY, 6<sup>TH</sup> AUGUST, 2024 AT 11.00 AM**

**MEMBERS PRESENT**

- |  |                               |
|--|-------------------------------|
| 1. Sen. George Mungai Mbugua, MP         | - Vice-Chairperson            |
| 2. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member                      |
| 3. Sen. Alexander Munyi Mundigi, MP      | - Member                      |
| 4. Sen. Gloria Orwoba, MP                | - Member                      |
| 5. Sen. Crystal Asige, MP                | - Member                      |
| 6. Sen. Miraj Abdulahi Abdulrahman, MP   | - Member (Virtual Attendance) |

**APOLOGIES**

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

**SECRETARIAT**

- |                        |                           |
|------------------------|---------------------------|
| 1. Ms. Mwanate Shaban  | - Senior Clerk Assistant  |
| 2. Mr. Reinhardt Choge | - Clerk Assistant III     |
| 3. Mr. Jeremy Chabari  | - Legal Counsel           |
| 4. Ms. Nigma Adow      | - Research Officer III    |
| 5. Ms. Ndindi Kibathi  | - Research Officer III    |
| 6. Mr. Francis Mutulu  | - Media Relations Officer |
| 7. Mr. John Pere       | - Sergeant at Arms        |
| 8. Mr. Joseph Otieno   | - Audio Officer           |

**IN – ATTENDANCE**

- |                        |  |
|------------------------|--|
| 1. Ms. Emily Opati     | - Director, Gender Based Violence Mitigation,<br>State Department for Gender |
| 2. Ms. Shantal Onyango | - The Cradle   |
| 3. Mr. Shem Wesley     | - The Cradle   |
| 4. Ms. Debbie Mugurc   | - The Cradle   |

MIN/SEN/SCLSW/269/2024: PRAYERS

The Chairperson called the meeting to order at 11.29 am followed by a word of prayer and introductions.

MIN/SEN/SCLSW/270/2024: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Gloria Orwoba, MP and seconded by Sen. Crystal Asige, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. Meeting with Stakeholders on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024);
4. Any Other Business; and
5. Adjournment.

MIN/SEN/SCLSW/271/2024 MEETING WITH STAKEHOLDERS ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)

The Chairperson welcomed the Stakeholders to the meeting and invited them to make their presentations.

**a) Presentation by the State Department for Gender**

1. A change to the Preamble to clearly define the scope of public institutions;
2. Change in the composition of the inter-ministerial committee to include the Principal Secretary in charge of National Government Administration Offices;
3. On Clause 8(c) to delete every woman employed by a Public Institution stating that it may not be sustainable;
4. On Clause 12(1) 2 to delete competitive and insert 'shall be nominated by the Principal Secretary from the existing serving director responsible for Gender thus removing the extra cost of remuneration;
5. On Clause 13(1) 2 a – i, to delete the entire membership of the Committee and reorganize to adhere to the spirit of devolution with justification that the National Government structures should be in charge of the Committees;
6. On Clause 15(1) (2), its an ambiguous section and makes officers not personally liable for their actions therefore it should be reviewed to indicate matters envisaged to result in non-liability;
7. On the Schedule, the quorum for Committee should be adjusted from five to nine to keep in line with the 2/3;
8. In Part III (16), insert (d) on monies appropriated by the County Assembly as County Governments generate their own revenues and thus can be used to complement National Government funding; and

9. Item 6, to delete the word Board and replace with Committee as the Act seeks to establish a Committee and not a Board.

**b) Presentation by The Cradle, The Children's Foundation**

1. A Change in the name of the Bill from Provision of Sanitary Towels Bill to Menstrual Hygiene Products Bill;
2. Add New definitions – indigent persons to mean women, girls or intersex persons who due to poverty cannot afford menstrual hygiene products; Menstrual hygiene dignity to speak towards the need to consider dignity and Value Chain to mean procurement, manufacturing, production, distribution and disposal of menstrual hygiene products and to speak to the need to ensure accessible, quality menstrual hygiene products; and
3. New Clause 4 to provide guiding principles to aid in the implementation of the Bill.

**c) Committee Observations**

The Committee thanked the presenters for gracing the meeting and presenting their proposals

MIN/SEN/SCLSW/272/2024      ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/273/2024      ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.24 pm.

SIGNED..........DATE Monday, 26<sup>th</sup> August, 2024

CHAIRPERSON: SEN. JULIUS MURGOR RECHIA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



**MINUTES OF THE FORTY-SEVENTH (47<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 7, FIRST FLOOR, BUNGE TOWER ON WEDNESDAY, 14<sup>TH</sup> AUGUST, 2024 AT 11.00 A.M.**

**MEMBERS PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP            | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP                | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member           |
| 4. Sen. Alexander Munyi Mundigi, MP             | - Member           |
| 5. Sen. Crystal Asige, MP                       | - Member           |

**APOLOGIES**

- |  |          |
|--|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP     | - Member |
| 2. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP   | - Member |
| 4. Sen. Gloria Orwoba, MP                | - Member |

**SECRETARIAT**

- |                        |                                |
|------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban  | - Senior Clerk Assistant       |
| 2. Mr. Reinhardt Choge | - Clerk Assistant III          |
| 3. Mr. Jeremy Chabari  | - Legal Counsel                |
| 4. Ms. Nigma Adow      | - Research Officer III         |
| 5. Ms. Ndindi Kibathi  | - Research Officer III         |
| 6. Mr. Francis Mutulu  | - Media Relations Officer      |
| 7. Ms. Joy Kyallo      | - Parliamentary Budget Officer |
| 8. Ms. Swaluha Yusuf   | - Public Relations Officer     |
| 9. Mr. John Pere       | - Sergeant at Arms             |
| 10. Mr. Joseph Otieno  | - Audio Officer                |

**MIN/SEN/SCLSW/287/2024: PRAYERS**

The Chairperson called the meeting to order at 11.28 am followed by a word of prayer and introductions.

**MIN/SEN/SCLSW/288/2024: ADOPTION OF AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen. Crystal Asige, MP and seconded by Sen. George Mbugua, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 32<sup>nd</sup>, 41<sup>st</sup>, 43<sup>rd</sup> and 44<sup>th</sup> Sittings of the Committee;
4. Matters arising;
5. Consideration and adoption of the report on the County Assemblies Pension Bill, 2024 (Senate Bills No. 14 of 2024);
6. Consideration of Pending Legislative Business before the Committee (Committee Paper 70);
  - a) Briefing on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024);
  - b) Briefing on the Sports Amendment Bill, 2024 (Senate Bills No. 33 of 2024);
  - c) Briefing on the Petition by Sen. Okoiti Omtatah, MP, regarding compensation of police officers injured in the line of duty;
  - d) Consideration of the Legislative Proposal on the National Employment Authority (Amendment) Bill, 2024;
7. Any Other Business; and
8. Adjournment.

**MIN/SEN/SCLSW/289/2024 CONFIRMATION OF MINUTES OF THE 32<sup>ND</sup>, 41<sup>ST</sup>, 43<sup>RD</sup> AND 44<sup>TH</sup> SITTINGS OF THE COMMITTEE**

The Agenda item was deferred to a later meeting.

**MIN/SEN/SCLSW/290/2024 CONSIDERATION AND ADOPTION OF THE COUNTY ASSEMBLIES PENSION BILL, 2024 (SENATE BILLS NO. 14 OF 2024)**

The Agenda item was deferred to the next meeting.

**MIN/SEN/SCLSW/291/2024 CONSIDERATION OF PENDING LEGISLATIVE BUSINESS BEFORE THE COMMITTEE (COMMITTEE PAPER 70)**

- a) Presentation on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024)
  1. Members were briefed on above Bill, sponsored by the Senate Majority Leader which was published on 12<sup>th</sup> July, 2024 as an ordinary bill, and read a first time on 1<sup>st</sup> August, 2024.
  2. The principal object of the Bill is to provide for the establishment of regulatory mechanisms at the national and county levels which oversee the conduct of fundraising appeals, to provide for the licensing and regulation of fundraisers; the

promotion of transparency and accountability in the conduct of fundraising appeals and also the regulation of the conduct by State and public officers in the participation in public fundraising appeals and in the administration of this legislation.

3. The Committee was informed that the advert inviting members of the Public to submit written submissions and for a public hearing had already been put in the Daily Nation and the Standard, and letters to targeted stakeholders make their submissions were being processed to appear before the Committee on Monday, 26<sup>th</sup> August, 2024.

**b) Briefing on the Sports Amendment Bill, 2024 (Senate Bills No.33 of 2024)**

Members were informed that the Bill was read a first time on 8<sup>th</sup> August, 2024 and the Secretariat were processing the advert inviting members of the Public and targeted stakeholders to make submissions on the Bill on Thursday, 5<sup>th</sup> September, 2024.

**c) Briefing on the Petition by Sen. Okoiti Omtatah, MP, regarding compensation of police officers injured in the line of duty**

1. The Committee deliberated on the Petition by Sen. Okoiti Omtatah, MP regarding the compensation of Police Officers injured in the line of duty, which was referred to the Committee on Wednesday, 24<sup>th</sup> July, 2024 and noted the following –
  - (i) That the House adopted a Motion on Wednesday, 24<sup>th</sup> July, 2024, on the Current State of the Nation where it tasked the Standing Committee on National Security, Defense and Foreign Relations, in the Security Sector reforms, among other duties, to engage the National Police service to fast-track insurance compensation to police officers who either lost their lives or suffered injuries, as a result of the demonstrations; and
  - (ii) The Standing Committee on National Security, Defense and Foreign Relations have started proceedings on the same.
2. The Committee therefore resolved that for neater handling of the matter, the Standing Committee on National Security, Defense and Foreign Relations should handle the Petition.

**d) Consideration of the Legislative Proposal on the National Employment Authority (Amendment) Bill, 2024**

1. The Committee considered the legislative proposal was sponsored by Sen. Maureen Tabitha Mutinda whose main purpose is to provide for the decentralization of the authority to establish branches in counties in Kenya, noted that this was already catered for in existing legal frameworks; and

2. The Committee resolved to notify the Speaker that the amendment sought in the National Employment Authority Bill, 2024 has been taken care of in existing legal frameworks.

MIN/SEN/SCLSW/292/2024      ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/293/2024      ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.40 p.m.

SIGNED..........DATE Tuesday, 3<sup>rd</sup> September, 2024

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



**MINUTES OF THE SIXTY – FIFTH (65<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN DESERT ROSE ROOM, SERENA BEACH HOTEL ON SATURDAY, 26<sup>TH</sup> OCTOBER, 2024 AT 10.00 A.M.**

**MEMBERS PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP            | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP                | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member           |
| 4. Sen. Mohamed Mwinyihaji Faki, CBS, MP        | - Member           |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP          | - Member           |
| 6. Sen. Alexander Munyi Mundigi, MP             | - Member           |
| 7. Sen. Crystal Asige, MP                       | - Member           |
| 8. Sen. Gloria Orwoba, MP                       | - Member           |

**APOLOGIES**

- |                                      |          |
|--------------------------------------|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
|--------------------------------------|----------|

**SECRETARIAT**

- |                         |                                   |
|-------------------------|-----------------------------------|
| 1. Ms. Mwanate Shaban   | - Senior Clerk Assistant          |
| 2. Mr. Reinhardt Choge  | - Clerk Assistant                 |
| 3. Mr. Jeremy Chabari   | - Legal Counsel                   |
| 4. Ms. Ndindi Kibathi   | - Research Officer                |
| 5. Mr. Jack Lemeteki    | - Media Relations Officer         |
| 6. Mr. Joseph Otieno    | - Audio Officer                   |
| 7. Mr. John Pere        | - Sergeant at Arms                |
| 8. Ms. Sandra Mwandishi | - Aide to Sen. Crystal Asige, MP. |

**MIN/SEN/SCLSW/389/2024: PRAYERS**

The Chairperson called the meeting to order at 10.06 am followed by a word of prayer.

**MIN/SEN/SCLSW/390/2024; ADOPTION OF AGENDA**

The Agenda was adopted having been proposed by Sen. Gloria Orwoba, MP and seconded by Sen. George Mbugua, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. **Consideration of the Public Participation Matrix on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024);**
4. **Consideration of the Public Participation Matrix on the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 Of 2024);**
5. Any Other Business; and
6. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/391/2024 CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);**

1. The Committee reviewed the deliberations on the matter in the previous day, briefing the Sponsor, Sen. Gloria Orwoba, on the proceedings; and advised the Sponsor to withdraw and redraft the Bill due to the following reasons –
  - i. That the Bill had not undergone prepublication scrutiny as the proposal as the Speaker had approved its publications pursuant to Standing Order 131 (3);
  - ii. The Bill focused in the provision of Sanitary towels to all public institutions and correctional facilities;
  - iii. The Committee received more than 90 submissions on the Bill with a majority being for the rejection of the Bill, as they were against the formation of additional forty-eight (48) committees which did not seem to have proper guidance or leadership;
  - iv. The Submissions also raised concerns on the level of government or Ministry the committees and program will be domiciled despite mentioning a Cabinet Secretary in the Bill;
  - v. Most submissions also seem to be against the creation of more beurocratic structures by creating 48 committees to procure and distribute sanitary towels;
  - vi. The drafting Bill had not been guided by the existing Menstrual Hygiene Management Policy that should have guided the drafting of the Bill;
  - vii. The Bill does not clearly state where the funding will be drawn from – whether national or at county level;
  - viii. The formation of body-corporate committees may make the Bill a money Bill;
  - ix. The Bill had not addressed the roles of all the stakeholders in the Sector;
  - x. The Bill has also not addressed the standardization of products keeping in mind the different products that different beneficiaries may require.

2. Sen. Gloria Orwoba responded to the issues raised by the Committee as follows –
  - i. On the matter of the Bill not undergoing prepublication scrutiny, the Senator stated that the Bill had been referred to the Health Committee for prepublication scrutiny but the Speaker approved the Bill for publication when the time for pre-publication scrutiny lapsed;
  - ii. The Bill has been guided by the existing Menstrual Hygiene Management Policy and addresses the role of different stakeholders;
  - iii. On the Issue of the Bill being a money bill, the Bill has undergone the concurrence process and has a co-sponsor in the National Assembly;
  - iv. On the matter of funding, Senator Orwoba stated that the intention of the Bill is to end period poverty by repealing Section 39 (1) (K) of the Basic Education Act and have a stand-alone Bill that takes care of the provision of free sanitary towels;
  - v. The Bill makes mention of section 18 of the Basic Education Act on the mandate of County Education Boards; and
  - vi. The sponsor informed the Committee that withdrawing the Bill for redrafting would take a very long process and time, given the timelines that Bill take to become Acts
  
3. The Committee noted that the Bill makes mention of section 39 of the Basic Education Act which mandates the CS to provide free sanitary towels to school going girls. The Committee notes that the objective of the provision of free sanitary towels to school going children was to improve the retention rates of the girl child in school, while the Bill seems to have increased the beneficiaries to women in all public institutions and correctional facilities. The Bill however does not indicate where the additional funding for the new beneficiaries will come from; and the Committee therefore resolved that due to the concerns raised, the Bill be withdrawn and redrafted to align with the Menstrual Hygiene Policy 2019.



**MINUTES OF THE SEVENTIETH (70<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD VIRTUALLY ON MONDAY, 28<sup>TH</sup> OCTOBER, 2024 AT 2.30 P.M.**

**MEMBERS PRESENT**

- |   |                      |
|---|----------------------|
| 1. Sen. Alexander Munyi Mundigi, MP             | - Member (Ag. Chair) |
| 2. Sen. George Mungai Mbugua, MP                | - Vice-Chairperson   |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP | - Member             |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP          | - Member             |
| 5. Sen. Crystal Asige, MP                       | - Member             |

**APOLOGIES**

- |  |               |
|--|---------------|
| 1. Sen. Julius Murgor Recha, CBS, MP     | - Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP     | - Member      |
| 3. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member      |
| 4. Sen. Gloria Orwoba, MP                | - Member      |

**SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban  | - Senior Clerk Assistant |
| 2. Mr. Reinhardt Choge | - Clerk Assistant        |
| 3. Mr. Jeremy Chabari  | - Legal Counsel          |
| 4. Ms. Ndindi Kibathi  | - Research Officer       |
| 5. Mr. Joseph Otieno   | - Audio Officer          |

**MIN/SEN/SCLSW/418/2024: PRAYERS**

The Chairperson called the meeting to order at 2.49 p.m. followed by a word of prayer.

**MIN/SEN/SCLSW/419/2024: ADOPTION OF AGENDA**

The Agenda was adopted having been proposed by Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP and seconded by Sen. Crystal Asige, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. Consideration and Adoption of the Report on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024);
4. Consideration and Adoption of the Report on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024);
5. Consideration and adoption of the Committee amendments of the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024);
6. Any Other Business; and
7. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/420/2024      CONSIDERATION AND ADOPTION OF THE REPORT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);

The Agenda item was deferred to the next meeting.

MIN/SEN/SCLSW/421/2024      CONSIDERATION AND ADOPTION OF THE REPORT ON THE PUBLIC FUNDRAISING APPEALS BILL, 2024 (SENATE BILLS NO. 36 OF 2024);

The Agenda item was deferred to the next meeting.

MIN/SEN/SCLSW/422/2024      CONSIDERATION AND ADOPTION OF THE COMMITTEE AMENDMENTS OF THE SPORTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 33 OF 2024);

The Committee considered the proposed amendments to the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024), and adopted them having been proposed by Sen. Miraj Abdulrahman, MP and seconded by Sen. (Rtd.) Justice Stewart Madzayo, EGH, MP.

MIN/SEN/SCLSW/423/2024      ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/424/2024

ADJOURNMENT AND DATE OF THE NEXT  
MEETING

The meeting was adjourned at 3.30 pm.

SIGNED..........DATE..... *Wednesday 30<sup>th</sup> October, 2024*.....

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



**MINUTES OF THE SEVENTY – SECOND (72<sup>ND</sup>) MEETING OF THE  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD  
IN COMMITTEE ROOM 5, FIRST FLOOR, MAIN PARLIAMENT  
BUILDINGS ON WEDNESDAY, 30<sup>TH</sup> OCTOBER, 2024 AT 1.00 P.M.**

**MEMBERS PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. Julius Murgor Recha, CBS, MP     | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP         | - Vice-Chairperson |
| 3. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Member           |
| 4. Sen. Alexander Munyi Mundigi, MP      | - Member           |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP   | - Member           |
| 6. Sen. Crystal Asige, MP                | - Member           |
| 7. Sen. Gloria Orwoba, MP                | - Member           |

**APOLOGIES**

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

**SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel          |
| 3. Mr. Joseph Otieno  | - Audio Officer          |

**MIN/SEN/SCLSW/433/2024: PRAYERS**

The Chairperson called the meeting to order at 1.00 pm, followed by a word of prayer and introductions.

**MIN/SEN/SCLSW/434/2024: ADOPTION OF AGENDA**

The Agenda was adopted having been proposed by Sen. Mohammed Faki, MP and seconded by Sen. Miraj Abdulrahman, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. **Confirmation of Minutes of the 67, 68<sup>th</sup>, 69<sup>th</sup> and 70<sup>th</sup> Sittings of the Committee;**
4. **Matters Arising;**
5. **Consideration and adoption of the Committee amendments of the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024);**
6. **Consideration and Adoption of the Report on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024);**
7. **Consideration and Adoption of the Report on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024); and**
8. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/435/2024 CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS OF THE 67<sup>TH</sup>, 68<sup>TH</sup>, 69<sup>TH</sup> & 70<sup>TH</sup> SITTINGS;**

1. The Minutes of the 67<sup>th</sup> Sitting held on Saturday, 26<sup>th</sup> October, 2024 at 2.30 pm. were confirmed to be a true reflection of the proceedings having been proposed by Sen. Mohammed Faki, MP and seconded by Sen. George Mungai Mbugua, MP;
2. The Minutes of the 68<sup>th</sup> Sitting held on Sunday, 27<sup>th</sup> October, 2024 at 10.00 a.m. were confirmed to be a true reflection of the proceedings having been proposed by having been proposed by Sen. Mohammed Faki, MP and seconded by Sen. George Mungai Mbugua, MP;
3. The Minutes of the 69<sup>th</sup> sitting held on Monday, 28<sup>th</sup> October, 2024 at 10.00 am. were confirmed to be a true reflection of the proceedings having been proposed by Sen. Miraj Abdulrahman, MP and seconded by Sen. Crystal Asige, MP; and
4. The Minutes of the 70<sup>th</sup> sitting held on Monday, 28<sup>th</sup> October, 2024 at 2.30 pm. were confirmed to be a true reflection of the proceedings having been proposed by Sen. Miraj Abdulrahman, MP and seconded by Sen. Crystal Asige, MP.

**MIN/SEN/SCLSW/436/2024 MATTERS ARISING;**

There were no matters arising.

**MIN/SEN/SCLSW/437/2024 CONSIDERATION AND ADOPTION OF THE REPORT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024);**

1. Sen. Gloria Orwoba, MP, a Member of the Committee and the Sponsor of the Bill raised concerns over the contents of the report and the Committee deliberated on the possibility of including a minority report on the Bill.
2. The Committee resolved that the Secretariat should prepare a paper on how the Bill is contrasting with the Menstrual Hygiene Management Policy (2019 – 2030) and share with Senator Gloria Orwoba, MP. The Committee also resolved that the Hansard of the deliberations of the Meeting of the Committee that took place on Saturday, 26<sup>th</sup> October, 2024 from 10.00 am be availed to her.
3. The Committee considered the Report on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024 and adopted it after being proposed by Sen. Mohammed Faki, CBS, MP., and seconded by Sen. George Mungai Mbugua, MP.

**MIN/SEN/SCLSW/438/2024 CONSIDERATION AND ADOPTION OF THE REPORT ON THE SPORTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 33 OF 2024);**

The Committee considered the Report on the Sports (Amendment) Bill, 2024 (Senate Bills No. 33 of 2024 and adopted it after being proposed by Sen. Mohammed Faki, CBS, MP., and seconded by Sen. Crystal Asige, MP.

**MIN/SEN/SCLSW/439/2024 CONSIDERATION AND ADOPTION OF THE REPORT ON THE PUBLIC FUNDRAISING APPEALS BILL, 2024 (SENATE BILLS NO. 36 OF 2024);**

The Committee considered the Report on the Public Fundraising Appeals Bill, 2024 (Senate Bills No. 36 of 2024) and adopted it after being proposed by Sen. Crystal Asige, MP., and seconded by Sen. George Mungai Mbugua, MP.

**MIN/SEN/SCLSW/440/2024 ANY OTHER BUSINESS**

There was no other business.

**MIN/SEN/SCLSW/441/2024 ADJOURNMENT AND DATE OF THE NEXT MEETING**

The meeting was adjourned at 2.29 pm.

SIGNED..........DATE Tuesday, 12<sup>th</sup> November, 2024

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

# APPENDIX 2

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 44 (Senate Bills No. 7)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2024**

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**NAIROBI, 1st March, 2024**

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**THE PROVISION OF SANITARY TOWELS BILL,  
2024**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Application.

**PART II—ADMINISTRATION ON PROVISION OF  
SANITARY TOWELS**

- 4—Inter-Ministerial Committee on Provision of Sanitary Towels.
- 5—Composition of the Committee.
- 6—Qualification for appointment to the Committee.
- 7—Powers of the Committee.
- 8—Functions of the Committee.
- 9—Vacancy in the Committee.
- 10—Conduct of business and affairs of the Committee.
- 11—Remuneration of the Committee.
- 12—Secretariat to the Committee
- 13—County interdepartmental committees.
- 14—Functions of county interdepartmental committees.
- 15—Protection from personal liability.

**PART III—FINANCIAL PROVISIONS**

- 16—Funds of the Committee.
- 17—Financial year.
- 18—Annual estimates.
- 19—Accounts and audit.
- 20—Reports of the Committee.

**PART III—GENERAL PROVISIONS**

21—Regulations.

**PART III—GENERAL PROVISIONS**

22—Offences.

23—Consequential amendments.

**SCHEDULE**

**THE PROVISION OF SANITARY TOWELS BILL,  
2024**

**A Bill for**

**AN ACT of Parliament to provide for the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on provision of sanitary towels; and for connected purposes.**

ENACTED by the Parliament of Kenya, as follows—

**PART I— PRELIMINARY**

1. This Act may be cited as the Provision of Sanitary Towels Act, 2024.

Short title.

2. In this Act—

Interpretation.

“Cabinet Secretary” means the cabinet secretary responsible for gender affairs;

“Committee” means the Inter-Ministerial Committee on Provision of Sanitary Towels established under section 4;

“county interdepartmental committee” means a county interdepartmental committee on the provision of sanitary towels established under section 13(1);

“sanitary towel” includes tampons and menstrual cups; and

“Secretariat” means the Secretariat to the Inter-Ministerial Committee on Provision of Sanitary Towels appointed or deployed pursuant to section 12.

3. This Act shall apply to all public institutions and correctional facilities.

Application.

**PART II — ADMINISTRATION AND PROVISION  
OF SANITARY TOWELS**

4. (1) There is established the Inter-Ministerial Committee on Provision of Sanitary Towels.

Inter-Ministerial  
Committee on  
Provision of  
Sanitary Towels.

(2) The Committee 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) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

**5. (1)** The Committee shall comprise of—

Composition of  
the Committee.

- (a) the chairperson;
- (b) the Principal Secretary responsible for gender or their representative designated in writing;
- (c) the Principal Secretary responsible for basic education or their representative designated in writing;
- (d) the Principal Secretary responsible for finance or their representative designated in writing;
- (e) the Principal Secretary responsible for correctional facilities or their representative designated in writing;
- (f) the Principal Secretary responsible for higher education or their representative designated in writing;
- (g) the Principal Secretary responsible for vocational and technical training or their representative designated in writing;
- (h) the Principal Secretary responsible for public health or their representative designated in writing;
- (i) the Attorney-General or their representative designated in writing;
- (j) the Chairperson of the National Gender and Equality Commission or their representative designated in writing;
- (k) the Director General for Health or their representative designated in writing; and

- (1) three persons, not being public officers, of whom—
- (i) one shall be nominated by the Council of County Governors;
  - (ii) one shall be nominated by a public benefit organization concerned with matters related to gender; and
  - (iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector.

(2) The Cabinet Secretary shall appoint the Chairperson and members of the Committee nominated under subsection (1)(l) by notice in the *Gazette*.

(3) The Chairperson and members of the Committee appointed under subsection (1)(l) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(4) The members of the Committee shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

**6.** (1) A person is qualified for appointment as the chairperson or a member of the Committee under section 5(1)(l) if the person—

- (a) is a Kenyan citizen;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years working experience in a gender related field;
- (d) has not been an employee of a nominating entity, where applicable, in the preceding five years; and
- (e) meets the requirements of Chapter Six of the Constitution.

(2) A person shall not be appointed as a Chairperson or a member of the Committee under section 5(1)(l) if the person—

- (a) is an undischarged bankrupt;

Qualification for appointment to the Committee.

- (b) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (c) holds a public office at the time of appointment; or
- (d) has previously been removed from a public office on account of any lawful reason.

**7.** (1) The Committee has the powers necessary for the performance of its functions under this Act.

Powers of the Committee.

(2) In particular and without prejudice to the generality of the power conferred under subsection (1), the Committee shall have power to—

- (a) manage, control and administer the assets of the Committee in such manner and for such purposes as best promotes the purpose for which the Committee is established;
- (b) receive any gifts, grants, donations or endowments made to the Committee or any other moneys in respect of the Committee and make disbursements from them in accordance with this Act; and
- (c) approve the opening, operating and closing of bank accounts of the Committee with the approval of the National Treasury.

**8.** The Committee shall—

Functions of the Committee.

- (a) advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;
- (b) co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;
- (c) provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;
- (d) in consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;
- (e) receive and act on reports relating to provision of sanitary towels in public institutions and correctional facilities;

- (f) develop a framework to facilitate the availability and distribution of sanitary towels in all the public institutions and correctional facilities in Kenya;
- (g) develop inter-governmental agreements for joint implementation of activities for distribution of sanitary towels in all public institutions and correctional facilities;
- (h) co-operate with all other relevant institutions for efficient procurement and distribution of sanitary towels;
- (i) develop and manage a national register for all public institutions and correctional facilities that require supply of sanitary towels; and
- (j) perform any other function conferred on it by this Act or any other written law.

**9.** (1) The office of the chairperson or member of the Committee appointed under section 5(1)(l) shall become vacant if the holder—

Vacancy in the Committee.

- (a) dies;
- (b) resigns from office by notice, in writing, to the Cabinet Secretary;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of fine;
- (d) has been absent from three consecutive meetings of the Committee without notice to the chairperson; or
- (e) is removed in accordance with subsection (2).

(2) The chairperson or member of the Committee appointed under section 5(1)(l) may be removed from office by the Cabinet Secretary for—

- (a) violation of the Constitution or any other written law;
- (b) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (c) failing to declare their interest in any matter being considered by the Committee;

- (d) physical or mental incapacity to perform the functions of the office;
- (e) incompetence; or
- (f) being adjudged bankrupt.

(3) When a vacancy arises in the office of the chairperson or member of the Committee under subsection (1) or (2), the Cabinet Secretary shall make an appointment to fill the vacancy within two months in accordance with this Act.

**10.** (1) The business and affairs of the Committee shall be conducted in accordance with the Schedule.

Conduct of business and affairs of the Committee.

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

**11.** The members of the Committee shall be paid such allowances and expenses as may be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Remuneration of the members of the Committee.

**12.** (1) There shall be a Secretariat to the Committee which shall comprise of the Secretary to the Committee and such public officers as the Cabinet Secretary may, in consultation with the Cabinet Secretary responsible for education and with the approval of the Committee, deploy.

Secretariat to the Committee.

(2) The Secretary to the Committee shall be competitively recruited and appointed by the Committee on such terms and conditions as the Committee shall, in consultation with the Salaries and Remuneration Commission, determine.

(3) The Secretary shall the head of the Secretariat and be responsible for—

- (a) the day to day administration of the affairs of the Committee;
- (b) the implementation of the decisions of the Committee;
- (c) the efficient administration of the Secretariat;
- (d) the management of staff of the Secretariat;
- (e) the maintenance of accurate records on financial matters and resource utilisation;

- (f) the preparation of the budget for the Committee; and
- (g) the performance of any other duties as may be assigned by the Committee.

**13.**(1) There is established, in each county, county interdepartmental committees on provision of sanitary towels.

County interdepartmental committees on provision of sanitary towels.

(2) A county interdepartmental committee established under subsection (1) shall be comprised of—

- (a) the county executive committee member responsible for gender matters who shall be the chairperson;
- (b) the county executive committee member responsible for children welfare or their representative designated in writing
- (c) the county executive committee member responsible for education or their representative designated in writing;
- (d) the county executive committee member responsible for health their representative designated in writing;
- (e) the county commissioner or their representative designated in writing;
- (f) the gender officer in charge of the county;
- (g) a prisons officer attached within the county nominated by the Commissioner-General of Prisons;
- (h) a person nominated by, and representing, public benefits organizations operating in the respective county with knowledge in matters relating to the rights of persons with disabilities; and
- (i) a representative of the Committee who shall be the secretary.

(2) The respective county governor shall appoint members of the county interdepartmental committee nominated under subsection (1)(g) and (h) by notice in the *Gazette*.

(3) The members of the county interdepartmental committee nominated under subsection (1)(g) and (h) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

**14.** A county interdepartmental committee shall—

- (a) advise the respective county government on the provision of sanitary towels in all county public institutions;
- (b) provide free, sufficient and quality sanitary towels to every woman employed by or studying in the respective county public institution;
- (c) provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county;
- (d) assist and collaborate with the Committee in the performance the functions of the Committee in the respective county;
- (e) provide a platform for collaboration between the National government and the respective county government on provision of sanitary towels in the respective county;
- (f) make recommendations to the Committee on any matters relating to the provision of sanitary towels in the county;
- (g) provide information that may be required by the Committee on any matter concerning the provision of sanitary towels in the county; and
- (h) perform any other function conferred on it by this Act or any other written law.

Functions of county interdepartmental committees.

**15. (1)** A matter or thing done by a member of the Committee or any officer, staff or agent of the Committee shall not render such member, officer, staff or agent personally liable for any action, claim or demand whatsoever if the matter or thing is done in good faith for executing the functions, powers or duties of the Committee.

Protection from personal liability.

(2) Subsection (1) shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their

interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written law.

**PART III— FINANCIAL PROVISIONS**

**16.** The funds of the Committee shall comprise of—

Funds of the Committee.

- (a) monies appropriated by the National Assembly;
- (b) such monies as may accrue to or vest in the Committee in the course of the exercise of its powers or the performance of its functions under this Act; and
- (c) all monies from any other source provided for, donated or lent to the Committee.

**17.** The financial year of the Committee shall be the period of twelve months ending on the thirtieth of June in every year.

Financial year.

**18.** The annual estimates of the Committee shall be prepared and approved in accordance with the Public Finance Management Act, 2012.

Annual estimates.

No. 18 of 2012.

**19.**(1) The Committee shall cause to be kept all proper books and records of accounts relating to the income, expenditure, assets and liabilities of the Committee.

Accounts and audit.

(2) The accounts of the Committee shall be prepared and audited in accordance with the Public Finance Management Act, 2012 and Public Audit Act, 2015.

No. 18 of 2012.

No. 34 of 2015.

**20.**(1) The Committee shall prepare annual reports in a format prescribed by the Public Sector Accounting Standards Board and submit the same to the National Treasury, the Controller of Budget and the Commission on Revenue Allocation.

Reports of the Committee.

(2) The Committee shall continuously and at least once every quarter monitor and report to the cabinet Secretary on its performance, with a summary of performance reported through the Committee's annual report on the basis of a clear outcome-based performance framework developed by the National Government.

**PART V — GENERAL PROVISIONS**

**21.** (1) The Cabinet Secretary may, in consultation with the Committee and the Council of County Governors, make regulations generally for the better carrying into effect of any provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary shall make Regulations to provide for—

- (a) the procedure to be followed by the Committee in exercising any powers conferred upon it by this Act; and
- (b) the procedure to be followed in the distribution of sanitary towels to public institutions under this Act.

(3) For the purposes of Article 94(6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; and
- (b) the authority of the Cabinet Secretary to make regulations is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

**22.** A person who rebrands or resales sanitary towels distributed by the Committee or a county interdepartmental committee commits an offence and is liable, on conviction—

Offences.

- (a) for a first offence, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both; and
- (b) for a second or subsequent offence, to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years or to both.

**23.** Section 18 of the Basic Education Act is amended in subsection (1) by inserting the words “in consultation with the Inter-Ministerial Committee on Provision of Sanitary Towels established under the Provision of Sanitary Towels Act” immediately before the words “prepare and submit” appearing in paragraph (k).

Amendment to Act No. 14 of 2013.

**SCHEDULE**

**(s.10(1))**

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND  
AFFAIRS OF THE INTER-MINISTERIAL COMMITTEE ON  
PROVISION OF SANITARY TOWELS**

- (1) The Committee shall meet at least once in every three months to conduct the business of the Committee.
- (2) The Chairperson shall preside over all meetings of the Committee and in the absence of the Chairperson, the members present at the meeting shall appoint one among their number to act as chairperson for purposes of that meeting.
- (3) The quorum for a meeting of the Committee shall be five members.
- (4) The Committee may from time to time co-opt into its membership any person whose skills and expertise are necessary for the performance of any particular issue currently before the Committee.
- (5) The decisions at a meeting of the Committee shall be made by a majority of the members present but in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) Subject to the provisions of this Act, the Committee may regulate its own procedure.
- (7) The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the chairperson or the person presiding at the meeting.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the Objects and Reasons for the Bill**

The purpose of the Bill is to provide for the provision of quality, free and sufficient sanitary towels in all public institutions.

**Part I** of the Bill (clauses 1 to 3) contains the preliminary provisions of the Bill. It provides the title of the Bill, the definition of terms and the application of the Bill.

**Part II** (clauses 4-15) contains provisions on the administration and provision of sanitary towels. It provides for the establishment of the Inter-Ministerial Committee on provision of Sanitary Towels. It provides for the establishment and functions of the Committee; its powers and functions; the membership of the Committee and its administration including the appointment of the secretariat. It also provides for the establishment of county interdepartmental committees on provision of sanitary towels in each county and stipulates their functions.

**Part III** (clauses 16-20) contains financial provisions. It stipulates the sources of funds for the committee, the preparation and approval of annual estimates for the Committee, auditing of the accounts of the Committee and annual and regular reporting by the Committee.

**Part IV** (clause 21-23) of the Bill contains General provisions. It empowers the Cabinet Secretary responsible for gender affairs to make regulations for the better carrying out of the provisions of the Bill once enacted. It also creates offences for persons who rebrand or resale sanitary towels provided by the committees.

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

Section 21 of the Bill delegates legislative powers to the Cabinet Secretary responsible for gender affairs, who is required to make regulations for the better carrying out of the provisions of the Bill once enacted.

The Bill does not limit fundamental rights or freedoms

### **Statement on how the Bill concerns county governments**

The Bill concerns county governments in that it mandates county governments to provide sanitary towels to its employees and to students enrolled in vocational institutions under their respective control.

The Bill therefore affects the functions and powers of county governments in terms of 110(1)(a) of the Constitution.

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

The Bill deals with matters other than those listed in the definition of a money Bill under Article 114 (3) of the Constitution and is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 15th February, 2024.

GLORIA ORWOBA,  
*Senator.*

# APPENDIX 3

# Nema urged to review compliance period for biodegradable waste bags

- ▶ The environment regulatory authority gave a notice to cease usage of plastic bags.
- ▶ The three-month period lapses today.

IRENE GITINJI, NAIROBI

The three-month period set by National Environment Management Authority (Nema) to replace plastic garbage bags to biodegradable alternatives ends today.

The private garbage collectors have, however, urged Nema to review the compliance period.

Under the aegis of Waste and Environment Management Association (Wema), the private collectors said reviewing the timelines will allow for adequate testing, certification and an enhanced multi-sectoral engagement to ensure a smooth, just and effective

transition.

The garbage collectors raised concerns over Nema's move to phase out the plastic waste collection bags, known as black bin bags, without incorporating issues that emerged during consultation forums.

Wema's chairperson Samuel Onyancha accused Nema of ignoring critical issues raised on waste segregation, take-back systems, Material Recovery Facilities (MRFs) and Extended Producer Responsibility (EPR) programmes, saying they are still unresolved and, not only threaten effectiveness but also fairness of the transition.

"The hasty implementation of the biodegradable bag directive without addressing these foundational elements undermines the spirit of multi-sectoral collaboration and public participation enshrined in the Constitution and in Section 23 of the Sustainable Waste Management Act," said Onyancha.

He said the 2017 Gazette Notice 2356 exempted garbage liners, provided that the waste service providers adhered to strict take-back and EPR requirements.

Wema said its members complied with the requirements of the gazette notice and the new directive is in contradiction with the exemption.

## Garbage bags

"We are concerned about the Authority and why it wants to fix what is not broken. Nema has not provided clear guidance on the availability, cost and sourcing of certified biodegradable bags, raising concerns about potential monopolies and unfair competition," said Onyancha.

In a legal notice published on April 8, Nema directed that, within 90 days, all organic waste generated by households, private and public sector, religious institutions and from private and public events, be segregated



Commuters walk past a pile of garbage on Pandit Nehru Road in Nakuru town. A notice by Nema banning use of plastic waste bags elapses today. (File Standard)

and placed in biodegradable garbage bags.

"The government, through the Cabinet Secretary for Environment and Natural Resources in 2017, via Gazette Notices no. 2334 and 2356, banned manufacture, importation and use of plastic carrier bags and flat bags used for commercial and household packaging. This included garbage bags and bin liners in its scope," read part of the notice.

The three-month period lapses to-

day with Nema insisting use of conventional plastic bags and bin liners for collection of organic waste will cease forthwith.

In the notice, Nema urged county governments and licensed private service providers to provide their clients with biodegradable garbage bags.

But Wema says the proposed biodegradable bag would take at least six months to decompose, which will lead to landfills.

## KAKAMEGA

# Barasa, Khalwale wash dirty linen in public over airstrip

Kakamega Governor Fernandes Barasa and Senator Boni Khalwale clashed during the burial of the County Director of Agriculture George Mbakaya at his Shimanyiro home in Lurambi Constituency.

Barasa and Khalwale traded barbs in public over the management of county resources and the state of key projects including plans to upgrade the Kakamega airstrip into a fully-fledged airport.

Khalwale was the first to throw salvos when he challenged the county chief to observe equity in the distribution of development projects across all 12 sub-counties.

"My prayer is that we sit with the governor and advise him on the best ideas to develop the county. We want you to do major projects and not just projects for MCAs. We want equal development projects in all sub-counties like roads, and infrastructure among others," he said.

Khalwale urged the governor to ensure employees' remittances to Lapfund and NHIF are released promptly.

The lawmaker claimed that Barasa and Ikolomani MP Bernard Shinali frustrated the airstrip project after writing to President William Ruto to inform him that there was no adequate land for the facility's expansion.

"That is denying development to our people. In the Senate, I have tried to defend devolution and Kakamega is getting Sh18.5 billion compared to last year's Sh17 billion allocation," Khalwale noted.

But Barasa dismissed Khalwale's utterances and told the senator to stop peddling lies and propaganda.

He told Khalwale to focus on his duty of ensuring the timely disbursement of funds by the national government considering he serves as Senate Majority Whip.

Barasa challenged senators and Members of Parliament to support counties by approving more funds for the equitable share to guarantee the smooth implementation of development projects.

Counties will receive a Sh391 billion equitable share of revenue in the financial year 2024/2025.

"Senator Khalwale, you are an embarrassment to Kakamega County, you say you are the senior most politician but you have no respect for leaders. About the airstrip, the land is small and we told the President we want an international airport. As Kakamega, we are thinking big, to be a city and we need an airport that is of international standards," said Barasa.

"The president gave us 300 acres in Shikusa but the senator insists we have the airport at Muranda because he bought land there. Khalwale should know that the work of a senator is to defend and support devolution and not make noise," the governor added.

Barasa also commended the current leadership of the Ikolomani Constituency under Mr Shinali for what he termed as visible development, including rectifying missteps made by past leaders.

"During Senator Khalwale's ten-year tenure as an MP, despite receiving CDF money, Ikolomani ranked last in transformative leadership across Kenya," Barasa said.

The governor declared his support for the 'Gen Z revolution.' [Jackline Inyanji]

## REPUBLIC OF KENYA



### THIRTEENTH PARLIAMENT | THIRD SESSION

### THE SENATE

## INVITATION FOR SUBMISSION OF MEMORANDA

At the sittings of the Senate held on Wednesday, 3<sup>rd</sup> July, 2024 and Thursday, 4<sup>th</sup> July, 2024 the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 116 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and copied to the email address of the respective Committee indicated at the fourth column below to be received on or before **Monday, 22<sup>nd</sup> July, 2024 at 5.00 p.m.**

BILL	Committee Referred To	Email Address
a) The National Disaster Management Bill, 2023 (National Assembly Bills No. 24 of 2023)	Standing Committee on National Security, Defence and Foreign Relations	<a href="mailto:senate.nsdtr@parliament.go.ke">senate.nsdtr@parliament.go.ke</a>
b) The Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)	Standing Committee on Labour and Social Welfare	<a href="mailto:laboursocialwelfarecommittee@parliament.go.ke">laboursocialwelfarecommittee@parliament.go.ke</a>
c) The County Wards (Equitable Development) Bill, 2024 (Senate Bills No. 20 of 2024)	Standing Committee on Devolution and Intergovernmental Relations	<a href="mailto:senate.devolution@parliament.go.ke">senate.devolution@parliament.go.ke</a>
d) The County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate.lahrc@parliament.go.ke">senate.lahrc@parliament.go.ke</a>
e) The Political Parties (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 26 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate.lahrc@parliament.go.ke">senate.lahrc@parliament.go.ke</a>
f) The Election Offences (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 28 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate.lahrc@parliament.go.ke">senate.lahrc@parliament.go.ke</a>
g) The Elections (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 29 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate.lahrc@parliament.go.ke">senate.lahrc@parliament.go.ke</a>

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

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

support from people outside the two generations in major towns across the country

# Sombre mood at inter-faith prayers for protest victims



A section of Mombasa residents view photos of protesters who died during anti-Finance Bill protests displayed at Uhuru Gardens, Mombasa. KEVIN ODIT INATION

## protesters



It is not time to talk much. We need to discern, introspect and ask ourselves how we have brought ourselves to the current situation

ACK A... p Jackson Ole Sapit



city, Kibuye Market was a beehive of activity as hundreds of locals and traders patronised the market.

Meanwhile, the Catholic Church has asked Kenyans and all leaders in the country not to ignore the protests.

In a special message to the youth during the youth mass at the Holy Family Basilica, the church asked for forgiveness from the youth in the country for disappointing them.

Bishop Simon Peter Kamomoe, who is the auxiliary bishop of the archdiocese of Nairobi, noted that God is trying to communicate to the country through the recent crisis.

He said the church is ready to accommodate the youth, and equally asked the youth to mend their ways and learn to listen as well as being patient.

He acknowledged that the anti-Finance Bill demonstrations were a clear indicator that all is not well in the country, and that Kenyans and leaders should not ignore Gen Z's protests.

"We would like to encourage each one of you not to lose hope, to remain patient as we pursue our dreams. We pray that sometimes, let's not expect instant solutions. God's time is the best," he said.

Young Kenyans turned up in huge numbers, dressed up in red and black t-shirts, carrying flowers as a sign of remembrance for their departed colleagues.

Anglican Church of Kenya Archbishop Jackson Ole Sapit however challenged Gen-Zs to take critical roles in the church to realise meaningful changes in their quest to transform the country for the better.

"It is not time to talk much. We need to discern, introspect and ask ourselves how we have brought ourselves to the current situation," he said.

Trans Nzoia County remained peaceful as police officers patrolled Kitale town streets in anticipation of Saba Saba protests.

Traders opened their businesses as usual, as other residents chose to worship in different places.

Kitale OCPD Patrick Gaitirira told *Nation* security apparatus was on high alert to ensure the town remained peaceful.

Report by Victor Raballa, Dominic Ombok, Hillary Kimuyu, Jürgen Nambeka, Evans Jaola and Kevin Cheruiyot

The anti-Finance Bill, 2024 demonstrations left several youth dead and scores injured

BY COLLINS OMOLLO

As the clock ticked past 4pm yesterday, a sombre mood engulfed All Saints' Cathedral Church, Nairobi, as names of the more than 40 fallen victims of anti-government protests were read out.

Each name was a stark reminder of the aftermath of the deadly anti-Finance Bill protests that left several youth, especially the Gen Z, dead and scores injured.

One such name was Carlton Muthoni, a 24-year-old who hailed from Ongata Rongai in Kajijado County, who was a victim of police brutality during the demonstrations. He met his untimely death on June 28 with the cause of death being head injury due to blunt force trauma.

It has been a hard time coming to terms with Carlton's passing on. He was a people's person. I cannot talk much but want to leave all in the hands of God," said William Muthoni, Carlton's brother, as he battled emotions.

The young man was speaking yesterday during an interdenominational prayer and memorial service for the youth killed during the past two weeks of demonstrations against excesses by President William Ruto's administration.

Overcome with emotions, Carlton's foster mother could not muster the strength to talk about a boy she took under her care after the death of his parents.

National Council of Churches of Kenya general-secretary Rev Canon Chris Kinyanjui encapsulated the moment, saying the pain from the family is a reminder of what more than 40 other families, where young and brave sons and daughters have been killed by police bullets, were experiencing.

"These young men who have died are not just a list of names, or statistics. They are real people who have families. We must stand for justice and see that someone will be held responsible for killing them," he said.

Evangelical Alliance of Kenya general-secretary Bishop Nelson Makanda called on the government to consider releasing youth who are still being held in relation to anti-government protests.

"We are sending a request to the Director of Public Prosecutions to withdraw charges against the arrested youth, so that they are free



Worshippers at Holy Family Basilica in Nairobi yesterday during a service dubbed 'Saba Saba Catholic Youth Mass' in honour of 41 people who died in anti-Finance Bill protests. EVANS HABIL INATION

to mourn their loved ones, colleagues and peers who have departed," he said.

All Saints' Provost Evans Omollo said the country has been calling for a government that embraces servant leadership and working for the interests and welfare of its people.

"We must stay on. The agita-

tion will come to a positive end because the wave of rage was driven by a genuine demand for change and accountability," said Mr Omollo.

Christ is the Answer Ministries (Citam) Presiding Bishop Galiso Odede said the blood of the youth who died will not be in vain but will be significant in

bringing positive transformation.

"Let their blood go into feeding seeds of memorable change in the country. The young people must continue rejecting oppression, evils of pride and greed among our leaders," he said.

comollo@ke.nationmedia.com

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sittings of the Senate held on Wednesday, 3<sup>rd</sup> July, 2024 and Thursday, 4<sup>th</sup> July, 2024 the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

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

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and copied to the email address of the respective Committee indicated at the fourth column below, to be received on or before **Monday, 22<sup>nd</sup> July, 2024 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The National Disaster Management Bill, 2023 (National Assembly Bills No. 24 of 2023)	Standing Committee on National Security, Defence and Foreign Relations	<a href="mailto:senate_nsdfr@parliament.go.ke">senate_nsdfr@parliament.go.ke</a>
b) The Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)	Standing Committee on Labour and Social Welfare	<a href="mailto:laboursocialwelfarecommittee.senate@parliament.go.ke">laboursocialwelfarecommittee.senate@parliament.go.ke</a>
c) The County Wards (Equitable Development) Bill, 2024 (Senate Bills No. 20 of 2024)	Standing Committee on Devolution and Intergovernmental Relations	<a href="mailto:senate_devolution@parliament.go.ke">senate_devolution@parliament.go.ke</a>
d) The County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate_slahrc@parliament.go.ke">senate_slahrc@parliament.go.ke</a>
e) The Political Parties (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 26 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate_slahrc@parliament.go.ke">senate_slahrc@parliament.go.ke</a>
f) The Election Offences (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 28 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate_slahrc@parliament.go.ke">senate_slahrc@parliament.go.ke</a>
g) The Elections (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 29 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	<a href="mailto:senate_slahrc@parliament.go.ke">senate_slahrc@parliament.go.ke</a>

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/1ouse-business/bills>.

**J.M. NYEGENYE, CRS,**  
CLERK OF THE SENATE.

# APPENDIX 4



Subject Memorandum on The Provision of Sanitary Towels Bill 2024

From Lilian Gor <gorlilian2017@gmail.com>

To clerk senate <clerk.senate@parliament.go.ke>

Date Monday July 22, 2024 10:29:37 PM

① DSFC  
DAS  
Kindly deal

Ep  
23/07/2024

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This is to sincerely applaud the great efforts made in the right direction. Efforts to not just eradicate the indignity that is associated with period poverty but also increase the number of girls who will stay in school more days in a week!

The following proposals, if granted positive consideration, will enable to bill get a wider reach;

1. The bill targets public institutions and correctional facilities. A clear definition of which public institutions is required. Further to that, Include, "homes" as a third distribution channel. Basic Education laws anticipates that all learners are brought to school. The reality is that learners with mental health and other physical health challenges don't attend schools regularly. Some are not registered at all. While the Education Act allows for Home based learning, distribution of sanitary towels and info on menstrual health can also be availed at home.
2. The inter-ministerial committee at the county level can use its resources ( Community Health Volunteers) to map out, assess and distribute the sanitary towels.
3. To minimize chances of duplicating sanitary towels distribution and budgeting roles, a representative from the office of the woman rep(county MP) and that of the women league in respective county assemblies, should be part of the county inter-ministerial committee.
4. Knowledge on menstrual health hygiene together with availability of water and sanitation services should be frequently availed to the public through local radio stations. Make this an express mandate of the county committee.
5. What happens to the vulnerable women not employed and not in school? Is there provision for their dignity?
6. How is the bill addressing the issue of sustainability? Will the county committee have a department dealing with research and extension which will provide locals with lessons/knowledge to produce sanitary towels for personal use?

With kind regards,  
Hon. Lilian Gor  
Kisii County Assembly  
+254 720421880

② DDSEC (VK)  
Kindly deal  
23/07/2024



Sent from Mail for Windows



③ Ms. Mwanate  
Kindly deal  
Robert  
24/07/2024



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL  
&  
DEPARTMENT OF JUSTICE

Our Ref: AG/LDD/675/1/8

17<sup>th</sup> July, 2024

Mr. J. M. Nyegenye CBS  
The Clerk of the Senate  
Clerk's Chambers  
Parliament Buildings  
**NAIROBI**

**RE: STAKEHOLDER ENGAGEMENT ON THE PROVISION OF THE SANITARY TOWELS BILL, 2024 (SENATE BILL NO. 7 OF 2024)**

This has reference to your letter under ref SEN/DSEC/SCLSW/2024/74 and dated 11<sup>th</sup> July 2024 seeking the views of our office on the Provision of Sanitary Towels Bill, 2024 that has been committed to the Senate Committee on Labour and Social Welfare for consideration.

We have reviewed the legislative proposal and have the following observations—

1. Clause 2 of the Bill defines the word "Secretariat" as the *Secretariat to the Inter-Ministerial Committee on Provision of Sanitary Towels appointed or deployed pursuant to section 12*. However, clause 12 of the Bill does not provide for the manner of appointment or deployment of the secretariat therefore, the definition or the clause should be reviewed to reflect the intended purpose.
2. Clause 3 of the Bill provides that the law shall apply to all public institutions and correctional facilities. In our view, the terms "public institution" and "correctional facility" need to be expressly defined to provide a clearer scope of which institutions the Act is intended to apply to.
3. Clause 4 of the Bill establishes the Inter-Ministerial Committee on Provision of Sanitary Towels as a body corporate. In our view, committees should not be established as body corporate entities and if so established, the law must comply with the provisions of the State Corporations Act and the *Mwongozo* Code of Conduct. In our considered opinion, the nomenclature of the entity administering matters under the Act should be revised in line with the current drafting practise and the applicable laws.
4. Clause 5 of the Bill sets out the composition of the Committee to include fourteen members. The membership of the Committee should be aligned to the

SHERIA HOUSE, HARAMBEE AVENUE

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

E-MAIL: [info.statelawoffice@kenya.go.ke](mailto:info.statelawoffice@kenya.go.ke) WEBSITE: [www.attorney-general.go.ke](http://www.attorney-general.go.ke)

DEPARTMENT OF JUSTICE

CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337

E-MAIL: [legal@justice.go.ke](mailto:legal@justice.go.ke) WEBSITE: [www.justice.go.ke](http://www.justice.go.ke)

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Mwongozo Code of Conduct which restricts the membership of such entities to between seven and nine members.

5. Clause 8 of the Bill assigns the Committee the function of *providing sanitary towels to every woman employed by or studying in a public institution*. However, this appears to exclude other persons such as children or intersex persons who do not fall within the definition of women but may be in need of the sanitary towels. In our view, the provision as drafted defeats the overall objective of the legislative proposal and should therefore be reviewed to give effect to the intended purposes of the Bill.

The Bill further assigns the Committee the function of developing inter-governmental agreements for joint implementation of activities for distribution of sanitary towels. However, intergovernmental arrangements or agreements are within the purview of the Intergovernmental Relations Act, Cap 256F. The provision should be revised to align the Bill to or include reference of the Intergovernmental Relations Act.

6. Clause 12 of the Bill establishes the Secretariat of the Committee comprising of the *Secretary to the Committee and such public officers as the Cabinet Secretary may, in consultation with the Cabinet Secretary responsible for education and with the approval of the Committee, deploy*. However, as specified in the Public Service Commission Act, the Public Service Commission is vested with the power of establishing and abolishing offices in the public service. Section 42 of the Act provides that *the authority to second a public officer shall vest in the Commission and shall be carried out on the request of an authorised officer or a public officer*. In this regard, the provision should be revised to reflect this role played by the Public Service Commission.

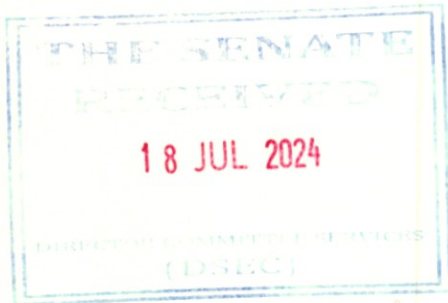
Additionally, clause 12(2) provides that *the Secretary to the Committee shall be competitively recruited and appointed by the Committee on such terms and conditions as the Committee shall, in consultation with the Salaries and Remuneration Commission, determine*. The provision as drafted assigns the Salaries and Remuneration Commission the function of determining the terms and conditions of appointment of the Secretary contrary to Article 230(4)(b) of the Constitution which limits the role of the Salaries and Remuneration Commission to *advising the national and county governments on the remuneration and benefits of all other public officers*. This provision is inconsistent with the Constitution and should therefore be revised accordingly.

7. We note that the financial provisions in the Bill do not include provisions on the funds and how the operational expenses of the county interdepartmental Committees will be met. In our considered opinion, the Bill should include provisions on how the funds and operational provision of these committees shall be met.
8. We further note that the policy informing the implementation of this Bills lies with the Ministry responsible for gender, Ministry responsible for education and the National Treasury. Therefore, there is need for policy guidance and feedback from these Ministries on this legislative proposal.

We have reviewed the legislative proposal and note that it does not raise significant constitutional issues save for the improper assignment of the appointing function to the Salaries and Remuneration Commission. Additionally, the Bill contains legal and drafting issues that need to be addressed. We therefore recommend that the Bill be reviewed to address the above-mentioned matters before final consideration of the Bill.

We trust this is in order.

  
HON. SHADRACK J. MOSE  
SOLICITOR-GENERAL



REPUBLIC OF KENYA

**MINISTRY OF LABOUR AND SOCIAL PROTECTION  
STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZENS AFFAIRS  
OFFICE OF THE PRINCIPAL SECRETARY**

Tel: +254 (0) 2729800/2727980-4  
Fax: +254 (0) 2726222/2734417  
Email: [ps@socialprotection.go.ke](mailto:ps@socialprotection.go.ke)  
When replying, please quote

Social Security House, Bishops Road  
P.O. Box 40326/16936 - 00100  
Nairobi  
KENYA

Ref: ML&SP/SP/37/5

16<sup>th</sup> July, 2024

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

Dear *Clerk,*

**STAKEHOLDER ENGAGEMENT ON THE PROVISION OF SANITARY TOWELS BILL, 2024  
(SENATE BILLS NO. 7 OF 2024)**

Reference is made to your letter Ref: SEN/DSEC/SCLSW/2024/77 dated 11<sup>th</sup> July, 2024 on the above subject matter.

Please find the submissions from the Ministry of Labour and Social Protection for your attention.

Yours *Sincerely*

Joseph M. Motari, MBS  
PRINCIPAL SECRETARY

*Ms. Mwanate  
Kondly deal.  
Kobach  
18/07/2024*

*⑤ D/DSEC (VK)  
Kindly deal  
18/07/2024*

*① DSEC  
DLS  
note and  
deal.  
18/07/2024*



## REPUBLIC OF KENYA

### STAKEHOLDER ENGAGEMENT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILL NO.7 OF 2024)

#### SUBMISSION TO THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE BY THE MINISTRY OF LABOUR AND SOCIAL PROTECTION

1. The Ministry of Labour and Social Protection appreciates the Bill which when enacted will support girls and women in Public Institutions and correctional facilities access free sanitary towels.
2. The Children Act (2022), Cap 141 laws of Kenya, Section 6 (1) stipulates that every child shall have the right to life, survival, well-being, protection and development. Provision of sanitary towels to girls is therefore a basic right of the child.
3. Section 9(1) of the Children Act prohibits discrimination of children on several grounds including status. There is need for the Bill to address how girls not in public institutions and correctional facilities will be provided with sanitary towels as a right for every menstruating girl.
4. **Clause 5(1)** on Composition of Inter-Ministerial Committee on Provision of Sanitary Towels, I recommend the inclusion of the Principal Secretary in charge of Children matters as a member (currently the Principal Secretary, Social Protection and Senior Citizen Affairs). This is because that is the Principal Secretary in charge of the welfare of all children in Kenya. The State Department is also in charge of orphans and vulnerable children who will be mainly the target of this law once passed. Further, The State Department, through the Directorate of Children Services runs thirty (30) Statutory Children Institutions for the care, custody and rehabilitation of children. Some of these facilities can be considered as correctional facilities as they rehabilitate children in conflict with the law. These include fourteen (14) Children Remand Homes housing both girls and boys; two (2) girls only Rehabilitation Schools; two (2) girls Rescue Centres, and two (2) Rescue Centres that admit both girls and boys. These would be some of the main beneficiaries of the Bill hence the relevance of the Principal Secretary in the Committee.
5. **Clause 8** on Functions of the Committee should include awareness creation, education and sensitization on menstrual health and hygiene.

6. **Clause 12** - there is need for clarity on where the Committee's Secretariat will be housed - Ministry responsible for Gender matters or Education?

7. Clause 13 - Children Officer at the county level should be included as a member of the County Inter Departmental Committee. The Officer is responsible for the welfare of all children in county including orphans and vulnerable children and would therefore be able to guide the Committee on their need for sanitary towels and how to access the girls.



22 JUL 2024



RECEIVED  
23 JUL 2024  
DIRECTOR COMMITTEE SERVICES  
(DGAC)



UNIVERSITY OF NAIROBI

AFRICAN WOMEN STUDIES CENTRE  
WOMEN'S ECONOMIC EMPOWERMENT HUB  
P.O Box- 30197-00100 Tel: 0705 541746

Email: [weehub@uonbi.ac.ke](mailto:weehub@uonbi.ac.ke) Web: [weehub.uonbi.ac.ke](http://weehub.uonbi.ac.ke)

To:  
The Clerk of the Senate,  
P.O Box, 41842- 00100  
Nairobi.

Dear Sir/Madam,

Date: 22.07.2024  
THE SENATE RECEIVED  
23 JUL 2024  
DEPUTY CLERK  
THE SENATE RECEIVED  
26 JUL 2024  
DIRECTOR COMMITTEE SERVICES (DSEC)

DGAC  
DSEC ✓  
DAS  
Kindly deal  
EP  
23/07/2024

RE: RECOMMENDATIONS ON THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023; THE PROVISION OF SANITARY TOWELS BILL, 2024; THE COUNTY WARDS BILL, 2024; THE COUNTY GOVERNMENT ELECTION LAWS BILL, 2024; THE POLITICAL PARTIES BILL, 2024; THE ELECTION OFFENCES BILL, 2024 AND THE ELECTION (AMENDMENT) BILL, 2024.

Greetings,

The African Women's Studies & Research Centre (AWSRC) is a multi-disciplinary institution of the University of Nairobi (UoN) that focuses on bringing African women's knowledge on development, and socio-political and socio-economic issues to visibility. This is realized through action-oriented research and academic discourse.

The UoN Women Economic Empowerment (WEE) Hub is a programme of the AWSC. The WEE Hub aims to contribute to evidence-based decision making and implementation of policies and programmes informed by what works for WEE in Kenya. One of the WEE Hub's project is the Networking and Alliance building for Women's Economic Empowerment (NABWEE). NABWEE is a platform of women entrepreneurs, women's organizations, relevant state departments, and women's business leaders working in the WEE sector to support the implementation of policy reforms to improve women's access to economic opportunities across various sectors in Kenya. Thus, through NABWEE, the WEE Hub promotes women's self-advocacy.

NABWEE has worked closely with researchers at the UoN WEE Hub to consolidate the evidence-based research which the Hub has produced over the last two years. This research provides important findings on various aspects of women's economic empowerment, highlighting the areas where progress has been made and the areas which still need to be addressed. Research has shown that women's participation is critical to effectively managing disaster risk reduction policies, plans and programmes. Further, in the landscape of public health, access to essential menstrual hygiene products stands as a pivotal

AEEC-VH  
Manager clou  
26/07/24

Ms Mwanate  
Kindly deal  
Kobach  
26/07/2024

determinant of health equity and social justice. Research also underscores the integration of gender-responsive planning and budgeting principles throughout all stages of the budgetary process, to ensure equitable allocation and utilization of resources to promote gender equality and empower all genders per Article 27 of the Constitution.

In this regard and following the call for participation and submission of memoranda by the Parliamentary Committee, the undersigned members of NABWEE submit these memoranda summarising their considered opinions and our recommendations as women of Kenya.

It is our prayer that the Committee will consider these recommendations.

Yours sincerely,

*MA Kemuma*

Dr. Agnes K. Meroka-Mutua,

Senior Lecturer, Dept. of Private Law, & Assistant Coordinator Policy Advocacy

Women's Economic Empowerment Hub,

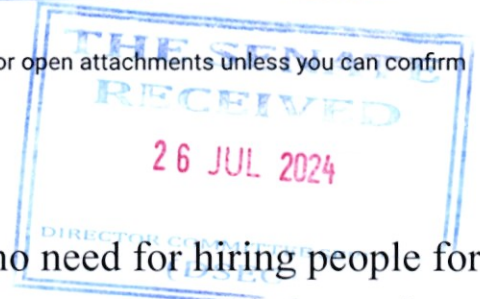
University of Nairobi.

Tel: +254722468073.

Subject RE: sanitary towel bill  
From Ed. G. <ssng36h@gmail.com>  
To clerk senate <clerk.senate@parliament.go.ke>  
Date Monday July 22, 2024 5:13:02 PM



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In the bill the following amendments to consider:-no need for hiring people for a comitee on the matter of sanitary towels that an unecessary added cost. its just having the procurement dept in the government that's ment to hanfle such matters we just need an thorough audit of the distributions and purchases of these towels and small group paid by sitting allowance only that determines analyses information from census on how to equitably distribute the towels across the country. and if there has to be a comitee it should consist of people nominated from...umbrella body public benefit organizations council of county governors and national gender and equality commision representatives

① DGAC  
DKS

kindly deal

③ Ms. Mwanate  
Kindly deal.  
Kobeti  
26/07/2024

② DSEC  
You may deal

23/07/2024

Eg  
23/07/2024



③ DSec - v/k  
Please deal  
26/07/24



Subject Memorandum on the Provision of Sanitary towels bill 2024

From Sharley Imele <sharley.imele@gmail.com>

To clerk senate <clerk.senate@parliament.go.ke>

Cc laboursocialwelfarecomm senate <laboursocialwelfarecomm.senate@parliament.go.ke>

Date Wednesday July 17, 2024 5:12:33 PM

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Clerk,

After carefully reading and understanding this bill, I have noted that it contains more of a structure in forming committees in the county levels and no documentation from whom they will purchase the pads from, pricing and all.

It's my understanding that these committees will seek funding from the National assembly which will further increase the burden on taxpayers.

Even though this is a noble cause, it can be executed without the formation of all these committees.

I propose that The ministry of gender affairs has the capacity to do all these duties stated in this bill in conjunction with the offices of the women reps in every county.

Let us not duplicate roles yet there are already set structures that can implement this.

Therefore, I am pleading with the senate to reject this bill in its entirety

Thank you.

Imele

Citizen.

**MEMORANDUM TO THE SENATE OF KENYA REGARDING THE ISSUES ON THE PROVISION OF**



*(2) DSEC  
Kindly deal  
18/07/2024*



*(1) DSER  
DLS.  
Note and deal.  
18/07/2024  
Ms. Mwanate  
Kindly deal.  
Hobash  
18/07/2024*

MEMORANDUM TO THE SENATE OF KENYA REGARDING THE ISSUES ON THE  
PROVISION OF SANITARY TOWELS BILL, 2024

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17TH JULY,2024

The Clerk of the Senate  
Parliament Buildings  
P.O BOX 41842  
00100 Nairobi

**1. Preamble**

Honourable Chair and Committee members,

I am responding to your invitation sent out by the Clerk of the Senate inviting the input of the public on the Provision of Sanitary Towels Bill, 2024 (Senate bills No. 7 of 2024).

As a Kenyan citizen who advocates for Accountability, good governance, gender equality and a strong democracy, I have considered this bill and hereby submit my considered findings, commentary, and response to the above bill.

**2. CONCERNS AND APPRECIATIONS OF THE PROVISION OF SANITARY TOWELS BILL, 2024**

a) The concern of the Bill creating Interministerial committees and county interdepartmental committees just to advise the government on how to distribute the sanitary towels is wanting. They have already stated that these sanitary towels will be distributed to public institutions and correctional facilities so what will they be advising on?

b) The concern by this Provision of Sanitary towels bill, 2024 to appoint a 13-member interministerial committee, appointed on a 3year contract and a further 9-person committee in each county interdepartmental committee will be a duplication of roles of the ministry of gender affairs and the office of the women representatives on the county level. There is no need for all these persons to advise and distribute the sanitary towels on the ministry and county level.

c) The concern of this bill seeking funding from the National assembly to pay salaries of 436 individuals who have duplicating roles is absurd. At a time where our country is seeking a reduction of burden on the taxpayers' it will be a slap on the face for the citizens of Kenya to add to that burden at this time.

d) We appreciate the idea of the proposer of this bill is to provide free sanitary towels in public institutions and correctional facilities. However, I find this discriminatory. There are a lot of women in this country who cannot afford sanitary towels and they aren't in the public institutions and correction facilities. There needs to be a way to make free pads accessible to every woman in this country.

e) The concern of this bill is that it does not provide which company the sanitary towels will be purchased from and at what price. It is our concern that as we've seen with government institutions, they will purchase low quality products at high prices and that there is already someone in line hence

why this bill is being hurriedly passed through the Senate. We do not accept anything that lacks transparency.

### **3. OUR RECOMMENDATIONS TOWARDS THE PROVISION OF SANITARY TOWELS 2024**

Honourable Senators, after careful consideration, these are my recommendations concerning the Provision of sanitary towels bill 2024.

I. That the Senate entirely withdraws this Bill entirely as proposed by Gloria Orwoba which is under recommendation by the Senate. This is because it lacks transparency and it is discriminative in nature. It only provides for those in public institutions and correctional facilities forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money the it should accommodate all women in the country.

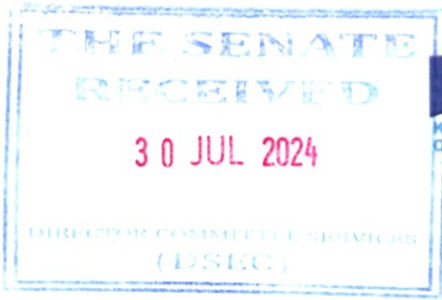
II. That the idea of providing free sanitary towels to women is noble. Instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution. There should be transparency on the tendering of the Sanitary towels purchased and the distribution of the same.

III. We want to reduce the burden on the taxpayers' as much as possible so seeking funding from the National assembly only negates that. We urge the drafters of this bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers.

### **4. CONCLUSION**

Honourable members, I thank you for considering this response and my recommendations. I appreciate the drafter of this bill and we hope that they can go back to the drawing board and use the already existing structures to execute this noble cause.

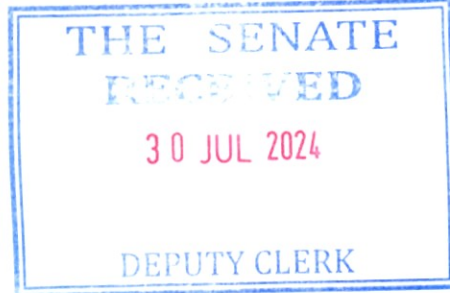
Kind regards,



KAM/I0/I4/r1 /mb/jw/AM/2024

22<sup>nd</sup> July 2024

**Jeremiah M. Nyegenye, CBS**  
The Clerk, Senate  
Parliament Buildings  
P.O Box 41842 - 00100  
NAIROBI



Dear Mr. Nyegenye, CBS,

**RE: SUBMISSION OF KAM MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, 2024**

The Kenya Association of Manufacturers (KAM) presents its compliments and appreciates the continued support.

Following the call for submission of memoranda on the Provision of Sanitary Towels Bill, 2024, we wish to submit our Memorandum.

**The purpose of this letter is to therefore submit the Kenya Association of Manufacturers' Memorandum on the Provision of Sanitary Towels Bill, 2024.**

Feedback may be communicated to us via our physical address and advance feedback email to [ceo@kam.co.ke](mailto:ceo@kam.co.ke) on mobile +254 722 370446.

Your early feedback will be appreciated.

Yours sincerely,

**Anthony Mwangi**  
**CHIEF EXECUTIVE**  
Encl.

3) Ms. Mwanate  
Kindly deal  
Hobani  
31/07/2024

1) DSEC  
DLS

Kindly deal.

2) DSEC (VK)

Kindly deal

30/7/2024

Ep  
30/07/2024



**MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, 2024**

Submitted to

**THE CLERK,  
SENATE  
PARLIAMENT BUILDINGS,**

Presented By

**ANTHONY MWANGI, CHIEF EXECUTIVE,  
KENYA ASSOCIATION OF MANUFACTURERS**

**JULY 2024 – NAIROBI, KENYA**

## 1.0 INTRODUCTION

Kenya Association of Manufacturers (KAM) is the leading business membership organization in East Africa that plays a key advocacy role on behalf of manufacturers in Kenya and in the region through her strong linkages with all sectors of the economy. KAM has over 950 members and represents over 40% of Kenya's manufacturing value add industries.

KAM represented Kenya's manufacturing sector interests in the East Africa Trade integration process through the design, ratification and implementation of the Customs Union, and the Common Market Protocol. The integration process in East Africa has been successful with Kenya Playing a critical role. The EAC region integration is expected to spur the manufacturing sector enhancing intra-EAC trade in value added products and thus grow the economies of the region.

KAM has a membership of manufacturers across thirteen manufacturing sectors and Service ranging from **Food and Beverage, Pharmaceutical; Automotive; Chemical and Allied; Metal and Allied; Paper and Paperboard; Leather and Apparel; Textile and Apparel; Plastics and Rubber; Timber, Wood and Furniture; Electric and Electronic; Building, Mining and Construction; Agro-Processing.**

## 2.0 PROPOSED PROVISION OF SANITARY TOWELS BILL, 2024

In response to the call for public participation on the afore-referenced Bill, we propose the following amendments to be considered before the draft Bill is enacted:

### 2.1 General proposals

#### a) Centralised National Procurement

We propose for the Bill to provide a centralized national procurement system. This system would cater for the procurement of sanitary towels at all levels, both at the national and county level. This will also minimize waste and streamline the procurement process.

#### b) Prequalification of Manufacturers

We propose for local manufacturers eligible and capable of manufacturing the sanitary towels to be pre-qualified by the Committee in consultation with the Ministry of Investments, Trade and Industry. This will ensure that only capable manufacturers are allowed to produce the products and also reduce waste.



	CLAUSE	PROPOSAL	JUSTIFICATION
1.	<p><b>Clause 2 Interpretation</b></p> <p>“sanitary towel” includes tampons and menstrual cups;</p>	<p>We propose to amend this clause to read as follows:</p> <p><b>“period products” means locally manufactured articles the purpose of which is to absorb or collect menstrual flow, and include tampons, sanitary towels, period underwear, and menstrual cups.</b></p> <p><i>In the alternative,</i></p> <p><b>Define each term separately as follows:</b></p> <p><b>I. Sanitary Towels (Pads): Absorbent pads worn in the underwear to absorb menstrual flow.</b></p> <p><b>II. Tampons: Cylindrical absorbent material inserted into the vagina to absorb menstrual blood.</b></p> <p><b>III. Menstrual Cups: Reusable bell-shaped cups inserted into the vagina to collect menstrual blood.</b></p>	<p>This proposal is based on the following justifications:</p> <ul style="list-style-type: none"> <li>• The term ‘period products’ is more inclusive and broader. This allows for a wider range of products which can be readily available.</li> <li>• The inclusion of locally manufactured items will also spur the creation of jobs, and the growth of the local industry.</li> <li>• This inclusive definition ensures that all types of menstrual hygiene products are covered, promoting a comprehensive approach to menstrual health and hygiene management.</li> </ul>
2.	<p><b>Part II - Administration and Provision of Sanitary Towels</b></p>	<p>We propose to Rename to "Inter-Ministerial Committee on Provision of Menstrual Products."</p>	<p>This proposal is based on the following:</p> <ul style="list-style-type: none"> <li>• The term "menstrual products" is more</li> </ul>

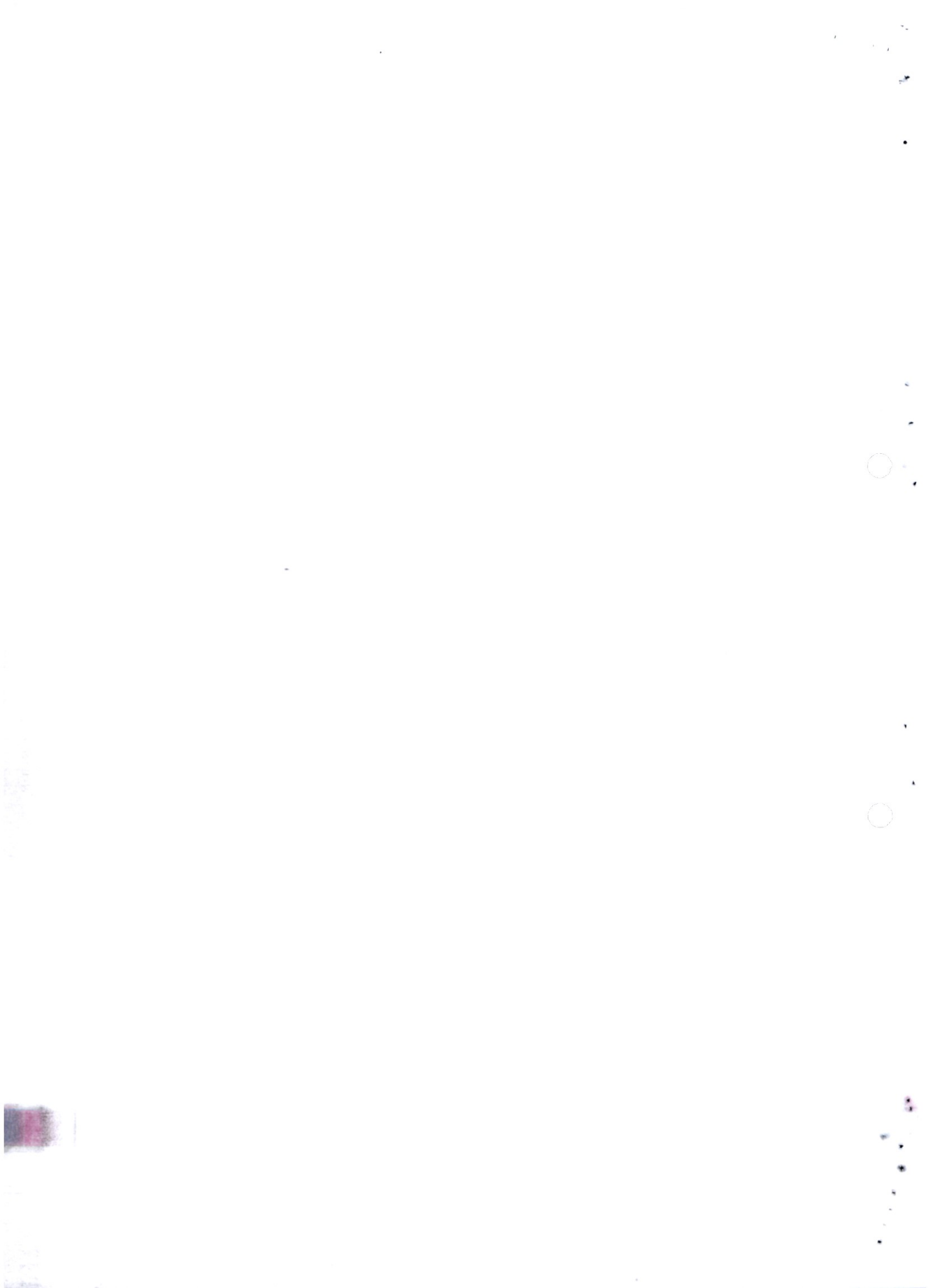
	<p><b>Clause 4: Inter-Ministerial Committee on Provision of Sanitary Towels</b></p>	<p>Suggested Wording:  <b><i>The Inter-Ministerial Committee on Provision of Menstrual Products is established as a body corporate</i></b></p>	<p>inclusive and comprehensive than "sanitary towels." Menstrual products encompass a wider range of items, including sanitary towels, tampons, menstrual cups, and other alternatives that individuals may use based on their personal preferences, needs, and cultural practices. This inclusivity ensures that the committee addresses the diverse requirements of all individuals concerned.</p> <ul style="list-style-type: none"> <li>• This modern terminology reflects an understanding and recognition of the variety of products available and helps in de-stigmatizing menstruation by normalizing the conversation around it.</li> <li>• By renaming the committee and updating its terminology, the proposed change supports a more inclusive, modern, and health-focused approach to menstrual product provision, aligning with international best practices and promoting the well-being of all individuals who menstruate.</li> </ul>
3.	<p><b>Clause 5 (1) Composition of the Inter-Ministerial Committee on Provision of Sanitary Towels.</b></p>	<p>We propose to reserve <b>one slot for local manufacturers</b> of period products.  To read as follows:</p> <p><i>(l) four persons, not being public officers, of whom—</i></p> <ul style="list-style-type: none"> <li><i>(i) one shall be nominated by the Council of County Governors;</i></li> <li><i>(ii) one shall be nominated by a public benefit</i></li> </ul>	<p>This proposal is based on the following justifications:</p> <ul style="list-style-type: none"> <li>• Manufacturers are an integral player in the provision of quality sanitary wear.</li> <li>• They therefore need to be included in the Committee for their input to be clearly captured.</li> </ul>

		<p>organization concerned with matters related to gender;</p> <p>(iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector; and</p> <p>(iv) one shall be nominated by the umbrella body representing the largest <b>number of manufacturers in the country.</b></p>	
4.	<p><b>Clause 8</b></p> <p><b>Functions of the Committee.</b></p> <p>(d) in consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;</p>	<p>We propose to amend this clause to recognise the role played by <b>Producer Responsibility Organisations</b> established under the Sustainable Waste Management Act, 2023.</p> <p>To read as follows:</p> <p><b>(d) in consultation with the registered Producer Responsibility Organisation for sanitary towels under the Sustainable Waste Management Act, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;</b></p>	<p>This proposal is based on the following justifications:</p> <ul style="list-style-type: none"> <li>• The Sustainable Waste Management Act, 2023 provides for extended producer responsibility.</li> <li>• Section 13 of the Act provides that: “Every producer shall bear extended producer responsibility obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arising therefrom.” It goes on further to state that “Every producer shall fulfill their extended producer responsibility obligations individually or collectively in a compliance scheme.”</li> <li>• Guided by the above provisions, manufacturers and other producers have already organized themselves into various Producer Responsibility Schemes (PROs), to which they pay annual fees.</li> <li>• The Committee should therefore be</li> </ul>

			<p>directed to work with the registered PRO responsible for sanitary wear waste stream.</p> <ul style="list-style-type: none"> <li>• This will reduce bureaucracy, avoid duplication of roles, and ensure the safe disposal of sanitary wear.</li> </ul>
5.	<p><b>Functions of county interdepartmental committees.</b></p> <p><b>14.A county interdepartmental committee shall—</b></p>	<p>We propose to amend this clause by emphasizing support for local manufacturers and innovation.</p> <p>The clause to read as follows:</p> <p>(i) <b>The County Interdepartmental Committees will foster the growth of local menstrual product manufacturing and distribution through innovation and support.</b></p>	<p>This proposal is based on the follows:</p> <ul style="list-style-type: none"> <li>• Incorporating this emphasis into the committee's mandate promotes economic growth, sustainability, accessibility, innovation, empowerment, resilience, and cultural relevance. These benefits collectively enhance the overall well-being of the community and ensure the provision of high-quality, affordable menstrual products.</li> </ul>
6.	<p><b>New clause</b></p> <p><b>Prompt payment of suppliers</b></p>	<p>We propose to include a clause on the <b>prompt payment of suppliers</b> as follows:</p> <p><i>1) The Committee shall remit payment to a supplier of sanitary towels on or before the payment date specified in the written contract governing the supply of said sanitary towels.</i></p> <p><i>2) In the event that the Committee fails to remit payment to a supplier of sanitary towels on or before the payment date specified in subsection (1), the Committee shall, unless otherwise agreed in writing, be obligated to pay interest to</i></p>	<p>This proposal is based on the following justifications:</p> <ul style="list-style-type: none"> <li>• The national and county governments owe billions of shillings in pending payments to suppliers.</li> <li>• These substantial amounts continue to accumulate, with no concrete indication that the government intends to settle them soon.</li> <li>• We therefore propose for the inclusion of a prompt payment clause to ensure that the manufacturers and suppliers of sanitary towels are paid on time.</li> <li>• This will ensure the continuous supply of quality sanitary towels, which are vital for</li> </ul>

		<p><i>the supplier on the outstanding amount due under the contract for the supply of sanitary towels. The interest shall be calculated in accordance with the provisions set forth in this section.</i></p> <p><i>3) The Committee shall pay interest under this Act for the period beginning on the day after the payment date and ending on the date on which the payment of the amount due is made.</i></p> <p><i>4) The interest payable under this section shall be at the prevailing rate as set by the Central Bank of Kenya.</i></p>	<p>girls and women all across the country who may not have access to them.</p> <ul style="list-style-type: none"> <li>• It will also grow the local manufacturing sector, which will lead them to begin exports to the neighbouring markets.</li> </ul>
7.	<p><b>New clause</b> <b>Buy Kenya Build Kenya</b></p>	<p>We propose the inclusion of a clause championing the <b>local manufacturing of the sanitary towels</b> as opposed to finished imports.</p> <p>To read as follows:</p> <ol style="list-style-type: none"> <li><i>1) When procuring sanitary towels, the Committee shall give priority to locally manufactured sanitary towels.</i></li> <li><i>2) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for National Treasury, provide incentives for the local production of sanitary towels.</i></li> </ol>	<p>This proposal is based on the following justifications:</p> <ul style="list-style-type: none"> <li>• Manufacturing is the second largest employer in Kenya, employing 352,000 directly in 2022 (KNBS Data). Manufacturers also contribute significantly to tax revenue, totaling 18% of total tax collected.</li> <li>• The impact of manufacturing on the economy is therefore monumental.</li> <li>• The local procurement of the sanitary towels and the provision of incentives to support their local production will lead to the creation of thousands of jobs in the</li> </ul>

			<p>subsector as well as more tax revenue contribution.</p> <ul style="list-style-type: none"> <li>• Kenya will also become an exporter of sanitary towels to other countries in the region.</li> </ul>
8.	<b>New Clause</b>	<p><b>New Clause: Educational Campaigns</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed Clause:</b></li> </ul> <p>The Committee shall partner with businesses and NGOs to conduct educational campaigns on menstrual health and hygiene, aiming to reduce stigma and increase awareness.</p> <p>To read as follows:</p> <p><b><i>The Committee shall collaborate with businesses and non-governmental organizations to implement educational programs aimed at reducing stigma and increasing awareness of menstrual health and hygiene.</i></b></p>	<p>This is based on the following:</p> <ul style="list-style-type: none"> <li>• Many individuals lack accurate information about menstrual health and hygiene. Educational campaigns can provide essential knowledge about menstrual cycles, product usage, hygiene practices, and health management, empowering individuals to make informed decisions about their menstrual health.</li> <li>• Partnering with businesses and NGOs leverages the strengths and resources of different sectors. Businesses can provide funding, marketing expertise, and logistical support, while NGOs often have experience in community outreach and education. This collaboration maximizes the reach and impact of educational campaigns.</li> </ul>





REF: KAM/ HAPROK/10/10/si/jw/mb/jw/AM/2024

29th July 2024

**Dr. Fred Siyoi**  
Chief Executive Officer  
Pharmacy & Poisons Board  
Lenana Road Opp. DOD  
P.O. Box 27663-00506  
Nairobi

Dear Dr., Siyoi,

**RE: REQUEST TO SHARE LIST OF HPT IMPORTERS AND MANUFACTURERS**

Sustainable Waste Management Act 2022 was signed into law on 6<sup>th</sup> July 2022. The overall objective of the Act is to promote sustainable waste management solutions through, "the polluter pays principle". Section 13 of the Act provides mandatory Extended Producer Responsibility (EPR) compliance for all entities introducing products into the Kenyan market and waste arising from them. The Act defines a producer as an entity that introduces goods, products, and packaging into the country using authorized means by manufacturing, importing, converting, filling, refilling, repackaging, or rebranding. The National Environmental Management Authority (NEMA) provided overall oversight role to ensure all entities are compliant with this Act.

To this end, the Kenya Association of Manufacturers in partnership with AAK-Grow/CropLife Kenya has established the Hazardous Waste Producer Responsibility Organization of Kenya (HAPROK), with a secretariat hosted at the KAM building in Westlands. HAPROK is fully operational and seeks to cover players in the categories of hazardous product packaging; pharmaceuticals, agrochemicals, industrial chemicals, veterinary, oils & lubricants, treated seeds, paints, solvents, agricultural films, and cosmetics sectors. HAPROK which is still in the infancy stage will execute the producers' mandate on behalf of its members to ensure compliance with the Act.

**The purpose of this letter is to therefore request you to share with us a list of all registered HPT importers and manufacturers, to enable the secretariat to reach out to them for awareness creation. This will ensure compliance with section 13 of the Sustainable Waste Management Act 2022 and for the greater course in environmental protection against hazardous waste and sustainability.**

Any feedback may be communicated to us via email at [kehapro@kam.co.ke](mailto:kehapro@kam.co.ke). We look forward to your positive feedback

Yours sincerely,

  
Anthony Nwangi  
CHIEF EXECUTIVE



REF: KAM/ HAPROK/10/10/si/jw/mb/jw/AM/2024

29th July 2024

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Chief Executive Officer  
Pharmacy & Poisons Board  
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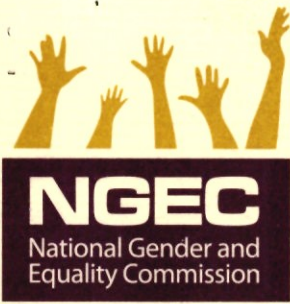
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Any feedback may be communicated to us via email at [kehapro@kam.co.ke](mailto:kehapro@kam.co.ke). We look forward to your positive feedback

Yours sincerely,

**Anthony Nwangi**  
CHIEF EXECUTIVE



**National Gender and Equality Commission**

1st Floor, Solution Tech Place, 5 Longonot Road, Upper Hill, Nairobi  
P.O. Box 27512-00506 Nairobi, Kenya.

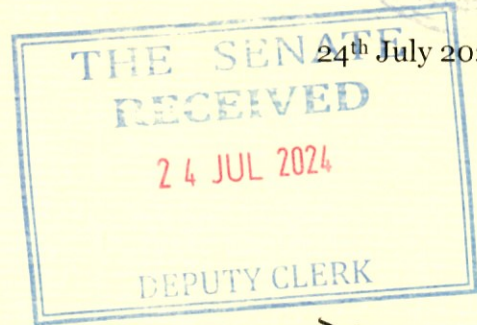
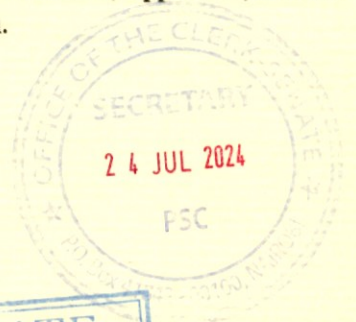
Landline: +254 (020)3213100

Mobile: +254(020)375100

Toll Free: 0800720187

Email: info@ngeckenyana.org

www.ngeckenyana.org



24<sup>th</sup> July 2024

**NATIONAL GENDER AND EQUALITY COMMISSION**

NGEC/CS/SEN/VOL.I(19)

**J.M.Nyegenye, CBS**

The Clerk of the Senate

Clerk's Chambers

Parliament Building

P.O. Box 41842-00100

NAIROBI

Csenate@parliament.go.ke

CC. laboursocialwelfarecomm.senate@parliament.go.ke

① DSFC  
DLG

Kindly deal

24/07/2024

Dear **Mr. Nyegenye, CBS**

**SUBMISSION OF COMMENTS ON THE PROVISION OF SANITARY TOWELS BILL 2024**

Reference is made to your call for the submission of memoranda on The Provision of Sanitary Towels Bill 2024

Section 8 (b) of the National Gender and Equality Commission Act, No. 15 of 2011 mandates the Commission to, 'monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions';

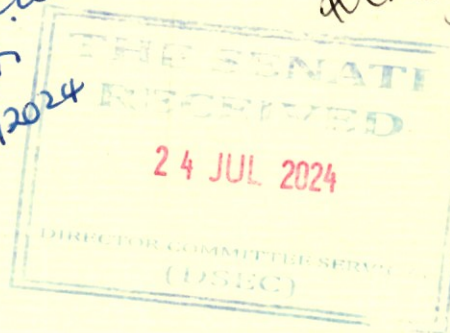
In line with its mandate, the Commission presents to you a memoranda analyzing the proposed Bill and making proposals where necessary.

Yours Sincerely,

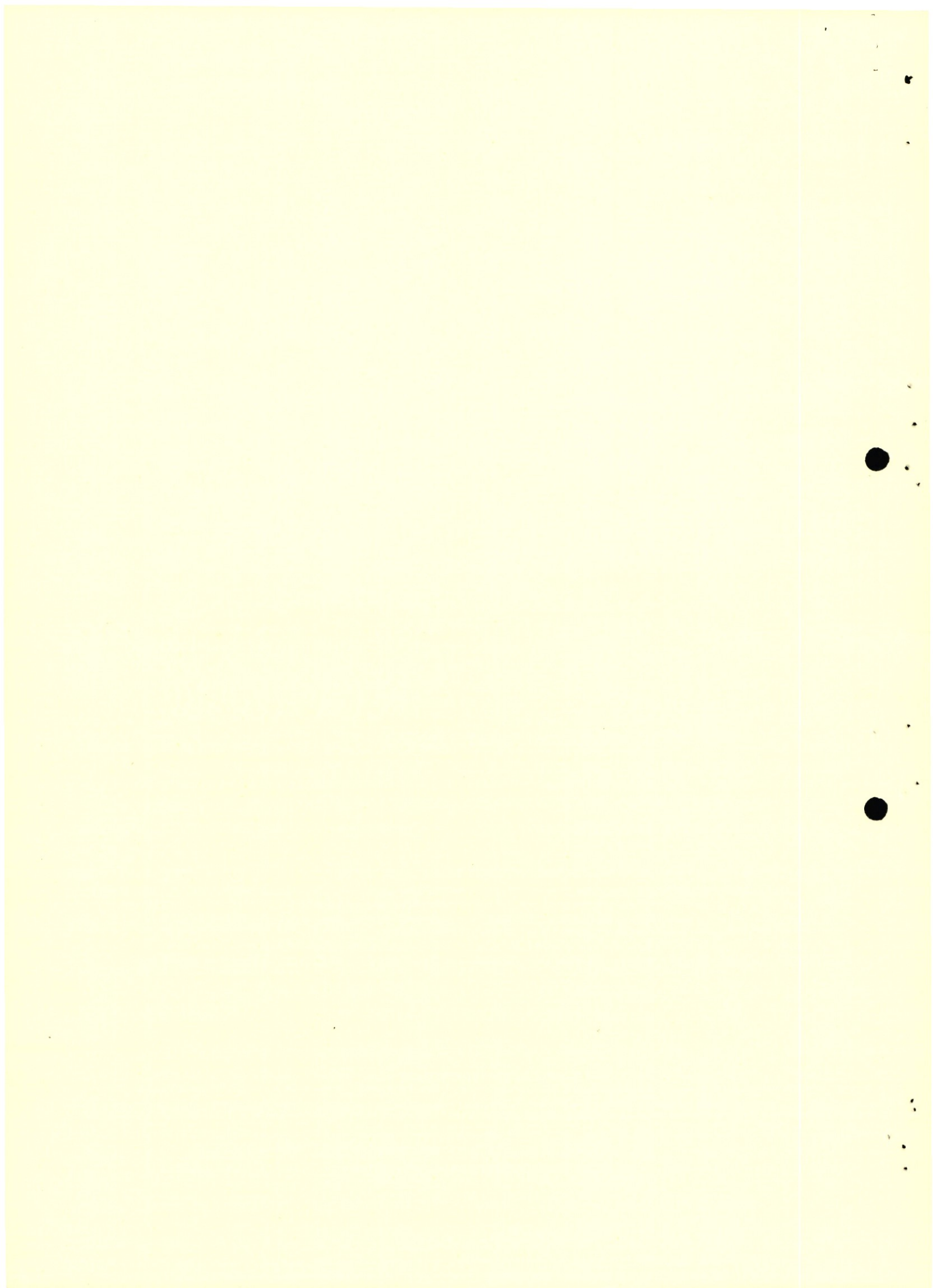
Purity Ngina, PhD  
**COMMISSION SECRETARY/ CEO**

③ Ms. Mwanate  
Kindly deal  
Hobab  
25/07/2024

② ODSEC (VK)  
Kindly deal



24/07/2024





**MEMORANDA: THE PROVISION OF SANITARY TOWELS BILL 2024**

S/NO	CLAUSE	PROPOSAL	JUSTIFICATION
1.	<p><b>Short Title</b> This Act may be cited as the Provision of Sanitary Towels Act, 2024.</p>	<p>Rename the Bill To consider amending/substituting the short title with “Menstrual Hygiene Management” and renaming it as follows</p> <p><b>Menstrual Hygiene Management Bill</b> AN ACT of Parliament to ensure the management of menstruation hygienically; to ensure the right information on menstrual Health; to facilitate access to appropriate Menstrual management products, services, and facilities; to ensure safe disposal of menstrual waste.; to establish an inter-ministerial committee for the coordination and management of menstrual Hygiene; and for connected purposes</p>	<p>The proposal for the amendment/ substitution is for purposes of aligning the legislative framework with the Menstrual Hygiene Management policy (MHM) 2019- 2030 whose objectives are to ensure that all women and girls in Kenya can manage menstruation hygienically, freely, with dignity without stigma or taboos, and with access to: the right information on MHM; menstrual products, services and facilities; and to safely dispose of menstrual waste.</p> <p>The policy on MHM goes beyond the provision of Sanitary towels by addressing the principal subject which is “menstrual management” Some of the more vulnerable may need more than sanitary towels e.g. undergarments for correctional facilities.</p> <p><u><a href="#">Menstrual Hygiene Management Policy 2019-2030- May2020.pdf (health.go.ke)</a></u></p>
2.	<p><b>Clause 2 Interpretation</b></p>		

	<p><b>“Cabinet Secretary”</b> means the Cabinet Secretary responsible for Gender Affairs;</p>	<p>Having proposed to amend and rename the short title and the objectives we propose to substitute “Gender Affairs” with “Health”</p>	<p>The objectives in the Commission’s proposals are squarely in the ambit of the Ministry of Health.</p> <p>The Policy states that the Ministry of Health will chair the task force to implement the policy while State Department of Gender will Co-Chair.</p> <p>On financing the implementation, the policy states that the National and County implementation and investment plans shall be executed through annual WASH/MHM work plans and budgets developed within the national and county budget framework.</p>
3.	<p><b>New proposed Interpretation</b></p> <p><b>Menstrual Health</b></p>	<p>Propose to amend by introducing a new term as follows-;  <b>“Menstrual Health”</b> is a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the menstrual process</p>	<p>The Commission has proposed the term in the proposed amended short title in serial No 1 above</p>
4.	<p><b>Proposal by the commission</b></p> <p><b>New clause on Objectives of the Bill</b></p>	<p><b>The commission proposes the introduction of a new clause-; Objectives of the Bill</b></p> <ol style="list-style-type: none"> <li>1) To provide for a legislative framework to manage menstrual hygiene</li> <li>2) To ensure that myths, taboos and stigma around menstruation are addressed by providing access to information on menstruation.</li> </ol>	<p>The draft Objectives have been derived from the MHM Policy referred to in serial No1 above and need a re-casting.</p>

		<ol style="list-style-type: none"> <li>3) To ensure women and girls have access to safe and hygienic menstrual products, services and facilities.</li> <li>4) To ensure a clean and healthy environment through appropriate technology choices for menstrual waste management and pollution control.</li> <li>5) To establish a functionally effective monitoring and evaluation framework to ensure accountability in policy implementation at all levels</li> </ol>	
5.	<p><b>Proposal by the commission</b></p> <p><b>New clause on Guiding Principles of the Bill</b></p>	<p><b>The Commission proposes the introduction of a new clause on-;</b></p> <p><b>Guiding Principles</b></p> <p>The guiding principles to the management of menstrual Hygiene</p> <ol style="list-style-type: none"> <li>1) Recognition that Menstruation is a human right and therefore the responsibility of the state to employ the best and equitable measures to enable the enjoyment of these rights.</li> <li>2) Integrated approach to the successful promotion and implementation of Menstrual Hygiene Management by all stakeholders.</li> <li>3) Access to safe, hygienic, and dignified products and services for the vulnerable persons in the community.</li> </ol>	<p>The draft Principles which need re-Casting have also been derived from the Policy</p>

		<p>4) Menstrual hygiene information shall be made available in learning institutions, workplaces, public places and at the household level.</p> <p>5) Promotion of sustainable, appropriate, and affordable menstrual products and facilities</p> <p>6) Safe disposal and management of menstrual waste in learning institutions, workplaces, public places and at the household level is properly</p>	
<b>6.</b>	<p><b>Clause 5</b> <b>Composition of the Committee</b></p> <p>(l)three persons, not being public officers, of whom—</p> <p>(i) one shall be nominated by the Council of County Governors</p>	<p>A nominee of the Council Governors will be a public officer.</p> <p>Amend by renumbering (l)(i) as L and continue re-numbering as (M) the other non-state members</p>	
	<p>l) three persons, not being public officers, of whom—</p> <p>(i) one shall be nominated by the Council of County Governors;</p> <p>(ii) one shall be nominated by a public organization concerned with matters related to gender; and</p> <p>(iii) one shall be nominated by the umbrella body representing the</p>	<p>A nominee of the Council of Governors will be a public officer</p> <p>The Commission proposes the expansion of the committee to include other crucial stakeholders e.g-;</p> <p>1. Manufacturers of products and service providers of menstrual hygiene management</p>	<p>The objectives proposed are for the overall management of Menstrual Hygiene so there is a need for representation from manufacturers and providers and any other relevant stakeholders</p> <p>Women with some categories of disabilities have challenges with many of</p>

	largest number of organizations in the private sector	2. Representative of persons with disabilities	the conventional and common products that have not been modified for use by such persons.  The commission proposes the membership expansion justified on the basis that the proposed governance framework is not subject to the principles in the Mwongozo code on Governance
		The Composition of non-state actors in the proposed subclause (l)to be balanced in terms of gender, representation of disability and regions	To comply with Article 10 of the Constitution on inclusion.
	(2) The chairperson or member of the Committee appointed under section 5(1)(l) may be removed from office by the Cabinet Secretary for— (a)violation of the Constitution or any other written law; (b)gross misconduct, whether in the performance of the functions of the office or otherwise; (c)failing to declare their interest in any matter being considered by the Committee; (d)physical or mental incapacity to perform the functions of the office;	The Commission also proposes to amend clause 9(2) by deleting (d )which proposes physical and mental infirmity as a ground for vacation of office	The proposal is premised on the fact that the same is discriminatory and prejudicial to persons with physical and mental disabilities. Reasonable accommodation will enable such a person to continue performing competitively with others.
7)	<b>Functions of the Committee</b>	The Commission proposes an amendment by substituting the phrase “Sanitary towels “ wherever it appears with “Menstrual Hygiene products and services” and rephrasing the functions where necessary.	The Commission has proposed an expansion of the functions

## **General Comments/observations**

The Commission lauds the House for proposing a legislative framework on the management of menstrual hygiene which includes the Provision of sanitary towels. We also note that the Commission has been proposed as part of the governance framework.

Kindly consider this write up on period poverty. The Commission's proposals on the Bill are guided by the Policy on Menstrual Hygiene Management (extensively referred to) and the sentiments in the write-up

*“On any given day there are any number of worries that may cross a female’s mind ... but should one of those worries be about having access to affordable and sanitary feminine hygiene products? In 2022, likely not; yet, this is the case in some parts of our world.*

*Period poverty occurs when females do not have access to adequate supplies of feminine hygiene products for their monthly menstruation needs. Menstruation may not be a topic many people want to discuss; however, it is a natural biological human process girls and women experience and recurs monthly regardless of conversational discomfort.*

*Period poverty affects more than just a lack of access to sanitary, disposable or reusable female health products. Period poverty indicates when a female does not have access to education, products or equality due to menstruation. There’s more to the story as well, such as overcoming cultural stigmas and general female inequality in countries that further impact a female’s ability to rise above poverty.*

## **Why is period poverty an issue?**

*Females in certain countries do not have access to basic feminine hygiene products, like pads and period underwear. This may be due to a lack of income, gender inequality in a household or community, or lack of understanding about menstruation.*

*Additionally, some females may not have in-home plumbing and must use outdoor facilities. This creates another issue of access to clean water, sanitation systems and an increased chance of physical assault when using outdoor facilities.*

*Some women may not give their time of the month a passing thought as far as products, having modern plumbing systems or changing a pad in private. But this is not the case in other countries outside the United States. Feminine hygiene products cost more in places like Kenya and Latin American countries, and when females are already*

*struggling to earn a living wage to help support their families, there may not be leftover money to buy basic supplies like pads or underwear*



# COUNCIL OF GOVERNORS

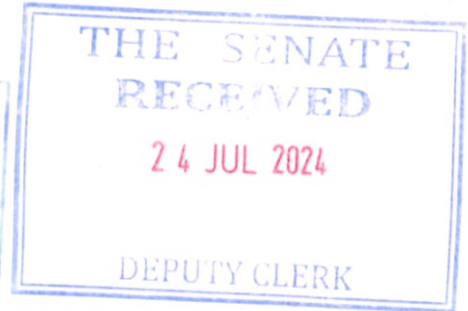
Westlands Delta House 2<sup>nd</sup> Floor, Waiyaki Way.  
P.O. BOX 40401-00100,  
Nairobi.

Tel: (020) 2403314, 2403313  
E-mail: [info@cog.go.ke](mailto:info@cog.go.ke)

**Our Ref: COG/2/10 Vol.22 (113)**

19<sup>th</sup> July 2024

**J.M. Nyegenye, CBS**  
The Clerk of the Senate  
Parliament Buildings  
**Nairobi**



Dear Mr. Nyegenye,

## **SUBMISSION OF LEGISLATIVE MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)**

Reference is made to the above matter and your invitation for comments on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)

The Council of Governors has reviewed the aforementioned Bill and hereby forwards the legislative memorandum attached herewith for your consideration. This is pursuant to Article 10 of the constitution which provides for public participation as one of the national values and principles of governance.

Please accept our highest esteem and regards.

Yours sincerely,

**Mary Mwit**  
**Chief Executive Officer**

① DSFC  
DHG

Kindly deal.

② DDSEC (VK)  
Kindly deal

24/07/2024

EP  
24/07/2024

③ Ms. Mwanate  
Kindly deal.  
Wobah  
25/07/2024



## **LEGISLATIVE MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, 2024**

The Council of Governors has perused the Provision of Sanitary Towels Bill, 2024 and notes that its object is provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on provision of sanitary towels and establish 47 County Inter-departmental committees.

The Council **REJECTS** and **OPPOSES** the Bill in its entirety on grounds that it seeks to establish unnecessary structures and bureaucracies which will result in unnecessary financial burden on taxpayers. Further, there exists institutions capable of managing the distribution of sanitary towels in the country.

### **1. Unnecessary Structures established in the Bill**

**Clause 4** of the Bill Establishes a National Inter-Ministerial Committee to oversee administration and distribution of sanitary towels. The mandates envisioned for this committee can be effectively managed by existing government ministries and departments which already have the necessary infrastructure and policies to alleviate period poverty among girls and women. The creation of this committee will create unnecessary overlap in roles and bureaucracy, burden the tax payers and delay the implementation of sanitary towel distribution programs.

Moreso, **clause 12** establishes a secretariat the Committee which shall comprise of the Secretary to the Committee and other public officers to be employed. The creation of a secretariat with salaried public officers adds an unnecessary financial burden on the already constrained national budget. Employing additional staff incurs significant costs in terms of salaries, benefits, and administrative expenses, which could be better utilized in direct service provision.

**Clause 13** of the Bill further establishes forty-seven (47) County Inter-departmental committees for each of the 47 Counties, which is both impractical and financially untenable. Counties currently struggle with limited resources and budget constraints, and the addition of these committees would exacerbate these challenges. Effective resource allocation requires that existing structures be utilized to their fullest potential, rather than creating new entities that demand further financial support. The principle that resources must follow functions is critical, and the current county frameworks should be leveraged without additional structures.

**2. Burden on tax payers' money**

**a. Allowances and Salaries**

The proposed Bill includes provisions for allowances for committee members and salaries for the secretariat, which represents a significant and unnecessary financial burden. **Clause 11** provides that members of the Committee shall be paid such allowances and expenses as may be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

The costs associated with these allowances and salaries could be redirected towards direct service delivery, such as purchasing and distributing sanitary towels. By reducing administrative overhead, more funds can be allocated to the primary goal of the Bill which ensuring that girls have access to sanitary towels.

**b. Funding of established structures**

All new structures proposed under the Bill would require significant funding sourced from taxpayers. In the current economic climate, where budgets are tight and resources are limited, allocating additional funds to these structures is neither feasible nor justifiable. The government must prioritize essential services and ensure that every shilling spent delivers maximum value. Taxpayer money should be used efficiently and transparently, and adding new layers of structures does not align with these principles.

### **3. Budgetary constraints and Parliamentary Appropriation of funds**

The Bill's expectation under **clause 16** that funds for the commission be appropriated by Parliament is unrealistic given the existing budgetary constraints. The national budget is already stretched thin, with numerous competing priorities. The country is currently facing severe financial constraints with significant budget deficits and a heavy debt burden. Diverting funds to support the proposed structures would mean sacrificing other critical services and programs. The additional financial commitments required by the proposed Bill are not sustainable and would further strain the country's fragile financial situation. It is crucial to focus on policies and programs that deliver maximum impact with minimal cost, ensuring that taxpayer money is used wisely and effectively.

### **4. Already Existing Institutions for welfare of girls and women**

There are already several established institutions and organizations; both government and non-government, dedicated to the welfare of the girl child including the provision of sanitary towels. These entities have the experience, infrastructure, and outreach necessary to effectively manage the distribution process. Instead of creating new bodies, focus should be placed on strengthening and supporting these existing institutions, thereby avoiding duplication of efforts and wastage of resources. Collaboration with non-governmental organizations and community-based groups could enhance the reach and impact of sanitary towel distribution programs.

### **5. Sanitary Towels as a basic necessity for girls and women**

Sanitary towels are a basic necessity for girls, and their distribution should be managed in a manner that does not impose additional financial burdens on taxpayers. The government ought to explore cost-effective and sustainable methods for ensuring that all girls have access to sanitary towels. The goal should be to provide sanitary towels free of charge and free of bureaucratic complications, ensuring that the girls' needs are met efficiently and effectively. The instant Bill goes contrary to this goal by making it complicated, and costly through the establishment of unnecessary structures, excessive administrative layers, and additional financial obligations.

The Bill not only strains the already limited resources but also hinder the timely and effective distribution of sanitary towels to those in need. Instead of simplifying and streamlining the process, the Bill introduces bureaucratic hurdles that could delay the delivery of essential services and impose unwarranted fiscal burdens on taxpayers.

In conclusion and from the foregoing submissions, we urge the Senate to withdraw the Sanitary Towels Bill, 2024 in its entirety. Please accept the assurance of our highest esteem and consideration.



KCO/WASH/2024/Sanitary Bill/025



24 July 2024

Mr. Jeremiah M. Nyengenyne, CBS  
The Clerk, Senate

Dear Mr. Nyengenyne,

**RE: COMMENTS AND RECOMMENDATIONS ON THE PROVISION OF SANITARY TOWELS BILL 2024 (SENATE BILLS NO.7 OF 2024)**

Greetings from UNICEF.

The Office of the United Nations Children's Fund (UNICEF) in Kenya conveys its deep gratitude for the collaboration with the Government of Kenya to advance on the results for children and women in Kenya.

In reference to the Senate Standing Committee on Labour and Social Welfare's call for stakeholder engagement on the provision of Sanitary Towels Bill 2024, UNICEF would like to submit the attached comments and recommendations for consideration. Once it is approved by the Senate and Parliament, the bill will greatly contribute to improved lives for women and girls as they practice menstruation with dignity. Further, providing sanitary products to girls in schools will contribute to improving general health standards and ensure that girls remain and progress in school.

Thank you for the opportunity to review and engage and we look forward to further consultation on the Sanitary Towels Bill 2024.

Thank you for your kind consideration.

Yours sincerely,

*Shaheen Nilofer*  
Shaheen Nilofer  
Representative



① DSEC  
DHS  
Kindly deal - 24/07/2024  
② DSEC (NK)  
Kindly deal  
③ Ms. Mwanate  
Kindly deal.  
Kobach  
25/07/2024



**The Provision of Sanitary Towels Bill 2024**  
**Comments Submitted by UNICEF Kenya**  
**24<sup>th</sup> July 2024**

**1.0 Introduction to Sanitary Towels Bill 2024**

Menstruation is a natural biological process and a key indicator of reproductive health. However, in many Kenyan cultures, it is stigmatized and deemed shameful, or dirty. The continued silence coupled with limited access to information at home and in schools' leaves millions of women and girls with little understanding of their bodies when they menstruate and how to manage menstruation. For those unable to afford proper sanitary products, the consequences could be even more severe.

The self-esteem of vulnerable women and girls is often low, negatively affecting their dignity. Dignity in this context refers to the ability of girls and women to manage menstruation hygienically and privately. According to UNICEF, this should include access to soap and water, private facilities for washing and changing, and facilities for disposing of used sanitary products.

Poor Menstrual Hygiene Management (MHM) in schools significantly impacts adolescent girls' mental health and academic performance. Anxiety and low self-esteem associated with menstruation contribute to absenteeism and poor performance, with girls often missing around 4 days per month of school, which equates to 25% of the school year. Some girls may even drop out early due to menstruation-related issues such as access to sanitary products, affordability, disposal, and lack of facilities. Several factors hinder effective MHM and girls' participation in education: inadequate and expensive menstrual products, cultural practices, taboos, and myths surrounding menstruation, and a lack of proper disposal facilities for used sanitary products. Addressing these challenges is crucial for improving MHM and ensuring that girls can participate fully and effectively in their education.

The Sanitary Towels Bill represents a significant step forward in addressing menstrual health and hygiene in Kenya. The objectives outlined are comprehensive and aim to create a robust framework for ensuring menstrual dignity and health for women and girls. Here's a closer look at how each objective contributes to the overall goal:

**1. Integrated and Coordinated Government Programme:**

- Establishing a coordinated government initiative ensures a unified approach to providing free sanitary products and menstrual education, reaching all girls and women in public institutions (schools & health care facilities).
- Promoting cooperation between different government departments and levels ensures the efficient implementation and sustainability of the programme.
- Ensuring that the provision of sanitary products is not exploited safeguards the integrity of the programme and ensures that resources reach those in need.

**2. Protection and Preservation of Dignity:**

- Recognizing menstrual dignity as a fundamental human right underscores the importance of respecting and supporting the needs of women and girls.

**3. Empowerment of Women and Girls:**

- By providing sanitary products and education, the bill empowers women and girls, enabling them to participate fully in society and the economy.

- Providing sanitary products helps girls stay in school during their menstrual periods, which can significantly improve their academic performance and future opportunities.

#### 4. Promotion of Local Production:

- Encouraging local production of sanitary products supports the local economy, ensures affordability, accessibility, and sustainability of the initiative, and can reduce reliance on imports.

#### 5. Awareness Campaigns:

- Raising awareness about menstrual dignity helps to reduce stigma and educate the broader public on the importance of menstrual health.
- Improving menstrual health and hygiene practices enhances the quality of life for women and girls, leading to better health outcomes.

#### 6. Guidance for Government Approach:

- Establishing broad principles and approaches provides a clear framework for the government to manage menstrual hygiene effectively and efficiently.
- By addressing these objectives, the Sanitary Towels Bill not only aims to improve menstrual health and hygiene but also seeks to create a more inclusive, empowered, and educated society. The initiative's impact extends beyond health, influencing education, economic participation, and overall quality of life for women and girls in Kenya.

### 2.0 Comments and Recommendations

Page	Part	Clause	Comment	Recommendation
69	PART I— PRELIMINARY	1	Needs to accommodate other menstrual products – <i>Provision of Free Menstrual Products.</i>	Change sanitary towels to Menstrual products in the entire bill.
71	PART I— PRELIMINARY	4	Sanitary towels should also include disposal pads and reusable sanitary pads to have a wide choice for girls and women.	Expand the choices for the menstrual products.
72	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	4c	is the borrowing and lending in relation to manufacturing of sanitary towels or purchase.	Make the statement clearer.
72	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	5(1)- Composition of the Committee	<ul style="list-style-type: none"> <li>• In the Inter-Ministerial Committee on Provision of Sanitary Towels, there is need to articulate that the membership also allows for the percentage representation of either gender - number of women in the committee and representation of PWDs.</li> </ul>	The committee to be gender balanced. In addition to the National committee, have county level committees.

			<ul style="list-style-type: none"> <li>• Membership at county level; there is need to include the director of children services and the director education - who are under national but play a critical role in MHM at county level. this also should include the aYP focal person, in addition to the gender focal person also add the RH officers in charge of the county.</li> <li>• Manufacturing of the sanitary towels - can the committee be mandated to streamline and ensure quality and cost of the towels imported or manufactured locally to ensure affordability.</li> </ul>	
73	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	5 (1)- Composition of the Committee	<ul style="list-style-type: none"> <li>• Can the committee also nominate someone from ministry of interior, due to the role they play in ensuring right to education.</li> </ul>	Include Ministry of Interior in the committee
73-78	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	6-15 Composition and functions of the Committee	<ul style="list-style-type: none"> <li>• Consider including a representative of CSO in the Environmental Health Sector (take care of the entire value chain including safe disposal)</li> <li>• 6 (c) this limits the selection of the person to gender while MH is multidimensional (gender, WASH, sanitation, and hygiene)</li> <li>• 8 (a) menstrual products.</li> <li>• 8 (c) change to include MHM friendly sanitation facilities. Clearly define public institutions. Employed persons in the institutions should buy menstrual products. Target both women and girls in and out of school.</li> <li>• 13 (1) there exists in most counties Menstrual Hygiene Steering Committees (created by MHM Policy). This needs to be harmonized.</li> <li>• 13 (2). The SC are domiciled in the departments of health and chaired by the CECM Health. This needs to be harmonized.</li> </ul>	Diversify the composition of the committee as Menstrual Health is multidimensional.

			<ul style="list-style-type: none"> <li>• Include to the membership the departments of trade and industrialization, water and environment and Climate Change (to take care of markets/public spaces, hygiene, and disposal of MH waste products respectively).</li> <li>• 14 (a) define public institutions</li> <li>• 14 (b) exclude employed women from getting free sanitary products.</li> <li>• 15 (1) Remove the blanket immunity to promote accountability in public services.</li> </ul>	
74	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	8 (c)- Functions of the Committee.	<ul style="list-style-type: none"> <li>• Replace women with female.</li> <li>• Employed female can afford sanitary pads. We need to also target vulnerable female at the household level.</li> <li>• Include those in the health Care facilities</li> </ul>	Remove employed staff from receiving free sanitary pads as they can afford.
74	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	8 (d)- Disposal	<ul style="list-style-type: none"> <li>• What about Ministry of Environment who can guide on suitable disposal</li> </ul>	Include Ministry of Environment for sustainable solutions on disposal of sanitary waste
75	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	8(j)-other duties	<ul style="list-style-type: none"> <li>• Another key role is coordination of menstrual Health Education in the public institutions. The focus should be on Menstrual Health and Hygiene which has the 3 components of: affordable quality menstrual products; Education and proper disposal</li> </ul>	Add this role of menstrual Health Education to the committee.
77	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	13 (2)- County interdepartmental committees on provision of sanitary towels	<ul style="list-style-type: none"> <li>• In the committee include county Department of Water, Health and County Director of Education</li> <li>• Also need to include County Director of Education under TSC and MOE as CEC member, education only focuses on TVET and Pre-primary education.</li> <li>• Also include CECs for Water and Health</li> <li>• We should add the number or persons nominated or representing PBOs to 2 or 3 knowledgeable in matters gender, disability rights</li> </ul>	Have an all-inclusive committee relevant ministries, Disability and gender inclusive.

			and youth/adolescents (young people)	
78	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	14- Functions of county interdepartmental committees.	<ul style="list-style-type: none"> <li>The interdepartmental nominated committee can only facilitate provision. How does this connect with MOE, MOH, CP- public institutions, and line ministries that have the final responsibility on determining the need- procurement and distribution.</li> </ul>	All relevant line ministries of water, Health, Education, Gender, Environment and Finance to be involved.
79- 80	PART III— FINANCIAL PROVISIONS	16-22 Funds of the committee	<ul style="list-style-type: none"> <li>16. Include financial provision for the County Committees</li> <li>21 (2) The regulations should also make provision for acquisition of the menstrual products and limit counties to buy from local manufactures, preferable in the counties of use if feasible.</li> <li>22 (a) Also put an offence and condemn the person who obtains or steals the products from the public for resale and any other purposes not contemplated by the Act.</li> </ul>	Include financial provision for county committees and regulations for acquisition of the menstrual products locally at the counties (if feasible).
81	PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE INTER- MINISTERIAL COMMITTEE ON PROVISION OF SANITARY TOWELS	10- SCHEDULE	<ul style="list-style-type: none"> <li>The bill does not include the Ministry of Water responsible for WASH matters.</li> <li>The proposed model of a committee to provide free sanitary towels with accountability responsibility requires operational guidance on viability. Is there a learning from another Country of this modality?</li> <li>10 (1) 7). Remove board and put Committee</li> </ul>	<p>Include Ministry of water in the committee.</p> <p>Develop operational guidelines for the committee.</p>
82	MEMORANDUM OF OBJECTS AND REASONS	Statement of the Objects and Reasons for the Bill	<ul style="list-style-type: none"> <li>The sanitary towels should be provided freely to all pre-adolescent and adolescent girls in public institutions and public health facilities to cater for the many out of schoolgirls.</li> </ul>	Also include out of school vulnerable girls
82	MEMORANDUM OF OBJECTS AND REASONS	Statement on how the Bill concerns county governments	<ul style="list-style-type: none"> <li>No logic of the County governments to provide sanitary towels to its employees, who are already financially able to buy.</li> <li>What about primary and secondary schools</li> </ul>	Include all levels of Education

### Overall comments not falling in specific section:

- (1) **The bill needs to drive local production and supply chains** of sanitary towels to stimulate jobs and value chains especially for women and youth led companies.
- (2) **Tax policies-** if the bill aims to stimulate local production, the bill must anticipate National Treasury role leading on tax policies that will enable local production.
- (3) **Climate and green considerations** being more vivid in the bill. Drive towards proper mechanisms of production materials that decompose or recyclable or can be consumed by enzymes, disposal mechanisms that don't add global warming e.g through incinerators, how to manage filling up of school latrine pits etc.
- (4) **Given the role of county governments-** will the bill have implications on division of revenue and has this been considered carefully. Further, given this is a money bill, it may require both the Senate and National Assembly, and will have to be reviewed by the National Treasury.
- (5) **On composition of the committee-** there will be need to include the ministry responsible for trade and standards.
- (6) **Any angle around sanitary pads in lens of PWDs and sick people-** not just women and girls
- (7) There is a component of MHM that leaves the adolescent girls and young women vulnerable and predisposed to other outcomes such as pregnancy and HIV; therefore, there is need for a team to look at the menstrual hygiene response for adolescent girls and young women - specifically those vulnerable such as with disability; living with HIV; in ASAL etc
- (8) In the definition - may there be a **definition of sanitary towel vis a vis sanitary pads** - the two are used interchangeably and would be good for the bill to define the similarity or difference
- (9) Instead of free pads for working women, the focus can be on provision of MHM friendly WASH facilities and improved environment to manage menstruation with Dignity such as clean toilets, provision of sanitary towels for emergency use, soap, pain killers, rest room etc in public institutions and correctional facilities.
- (10) **Meaning of Public Institutions** – is this referring to educational institutions only – ref 8 (c)? If so there may be need to expand to other public institutions such as hospitals where many unemployed women (and mostly the most vulnerable) frequent for free or subsidized medical services. Such women can access free menstrual products from health facilities.
- (11) **Inclusion of all employees in public institution** – There is an opinion that menstruators who are employees of public institutions have a better chance of affording menstrual products compared to the unemployed women from vulnerable background.
- (12) **Exclusion of informal learning institutions** – Thousands of children, especially in informal settlements, learn in community or individually owned schools that cost less than the public schools. The most vulnerable children in these resource poor settings are enrolled in such schools. Exclusion of these schools (registered as private) will continue to disadvantage vulnerable girls schooling there. Girls learning in informal schools can be allowed to access sanitary pads through public institutions near them.
- (13) **Consider including a needs assessment criteria** – Findings from the existing sanitary pads programme in public schools, can be used to establish if blanket provision of free sanitary pads to all girls irrespective of their economic background is necessary or there is need for specific targeting depending on vulnerability.
- (14) The role of Non-state Actors needs to be further clarified- This can be done in the unpacking of the bill through regulations (clauses may need more elaboration)
- (15) Institutional arrangements need further consideration (including levels of engagement in government), Either a Semi-autonomous Agency is established or the government nests in the highest offices (Office of the president/deputy) for visibility & political accountability.
- (16) Dual citizenship is allowed by the Kenyan laws so the statement on citizenship needs to be adapted.

- (17) University education from a reputed university, not only in Kenya
- (18) Consideration of what Chapter 6 of the constitution requires of public servants instead of the proposed barring due to pre-employment.
- (19) At the county level- need to pay attention to how a topic can fall through the priorities, need to make the topic politically relevant.
- (20) In appointing members of the county inter departmental committee, women and girls organizations should be consulted.
- (21) Affordability of sanitary towels- The bill proposes to provide sanitary towels to all public schools and facilities, but we know period poverty rates are higher in specific areas of Kenya than others, how will this issue be approached?
- (22) Re-usable versus disposable sanitary towels- This should be well debated considering scarcity of water in many parts of Kenya especially during drought.
- (23) Cash for sanitary towels use? Could also be considered and piloted within existing Humanitarian assistance packages?
- (24) Combining sanitary towels supply with addressing negative social norms & roles in relation to menstruation/period shame.

Comments on Sanitary Towels Bill by UNICEF Kenya  
24 July 2024

THE SENATE  
22 JUL 2024

OFFICE OF THE SECRETARY  
22 JUL 2024  
PSC  
41242-03100, NAIROBI



REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND ECONOMIC PLANNING

Telegraphic Address: 22921  
FINANCE - NAIROBI  
Fax No. 315779  
Telephone: 2252299  
When replying please quote

THE NATIONAL TREASURY  
P.O. Box 30007 - 00100  
NAIROBI  
KENYA

② DSEC (VK)  
Kindly deal  
22/07/2024

Ref: ES 1/014 'D' (14)

18<sup>th</sup> July, 2024

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

THE SENATE  
RECEIVED  
22 JUL 2024  
DEPUTY CLERK

① DSEC  
DHF

③ Ms. Mwangi  
Kindly deal  
22/07/2024

Kindly deal  
22/07/2024

Dear Clerk

RE: STAKEHOLDER ENGAGEMENT ON THE PROVISION OF  
SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)

Reference is made to your letter Ref. SEN/DSEC/SCLSW/2024/71 dated 11<sup>th</sup> July, 2024 on the above subject.

We note that the Senate Standing Committee on Labour and Social Welfare is requesting for comments on the Bill. The National Treasury has reviewed the Bill and noted that it proposes the provision of quality, free and sufficient sanitary towels in all public institutions. We also note that the Bill provides for the establishment of an Inter-Ministerial Committee on provision of sanitary towels as a body corporate which shall have a Secretariat. The Bill provides for the establishment of similar committees at the county level i.e. the County Interdepartmental Committee on provision of sanitary towels. We further note that the members of the Committees and Secretariat will require be paid allowances and salaries as prescribed by the Salaries and Remuneration Commission.

The Bill proposes provision of quality, free and sufficient sanitary towels in **all** public institutions and Clause 8 (c) indicates that this is to be provided to every woman employed by or studying in a public institution and every woman in the custody of a correctional facility. In this regard, the scope of public institutions as stated in the Bill is not clear as even Ministries, Departments and Agencies are public institutions. Similarly, it is not justified why there should be free provision of Sanitary Towels to staff employed in these institutions. The main objective of

introducing the free sanitary towels especially to learners in basic education was to eliminate the barriers to the right to quality education and promote the realization of the right to basic education. It is not prudent to include other categories of beneficiaries when all the learners in basic education are not yet fully covered by this programme given the resource constraints. Additionally, adults who are working and earning an income should not be provided for free sanitary towels and the Bill should therefore focus on only the special interest groups/indigents.

Further, the establishment of the Committees and Secretariat both at the National and County levels will occasion huge financial implication due to expenses related to compensation of employees, allowances to the Committees and attendant operations and maintenance expenses. This will therefore negate the Government Policy of containing the Public Sector Wage Bill. We are of the view that the proposed functions of the Committee and Secretariat can be carried out through the relevant Government Departments without establishing a body corporate given that the Government is in the process of identifying public bodies with duplicated roles and merging/disbanding them.

Clause (7) of the Schedule (S.10(1)) makes reference to a Board yet there is no mention of a Board in the Bill. Finally, there is no justification in the Memorandum of Objects and Reason why there is need to provide free sanitary towels to all public institutions.

In view of the above, the National Treasury does not support the passage of the Bill in its current form.

Yours

*Sincerely*  


**DR. CHRIS KIPTOO, CBS**  
**PRINCIPAL SECRETARY/THE NATIONAL TREASURY**



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE



Our Ref: AG/LDD/675/1/8

17<sup>th</sup> July, 2024

Mr. J. M. Nyegenye CBS  
The Clerk of the Senate  
Clerk's Chambers  
Parliament Buildings  
NAIROBI



① DSEC  
DLS.  
Note and deal  
18/7/2024

RE: **STAKEHOLDER ENGAGEMENT ON THE PROVISION OF THE SANITARY TOWELS BILL, 2024 (SENATE BILL NO. 7 OF 2024)**

This has reference to your letter under ref SEN/DSEC/SCLSW/2024/74 and dated 11<sup>th</sup> July 2024 seeking the views of our office on the Provision of Sanitary Towels Bill, 2024 that has been committed to the Senate Committee on Labour and Social Welfare for consideration.

We have reviewed the legislative proposal and have the following observations—

② DDSEC (NK)  
Kindly deal  
19/07/2024

1. Clause 2 of the Bill defines the word "Secretariat" as the *Secretariat to the Inter-Ministerial Committee on Provision of Sanitary Towels appointed or deployed pursuant to section 12*. However, clause 12 of the Bill does not provide for the manner of appointment or deployment of the secretariat therefore, the definition or the clause should be reviewed to reflect the intended purpose.
2. Clause 3 of the Bill provides that the law shall apply to all public institutions and correctional facilities. In our view, the terms "public institution" and "correctional facility" need to be expressly defined to provide a clearer scope of which institutions the Act is intended to apply to.
3. Clause 4 of the Bill establishes the Inter-Ministerial Committee on Provision of Sanitary Towels as a body corporate. In our view, committees should not be established as body corporate entities and if so established, the law must comply with the provisions of the State Corporations Act and the *Mwongozo* Code of Conduct. In our considered opinion, the nomenclature of the entity administering matters under the Act should be revised in line with the current drafting practise and the applicable laws.
4. Clause 5 of the Bill sets out the composition of the Committee to include fourteen members. The membership of the Committee should be aligned to the

SHERIA HOUSE, HARAMBEE AVENUE  
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995  
E-MAIL: [info.statecwoffice@kenya.go.ke](mailto:info.statecwoffice@kenya.go.ke) WEBSITE: [www.attorney-general.go.ke](http://www.attorney-general.go.ke)

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

ISO 9001:2008 Certified



③ Mr. Mwanate  
Kindly deal  
22/07/2024

Mwongozo Code of Conduct which restricts the membership of such entities to between seven and nine members.

5. Clause 8 of the Bill assigns the Committee the function of *providing sanitary towels to every woman employed by or studying in a public institution*. However, this appears to exclude other persons such as children or intersex persons who do not fall within the definition of women but may be in need of the sanitary towels. In our view, the provision as drafted defeats the overall objective of the legislative proposal and should therefore be reviewed to give effect to the intended purposes of the Bill.

The Bill further assigns the Committee the function of developing inter-governmental agreements for joint implementation of activities for distribution of sanitary towels. However, intergovernmental arrangements or agreements are within the purview of the Intergovernmental Relations Act, Cap 256F. The provision should be revised to align the Bill to or include reference of the Intergovernmental Relations Act.

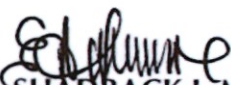
6. Clause 12 of the Bill establishes the Secretariat of the Committee comprising of the *Secretary to the Committee and such public officers as the Cabinet Secretary may, in consultation with the Cabinet Secretary responsible for education and with the approval of the Committee, deploy*. However, as specified in the Public Service Commission Act, the Public Service Commission is vested with the power of establishing and abolishing offices in the public service. Section 42 of the Act provides that *the authority to second a public officer shall vest in the Commission and shall be carried out on the request of an authorised officer or a public officer*. In this regard, the provision should be revised to reflect this role played by the Public Service Commission.

Additionally, clause 12(2) provides that *the Secretary to the Committee shall be competitively recruited and appointed by the Committee on such terms and conditions as the Committee shall, in consultation with the Salaries and Remuneration Commission, determine*. The provision as drafted assigns the Salaries and Remuneration Commission the function of determining the terms and conditions of appointment of the Secretary contrary to Article 230(4)(b) of the Constitution which limits the role of the Salaries and Remuneration Commission to *advising the national and county governments on the remuneration and benefits of all other public officers*. This provision is inconsistent with the Constitution and should therefore be revised accordingly.

7. We note that the financial provisions in the Bill do not include provisions on the funds and how the operational expenses of the county interdepartmental Committees will be met. In our considered opinion, the Bill should include provisions on how the funds and operational provision of these committees shall be met.
8. We further note that the policy informing the implementation of this Bills lies with the Ministry responsible for gender, Ministry responsible for education and the National Treasury. Therefore, there is need for policy guidance and feedback from these Ministries on this legislative proposal.

We have reviewed the legislative proposal and note that it does not raise significant constitutional issues save for the improper assignment of the appointing function to the Salaries and Remuneration Commission. Additionally, the Bill contains legal and drafting issues that need to be addressed. We therefore recommend that the Bill be reviewed to address the above-mentioned matters before final consideration of the Bill.

We trust this is in order.

  
HON. SHADRACK J. MOSE  
SOLICITOR-GENERAL



Subject PROVISION OF SANITARY TOWELS BILL 2024  
From Legal Department <legaltvet@gmail.com>  
To clerk senate <clerk.senate@parliament.go.ke>  
Cc laboursocialwelfarecomm senate <laboursocialwelfarecomm.senate@parliament.go.ke>  
Date Thursday July 18, 2024 10:30:33 AM



CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Clerk of the Senate,

Please find attached comments on the provision of sanitary towels bill 2024 from the State Department for Technical and Vocational Education and Training for your consideration.

Regards.

Dr. Damaris Ogama

DEPUTY CHIEF STATE COUNSEL

Ministry of Education, State Department for Technical and Vocational Education and Training

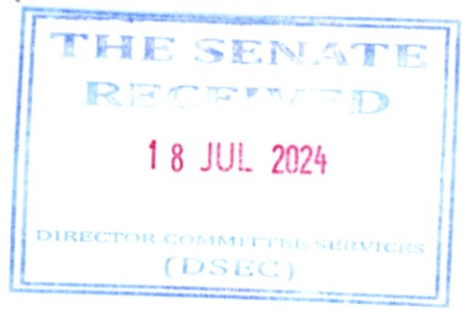
Attachments

Comments on the provision of Sanitary towels Act.docx (89.3 kB)

3) Ms. Mwanate  
Kindly deal.  
Hobart  
22/07/2024



2) DDSEC (NK)  
Kindly deal  
19/07/2024



1) DSEC  
DLS.  
Note and deal.  
18/7/2024



**REPUBLIC OF KENYA**  
**THE PROVISION OF SANITARY TOWELS BILL, 2024**

COMMENTS ON THE PROVISION OF SANITARY TOWELS BILL, 2024  
NAME OF ENTITY-  
**STATE DEPARTMENT FOR TECHNICAL VOCATIONAL EDUCATION AND TRAINING**

DATE - 18<sup>th</sup> JULY 2024

**PART A- General Comments**

We opine that the Provision of Sanitary Bill 2024 represents a pivotal step towards addressing menstrual health and hygiene needs among women and girls in Kenya. While commendable in its intent, the Bill would benefit from clarifying the definition of "public" to encompass all relevant institutions, establishing clear and transparent criteria for identifying beneficiaries, and revising the proposed administrative structure to mitigate potential cost escalation. Detailed provisions on implementation, enforcement mechanisms, and sustainable funding sources are essential for ensuring the effective delivery and longevity of the Bill's objectives. Addressing these aspects will enhance the Bill's efficacy in promoting menstrual health and hygiene equity across Kenya.

**PART B- Comments on the draft provisions**

No.	Clause	Comment/ Proposal	Rationale/Justification
	Part I— Preliminary	We opine that by defining a public institution and establishing a Board with clear and comprehensive oversight, this amendment will ensure more structured, accountable, and effective management of the provision of sanitary towels across the country.	The rationale for defining a public institution and establishing a Board with comprehensive oversight is to ensure clarity, accountability, and efficiency in the management and distribution of sanitary towels. By clearly delineating what constitutes a public institution, the Act

			eliminates ambiguity and ensures all relevant entities are covered.
	Part I— Preliminary	The numbering sequence requires correction; numeral 3 currently follows numeral 4 and must be realigned appropriately	Accurate numbering ensures clarity, facilitates efficient navigation and cross-referencing within the document, and upholds the integrity of the legal text. Therefore, it is imperative to rectify the numbering to reflect the correct sequence.
	Part I- PRELIMINARY No. 3 This Act shall apply to all public institutions and correctional facilities. -	We opine that this act should apply to all public educational and training institutions, correctional facilities for youth below the age of 25 years, and all women in correctional facilities.	Youth and women in correctional facilities are particularly vulnerable populations who require consistent support and resources. By encompassing all public educational and training institutions, the Act shall guarantee equitable access to necessary services and protections, fostering a safer and more supportive environment for these groups. This comprehensive application helps mitigate disparities and promotes the well-being and rehabilitation of youth and women in these settings.
	6. (1) A person is qualified for appointment as the chairperson or a member of the Committee under section 5(1)(l) if the person—	We propose that for broadening the scope of qualifications for appointment under item 'C', to include expertise in social sciences, education, health, and other	Expanding the qualifications for appointment under item 'C' to encompass expertise in social sciences, education, health, and related fields serves to enhance

		relevant fields, thereby ensuring a diverse and comprehensive representation of skills and knowledge within the Committee.	the Committee's capability to address multifaceted issues related to the provision of sanitary towels. This broader scope ensures that members possess a comprehensive understanding of the socio-economic, educational, and health-related implications of the Committee's decisions and actions.
	8. The Committee shall – Functions of the Committee. (a) advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;	We propose for the reframing of Section 8(i) of the Bill, it could be revised to: "Maintain a database or register to track the status of the provision of sanitary towels."	The rationale for maintaining a database or register to track the status of the provision of sanitary towels is to ensure effective monitoring and accountability in the distribution and utilization of these essential resources.
	8. The Committee shall – (c) provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;	We opine that in order to ensure feasibility and practicality, it is recommended to specify the target beneficiaries of provisions like those in sections 8(c)	This adjustment allows for a more targeted approach based on actual need and ensures that resources are directed to those who require them most, thereby maximizing the impact and sustainability of the program.
	12. (1) There shall be a Secretariat to the Committee which shall comprise of the Secretary to the	We propose that for purposes of clarity and enforceability, revise the language to include "shall be" in section 12 (3) The Secretary Shall	To ensure clarity and enforceability, the inclusion of "shall be" in section 12(3) emphasizes the mandatory nature of the Secretary's role as

	<p>Committee and such public officers as the Cabinet Secretary may, in consultation with the Cabinet Secretary responsible for education and with the approval of the Committee, deploy. (3) The Secretary shall the head of the Secretariat and be responsible for –</p>	<p>be the head of the Secretariat and be responsible for-</p>	<p>the head of the Secretariat, clearly outlining their responsibilities without ambiguity</p>
	<p>Section 12 (3) The secretary shall the head of the Secretariat and be responsible for-</p>	<p>There is an error of omission. It should read “The Secretary shall be the head of the Secretariat and shall be responsible for”:</p>	<p>A clearly defined role role of the Secretary as the head of the Secretariat is crucial for the effective functioning and administration of the Committee. The responsibilities assigned to the Secretary ensure that there is a dedicated individual who is accountable daily operations and the implementation of the Committee’s policies and decisions</p>
	<p>13. A county interdepartmental committee established under subsection (2) shall be comprised of – 13 (2) (c) the county executive</p>	<p>We propose that section 13 (2) (c), should specify whether the Gender Officer responsible for the county is appointed from the county or national government.</p>	<p>The rationale for this recommendation is to enhance efficiency and reduce redundancy by leveraging existing departmental structures for the provision of sanitary towels.</p>

	committee member responsible for education or their representative designated in writing;		Establishing a dedicated budget line within each department, funded by the Treasury based on actual projections, ensures that resources are allocated where needed without creating additional bureaucratic layers.
	13 - 2(b) the county executive committee member responsible for children welfare or their representative designated in writing	We opine that in order to ensure clarity, revise section 13- 2(b) as follows: "The county executive committee member responsible for children welfare or their representative designated in writing;	Addition of the semi-colon at the end helps to clearly separate the clauses
	Section 14 (b) "provide free, sufficient and quality sanitary towels to every woman employed by or studying in the respective public institution"	We propose yhe section to read;"Provide free, sufficient, and quality sanitary towels to every woman employed by or studying in the respective public institution, ensuring that these products meet established health and safety standards and are accessible to all eligible women."	Specifying whether the Gender Officer responsible for the county is appointed from the county or national government is crucial for clarity and effective coordination. This clarification ensures that there is no ambiguity regarding the source of authority and accountability for the Gender Officer's role in overseeing the implementation of provisions related to sanitary towels within the county.
	Section 14 b)"provide free, sufficient and quality sanitary towels to every woman employed by or	We opine that to ensure sustainability in providing free, sufficient, and quality sanitary towels to all employed women in the targeted	We recommend that the Act include a provision for the allocation of adequate funding to support the free provision of sanitary towels. This funding

	studying in the respective county public institution"	institutions, it is recommended that the Committee establish a dedicated funding mechanism, which may include budgetary allocations from the national and county governments, partnerships with private sector stakeholders, and international donor support.	should cover procurement, distribution, monitoring, and educational programs. The allocation should be reviewed annually to address any changes in demand or cost.
	14. A county interdepartmental committee shall – (b) provide free, sufficient and quality sanitary towels to every woman employed by or studying in the respective county public institution;	and 14(b) as "eligible individuals" rather than "every woman employed by or studying in public institutions."	Such a clarification also helps in aligning the implementation with available resources and administrative capacities, promoting efficient delivery and accountability.
	<b>14.</b> A county interdepartmental committee shall – (a)advise the respective county government on the provision of sanitary towels in all county public institutions; Functions of county interdepartmental committees.	We further opine that the establishment of an Interministerial Committee at the county level overlooks correctional institutions.	This omission requires amendment to ensure that correctional institutions are included within the scope of the Committee's jurisdiction, thereby ensuring comprehensive oversight and coordination of the provision of sanitary towels across all relevant sectors within the county.
	21 (2)(b) the procedure to be followed in the distribution of sanitary towels to	In our view, for purposes of providing clarity, the narration for public institutions and correctional facilities regarding the provision	This sequence ensures that the primary emphasis is on ensuring the availability of sanitary towels at no cost, followed by

	public institutions under this Act.	of free, quality, and sufficient sanitary towels should specify the order as follows: "free, quality, and sufficient."	ensuring they meet high standards of quality, and are sufficient in quantity to meet the needs of the recipients.
		We propose for the leverage of existing programs rather than establish a new State Corporation.	Establishing a new State Corporation entails significant administrative and financial burdens, including the need for new infrastructure, staffing, and operational costs. By leveraging existing programs, resources can be efficiently utilized without duplicating efforts or creating additional bureaucratic structures.
	21 (2)(b) the procedure to be followed in the distribution of sanitary towels to public institutions under this Act.	We opine that the terms "Quality," "Sufficient," and "Free" are subjective and need precise definitions for clarity and enforceability within the legal framework.	Terms such as "Quality," "Sufficient," and "Free" are pivotal as they directly impact implementation and compliance. Defining these terms with clarity ensures that they are interpreted uniformly and applied consistently across all relevant provisions of the law
	21. (1) The Cabinet Secretary may, in consultation with the Committee and the Council of County Governors, make regulations generally for the better carrying into	<b>CCG as opposed to COG</b>	Clarification will enhance the knowledge of roles played by each body of management.

	effect of any provisions of this Act.		
	23. Section 18 of the Basic Education Act is amended in subsection (1) by inserting the words "in consultation with the Inter-Ministerial Committee on Provision of Sanitary Towels established under the Provision of Sanitary Towels Act" immediately before the words "prepare and submit" appearing in paragraph (k).	In our view, the amendment of the Basic Education Act without concurrent amendments to all other affected acts is inappropriate.	Amending the Basic Education Act in isolation is imprudent as it disregards the interconnected nature of legislative frameworks. Education policy impacts various sectors, including labor, social services, and economic planning. Ensuring harmonized and comprehensive legislative changes across all affected acts is essential for the seamless implementation and enforcement of new education policies.
<b>OUR PROPOSALS</b>			
	Proposal/ Consideration	Sanitary towels refer to absorbent pads used by women to absorb menstrual blood, encompassing sanitary pads, tampons, and menstrual cups.	This definition provides clarity by explicitly identifying the types of products included under the term "sanitary towels," ensuring comprehensive coverage and consistent understanding in the application of the law.
	It is unclear whether the term "public" includes public institutions. The identification process for potential	We propose that for purposes of clarity, the term "public" should be explicitly defined to include all public institutions. A clear and transparent process for	This ensures clarity in the application of the term "public," establishes a transparent process for identifying beneficiaries, and streamlines

	<p>beneficiaries, specifically the needy and most vulnerable, lacks clarity. Additionally, the proposed administrative structure is costly, which will consequently increase the overall cost of sanitary pads.</p>	<p>identifying potential beneficiaries, particularly the needy and most vulnerable, must be established. Furthermore, the proposed administrative structure should be reviewed and streamlined to minimize costs, thereby preventing an increase in the overall cost of sanitary pads.</p>	<p>administrative structures to minimize costs, thereby enhancing efficiency and preventing unnecessary increases in the cost of sanitary pads.</p>
		<p>We opine that in order to avoid duplication of functions and potential conflicts, we recommend that instead of establishing a new Committee, a dedicated budget line be created within each relevant department, funded by the Treasury based on actual projections. This budget line should be managed by the existing departmental structures to ensure streamlined operations and reduce administrative overhead. Furthermore, the representation of counties at the Council of Governors should be enhanced to ensure adequate and equitable distribution of resources and services</p>	<p>The rationale is to avoid duplication of functions and potential conflicts by utilizing existing departmental structures with dedicated budget lines funded by the Treasury, thereby ensuring streamlined operations, reduced administrative overhead, and equitable resource distribution across the country.</p>

		across the country, with regular consultations to address any emerging issues and ensure comprehensive coverage.	
		We opine that it is necessary to provide a precise legal definition for "Public Institution" to delineate the scope of entities covered under this law.	This definition will help to avoid confusion and ensure that all institutions falling within its purview understand their obligations and responsibilities under the law.
		We opine that the rationale for providing sanitary towels to employees of institutions needs clarification, especially considering that the Early Childhood Development Education (ECDE) sector is not explicitly included in the provision.	Clarification is essential to ensure comprehensive coverage across all relevant sectors, including ECDE, to address potential gaps in service delivery and ensure equitable access to necessary resources.

# MEMORANDUM SUBMITTED BY KENYANS ON THE PROVISION OF SANITARY TOWELS 2024 (SENATE BILL NO.7 OF 2024)



09TH JULY 2024

To: Office of the Clerk  
The Senate  
clerk.senate@parliament.go.ke  
P.O. Box  
Nairobi

① DSC  
Jrg  
Kindly deal -  
E  
15/07/2024

③ Mr. Mwanate  
Kindly deal.  
H. Mwanate  
15/07/2024

② DDSEC (V/K)  
Kindly deal  
15/07/2024

Following the call for the written Memoranda on the Provision of Sanitary Towels Bill (Senate Bills No. 7 of 2024), We Kenyans, Noting the concerns that have come up in regards to the proposed Provision of Sanitary Towels bill 2024, we are sharing our memorandum in accordance, to the Office of the Clerk, The Senate on the same as Follows;

## **Background**

Currently, there are broad variations in what products females use, the most common materials are store bought sanitary products. According to the situational analysis, 46% of the population in rural areas use disposable sanitary pads compared to 65% in urban areas, while 6% in rural areas use reusable sanitary pads compared to 3% in urban areas. The study further showed that 20% in rural areas use either toilet paper, pieces of blankets or cloth or all other natural materials compared to 19% in urban areas. The study further showed that 54% of Kenyan girls faced challenges with access to MHM products, with 22% of school-going girls indicating that they purchased their own sanitary products. This raises troubling questions of how they are able to afford these products. Studies have indicated that up to 65% of women and girls in Kenya cannot afford sanitary pads (Afri-Can, 2015). Since commercial sanitary products are highly valued, some girls without access will resort to (or are coerced into) having sex to pay for sanitary products. For example, in Western Kenya, 10% of young adolescent girls admitted to transactional sex for pads (Phillips-Howard et al., 2015). If women and girls are well informed about pre-menarche, understand their bodies, can access the correct information without shame, they will choose products based on their needs and economic capacity.

They will also create demand for the kinds of products they would prefer and drive the market to invest in linked research and development, packaging or better Affordability.

([http://guidelines.health.go.ke:8000/media/Menstrual Hygiene Management Policy 2019-2030- May2020.pdf](http://guidelines.health.go.ke:8000/media/Menstrual%20Hygiene%20Management%20Policy%202019-2030-May2020.pdf))

**WE**, Kenyans of all diverse backgrounds, representing all the counties..

**UNDERLINING** that women and girls in Kenya continue to get challenged in the access of different menstrual products from issues around cost, quality, affordability

**INVOKING** article 43(1a) and article 35 of the Kenya constitution which provides every individual the right to the highest attainable standard of health, which include the right to health care services including reproductive health care and right to information respectively.

**NOTING WITH CONCERN** The situation in Kenya regarding access to menstrual health products. There are over 28,362 primary and 8,625 secondary schools in Kenya respectively with a student population of over 11,869,138 learners (MOEST, 2014). Out of this population, there are about 4,059,000 whom are adolescents and are likely to face the challenges related to MHM. Findings of a study done in Western Kenya revealed that WASH conditions in the majority of rural Kenyan primary schools are insufficient for the MHM needs of menstruating girls. It further stated that suboptimal WASH conditions in schools may hinder girls' ability to concentrate in class, attend school when menstruating, or at worst dropout of school completely (Alexander, et al., 2014).

([http://guidelines.health.go.ke:8000/media/Menstrual\\_Hygiene\\_Management\\_Policy\\_2019-2030-May2020.pdf](http://guidelines.health.go.ke:8000/media/Menstrual_Hygiene_Management_Policy_2019-2030-May2020.pdf))

**EXPRESSING DEEP CONCERN** Over the introduction of administrative offices, unnecessary committees within the bill which poses a grave risk of the dire situation as it is already. This bill creates an illusion that the bill supports free menstrual products distribution, it is duplicative and will burden the taxpayers with unnecessary Offices

**UNDERSCORING** the constitutional right to access to the highest standards of health public participation in governance including being meaningfully involved in the decision making process;

**REAFFIRMING** The spirit of the constitution in ensuring all lives of Kenyans are safe and protected.

**CONSCIOUS** that meaningful and inclusive participation is a precondition to sustainable, holistic and relevant solutions to challenges; such as access to affordable reproductive health services/products

**APPRECIATING** the commitment by the Senate to call for submissions on the proposed bill

**CONSIDERING**

**REVIEW OF THE PROVISION OF SANITARY TOWELS BILL, 2024 (Senate bills No. 7 of 2024)**

We submit as follows and ask for reconsideration of the following clauses:

Page	Title/Clause/Paragraph	Comments	Proposed Amendment	Reasons
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Section II (4-15)	<b>REJECT THE WHOLE BILL</b>	<b>REJECT THE WHOLE BILL IN TOTALITY</b>	<p>1. The bill lacks substance on how menstrual products Will be provided, accessed, prioritised</p> <p>2. New and Unnecessary Structures for Provision of Menstrual Products The set up of Committees from national to the county to meet in 3 months under tax payers money is a big waste Adding layers of structures under existing structures is a big waste</p> <ul style="list-style-type: none"><li>- Operational expenses of Running committees against working with the Line ministries</li></ul> <p>And structures under the Education Act is an insult to women and girls who continue to miss school From this Product. important</p> <p>3. We do not need a bill to ensure provision, access of menstrual products Setting up committees and administration offices is another form of wastage of Tax payers money According to the Basic education Bill 2024, file:///C:/Users/USER/Downloads/Basic%20Education%20Bill,%202024.pdf - section155 2(g) lists provision on menstrual products being made available in schools.</p>
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			<p>To improve access this can be expanded through a policy process to out of school women and girls.</p> <p>This bill is unnecessary and costly considering the function already within Moe Setting up inter ministerial committees that will earn sitting allowances and get allocated funds by the parliament for duplicating roles.</p> <p>Recommend that the line ministries resources and implement the recommendations proposed by the office of the Auditor General - Link to report -</p> <p>Conclusion Recommendations Pg 40 <a href="https://www.oagkenya.go.ke/wp-content/uploads/2023/08/Provision-of-Sanitary-Towels-to-Girls-in-Public-Primary-Schools.pdf">https://www.oagkenya.go.ke/wp-content/uploads/2023/08/Provision-of-Sanitary-Towels-to-Girls-in-Public-Primary-Schools.pdf</a></p> <p>4. Unnecessary Committees out of taxpayers money! We do not need a committee funded by taxpayers to make sanitary towels accessible to Kenyans</p>
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				Work with already existing structures to ensure proper distribution, distribution and access of menstrual health management can continue without this bill, the money channelled to the committees is enough to buy pads to women and girls across the country
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The bill in its entirety does not even address where the committees will get the sanitary towels from, We have existing systems established under the Basic education ACT. We do not need a bill to provide sanitary towels. The bill ought to even outline fund source, regulations for the free pads, working with existing structures

We cant have committees create other committees to dialogue on how pads will be distributed! Pads should be tax free, not have committees sit in under tax payers money on how pads will be distributed. Committees funded by government to advise government on how distribution of pads should happen? whilst we have not addressed cost of manufacture, subsidies by government, shame abd period poverty

All the resources wasted on committees could buy millions of sanitary towels.

The bill lacks any education component that is very crucial, including strategies to reduce menstrual stigma

Departments of gender and youth are existing frameworks and structures to be used - other county based structures like health facilities are available structures to persons who may not be able to afford - we need to reduce financial burden and management in running of basic services and products such as this

The bill is poorly drafted! legislation is not the solution to every damn issue. Committees and task forces are not the solution - this will breed alot of wastage and corruption - quite an embarrassment to the executive - the same frameworks that exists should be used

...s ...d thro...ols a... health facilities and public offices, major churches  
...no...  
...nd done directly from m...res.  
...ds to be quality but basic...nd GOK branded.  
...be positioned in those loca...  
...g for young girls in school on...giene, and...onditions  
...such as...

We can not have laws developing unnecessary committees all the time  
Available institutions can be used, schools, health centres - no need got a committee to  
distribute these sanitary towels

There is a sanitary towels management programme that is under the Ministry of Gender that  
should be implemented accordingly which allow for public school going kids receive pads  
Obviously this is not being effected across the board.... The office of the auditor general also  
audited the said programme in 2022 and found gaps that should be acted upon. This same  
programme should then be used to enforced to ensure provision of menstrual products to  
prisoners, homeless etc.....Surely there are enough employees in the colleges, women eps,  
MOH, MOE and Ministry of Gender that should ensure distribution responsibility and  
accountability to reduce period poverty..... after a review by the OAG, the programme, the  
recommendations highlighted from the report should be resourced and implemented. The  
ministry of Gender, should pick up the plan for distribution for correctional facilities and  
ensure equal distribution

This memo has been developed and endorsed by Kenyans





Search mail



## Fwd: Submission of Memorandum - The Provision of Sanita



**Labour S. Welfare Comm**

to chabarim, Jeremy, me, ndindikm, chogereinhardt

---

**From:** Angie <[munjoguangie@gmail.com](mailto:munjoguangie@gmail.com)>

**To:** clerk <[clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)>

**Cc:** laboursocialwelfarecomm <[laboursocialwelfarecomm.senate@parliament.go.ke](mailto:laboursocialwelfarecomm.senate@parliament.go.ke)>

**Date:** Monday, 22 July 2024 11:36 AM EAT

**Subject:** Submission of Memorandum - The Provision of Sanitary Towels Bill, 2024 ( Senate Bill

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Dear Clerk,

Please find attached my comments on the proposed bill on The Provision of Sanitary Towels Bill

Kind regards,

Angela

**One attachment** • Scanned by Gmail

**MEMORANDUM  
SUBMITTED BY KENYANS  
ON THE PROVISION OF**

**MEMORANDUM SUBMITTED  
BY KENYANS ON THE  
PROVISION OF SANITARY  
TOWELS BILL, 2024, (Senate  
Bills No. 7 of 2024)**

**22<sup>nd</sup> July 2024**

To: Office of the Clerk  
The Senate  
[Clerk.senate@parliament.go.ke](mailto:Clerk.senate@parliament.go.ke)  
P.O Box 41842,00100  
Nairobi

Following the call for the written Memoranda on the Provision of Sanitary Towels Bill (Senate Bills No. 7 of 2024), We Kenyans, noting the concerns that have come up in regard to the proposed Provision of Sanitary Towels bill 2024, we are sharing our memorandum in accordance, to the Office of the Clerk, The Senate on the same as follows;

## **Background**

Currently, there are broad variations in what products females use, the most common materials are store bought sanitary products. According to the situational analysis, 46% of the population in rural areas use disposable sanitary pads compared to 65% in urban areas, while 6% in rural areas use reusable sanitary pads compared to 3% in urban areas. The study further showed that 20% in rural areas use either toilet paper, pieces of blankets or cloth or all other natural materials compared to 19% in urban areas. The study further showed that 54% of Kenyan girls faced challenges with access to MHM products, with 22% of school-going girls indicating that they purchased their own sanitary products. This raises troubling questions of how they are able to afford these products. Studies have indicated that up to 65% of women and girls in Kenya cannot afford sanitary pads (Afri-Can, 2015). Since commercial sanitary products are highly valued, some girls without access will resort to (or are coerced into) having sex to pay for sanitary products. For example, in Western Kenya, 10% of young adolescent girls admitted to transactional sex for pads (Phillips-Howard et. al., 2015). If women and girls are well informed about pre-menarche, understand their bodies, can access the correct information without shame, they will choose products based on their needs and economic capacity. They will also create demand for the kinds of products they would prefer and drive the market to invest in linked research and development, packaging or better affordability.

([http://guidelines.health.go.ke:8000/media/Menstrual\\_Hygiene\\_Management\\_Policy\\_2019-2030-May2020.pdf](http://guidelines.health.go.ke:8000/media/Menstrual_Hygiene_Management_Policy_2019-2030-May2020.pdf))

**WE**, Kenyans of all diverse backgrounds, representing all the counties.

**UNDERLINING** that women and girls in Kenya continue to get challenged in the access of different menstrual products from issues around cost, quality, affordability

**INVOKING** article 43(1a) and article 35 of the Kenya constitution which provides every individual the right to the highest attainable standard of health, which include the right to health care services including reproductive health care and right to information respectively.

**NOTING WITH CONCERN** The situation in Kenya regarding access to menstrual health products. There are over 28,362 primary and 8,625 secondary schools in Kenya respectively with a student population of over 11,869,138 learners (MOEST, 2014). Out of this population, there are about 4,059,000 whom are adolescents and are likely to

face the challenges related to MHM. Findings of a study done in Western Kenya revealed that WASH conditions in the majority of rural Kenyan primary schools are insufficient for the MHM needs of menstruating girls. It further stated that suboptimal WASH conditions in schools may hinder girls' ability to concentrate in class, attend school when menstruating, or at worst dropout of school completely (Alexander, et al., 2014). ([http://guidelines.health.go.ke:8000/media/Menstrual\\_Hygiene\\_Management\\_Policy\\_2019-2030-May2020.pdf](http://guidelines.health.go.ke:8000/media/Menstrual_Hygiene_Management_Policy_2019-2030-May2020.pdf))

**EXPRESSING DEEP CONCERN** Over the introduction of administrative offices, unnecessary committees within the bill which poses a grave risk of the dire situation as it is already. This bill creates an illusion that the bill supports free menstrual products distribution, it is duplicative and will burden the taxpayers with unnecessary offices

**UNDERSCORING** the constitutional right to access to the highest standards of health public participation in governance including being meaningfully involved in the decision-making process.

**REAFFIRMING** The spirit of the constitution in ensuring all lives of Kenyans are safe and protected.

**CONSCIOUS** that meaningful and inclusive participation is a precondition to sustainable, holistic and relevant solutions to challenges, such as access to affordable reproductive health services/products

**APPRECIATING** the commitment by the Senate to call for submissions on the proposed bill

**CONSIDERING**

**REVIEW OF THE PROVISION OF SANITARY TOWELS BILL, 2024 (Senate Bills No. 7 of 2024)**

**We submit as follows and ask for reconsideration of the following clauses:**

Page	Title/Clause/Page	Comments	Proposed Amendment	Reasons
	Section II (4-15)		<p>That the Senate entirely withdraws this Bill as proposed by Gloria Orwoba. This is because it lacks transparency and is discriminative in nature. It only provides for those in public institutions and correctional facilities, forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money, then it should accommodate all women in the country.</p> <p>That the idea of providing free sanitary towels is noble. Instead of forming</p>	<ol style="list-style-type: none"> <li>1. The bill lacks substance on how menstrual products will be provided, accessed, and prioritised.</li> <li>2. New and Unnecessary Structures for Provision of Menstrual Products             <ul style="list-style-type: none"> <li>- The set up of Committees from national to the county to meet in 3 months under taxpayers' money is a big waste</li> <li>- Adding layers of structures under existing structures is a big waste</li> <li>- Operational expenses of running committees</li> </ul> </li> </ol>

			<p>committees of 436 new individuals, the distribution of sanitary towels can be done by people in the Ministry of Gender Affairs in coordination with the offices of the Women Representatives at the county levels who are already on payroll to do the distribution.</p> <p>There should be transparency on the tendering of the sanitary towels purchased and the distribution of the same.</p> <p>We want to reduce the burden on taxpayers' as much as possible, therefore seeking funding from the National Assembly negates this. We urge the drafters of this bill to seek funding from institutions in the country who</p>	<p>against working with the line ministries and structures under the Education Act is an insult to women and girls who continue to miss school from this important product.</p>
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			have already shown in this field as a CSR project. This will ease the burden on taxpayers.	
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**Conclusion**

We express our gratitude to the senate for considering the importance of public participation and inviting stakeholders to submit their opinions, observations and recommendations in accordance with the PFM Act 2015.

We equally recognize the number of policies put in place looking to address menstrual health across schools and other platforms by the national and county governments. We trust that our recommendations for reconsideration will be taken into careful consideration, with the ultimate goal of safeguarding the health and welfare of our citizens especially the bulging population of young people in Kenya.

We as Kenyans, Young People and CSOs representatives remain committed to supporting and working with the country to ensure swift policies, guidelines and laws to avoid any duplicated processes.

Kind regards,

A young Kenyan citizen



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# Fwd: MEMORANDUM TO THE SENATE OF KENYA REGARDII 2024 Inbox x



**Labour S. Welfare Comm**

to chabarim, Jeremy, me, ndindikm, chogereinhardt

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**From:** Faith <faithkkyalo@gmail.com>

**To:** clerk <clerk.senate@parliament.go.ke>; laboursocialwelfarecomm <laboursocialwelfarecomi

**Date:** Monday, 22 July 2024 12:09 PM EAT

**Subject:** MEMORANDUM TO THE SENATE OF KENYA REGARDING THE ISSUES ON THE F

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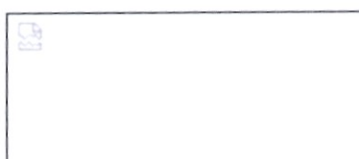
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Dear All,

Please find attached for your consideration.

Kind regards,  
Faith Kyalo.

**One attachment** • Scanned by Gmail



# MEMORANDUM TO THE SENATE OF KENYA REGARDING THE ISSUES ON THE PROVISION OF SANITARY TOWELS BILL, 2024

22ND JULY 2024

The Clerk of the Senate  
Parliament Buildings  
P.O Box 41842- 00100  
Nairobi

## 1. Preamble

Honourable Chair and Committee members,

I am responding to your invitation sent out by the Clerk of the Senate inviting the input of the public on the Provision of Sanitary Towels Bill, 2024 (Senate bills No. 7 of 2024). As a Kenyan citizen who advocates for Accountability, good governance, gender equality and a strong democracy, I have considered this bill and hereby submit my considered findings, commentary, and response to the above bill.

## 2. Concerns and Appreciations of the Provision of the Sanitary Towels Bill, 2024

- a) The concern of the Bill creating Interministerial committees and county interdepartmental committees just to advise the government on how to distribute the sanitary towels is wanting. They have already stated that these sanitary towels will be distributed to public institutions and correctional facilities so what will they be advising on?
- b) The concern by this Provision of Sanitary towels bill, 2024 to appoint a 13-member interministerial committee, appointed on a 3year contract and a further 9-person committee in each county interdepartmental committee will be a duplication of roles of the ministry of gender affairs and the office of the women representatives on the county level. There is no need for all these persons to advise and distribute the sanitary towels on the ministry and county level.
- c) The concern of this bill seeking funding from the National assembly to pay salaries of 436 individuals who have duplicating roles is absurd. At a time where our country is seeking a reduction of burden on the taxpayers' it will be a slap on the face for the citizens of Kenya to add to that burden at this time.
- d) We appreciate the idea of the proposer of this bill is to provide free sanitary towels in public institutions and correctional facilities. However, I find this discriminatory. There are a lot of women in this country who cannot afford sanitary towels and they aren't in the public institutions and correction facilities. There needs to be a way to make free pads accessible to every woman in this country.
- e) The concern of this bill is that it does not provide which company the sanitary towels will be purchased from and at what price. It is our concern that as we've seen with government institutions, they will purchase low quality products at high prices and that there is already someone in line hence why this bill is being hurriedly passed through the Senate. We do not accept anything that lacks transparency.

### 3. Our Recommendations Towards the Provision of the Sanitary Towels Bill, 2024

Honourable Senators, after careful consideration, these are my recommendations concerning the provisions of the Sanitary Towels Bill, 2024: -

- a) That the Senate entirely withdraws this Bill as proposed by Gloria Orwoba which is under recommendation by the Senate. This is because it lacks transparency, and it is discriminative in nature. It only provides for those in public institutions and correctional facilities forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money it should accommodate all women in the country.
- b) That the idea of providing free sanitary towels to women is noble. Instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution. There should be transparency on the tendering of the Sanitary towels purchased and the distribution of the same.
- c) We want to reduce the burden on the taxpayers' as much as possible so seeking funding from the National assembly only negates that. We urge the drafters of this bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers.

### 4. Conclusion

Honourable members, I thank you for considering this response and my recommendations. I appreciate the drafter of this bill and we hope that they can go back to the drawing board and use the already existing structures to execute this noble cause.

Kind regards,



Faith Kyalo



**COUNCIL OF GOVERNORS**



Westlands Delta House 2<sup>nd</sup> Floor, Waiyaki Way.  
P.O. BOX 40401-00100,  
Nairobi.

**Our Ref: COG/2/10 Vol.22 (113)**

19<sup>th</sup> July 2024

**J.M. Nyegenye, CBS**  
The Clerk of the Senate  
Parliament Buildings  
**Nairobi**



Dear Mr. Nyegenye,

**SUBMISSION OF LEGISLATIVE MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)**

Reference is made to the above matter and your invitation for comments on the Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)

The Council of Governors has reviewed the aforementioned Bill and hereby forwards the legislative memorandum attached herewith for your consideration. This is pursuant to Article 10 of the constitution which provides for public participation as one of the national values and principles of governance.

Please accept our highest esteem and regards.

Yours sincerely,

**Mary Mwit**  
**Chief Executive Officer**

① DSEC  
DLS

Kindly deal

② DDSEC (VK)  
Kindly deal  
DLS

23/07/2024

③ Ms. Mwangi  
Kindly deal  
W. Kobati  
24/07/2024

23/04/2024



## **LEGISLATIVE MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, 2024**

The Council of Governors has perused the Provision of Sanitary Towels Bill, 2024 and notes that its object is provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on provision of sanitary towels and establish 47 County Inter-departmental committees.

The Council **REJECTS** and **OPPOSES** the Bill in its entirety on grounds that it seeks to establish unnecessary structures and bureaucracies which will result in unnecessary financial burden on taxpayers. Further, there exists institutions capable of managing the distribution of sanitary towels in the country.

### **1. Unnecessary Structures established in the Bill**

**Clause 4** of the Bill Establishes a National Inter-Ministerial Committee to oversee administration and distribution of sanitary towels. The mandates envisioned for this committee can be effectively managed by existing government ministries and departments which already have the necessary infrastructure and policies to alleviate period poverty among girls and women. The creation of this committee will create unnecessary overlap in roles and bureaucracy, burden the tax payers and delay the implementation of sanitary towel distribution programs.

Moreso, **clause 12** establishes a secretariat the Committee which shall comprise of the Secretary to the Committee and other public officers to be employed. The creation of a secretariat with salaried public officers adds an unnecessary financial burden on the already constrained national budget. Employing additional staff incurs significant costs in terms of salaries, benefits, and administrative expenses, which could be better utilized in direct service provision.

**Clause 13** of the Bill further establishes forty-seven (47) County Inter-departmental committees for each of the 47 Counties, which is both impractical and financially untenable. Counties currently struggle with limited resources and budget constraints, and the addition of these committees would exacerbate these challenges. Effective resource allocation requires that existing structures be utilized to their fullest potential, rather than creating new entities that demand further financial support. The principle that resources must follow functions is critical, and the current county frameworks should be leveraged without additional structures.

**2. Burden on tax payers' money**

**a. Allowances and Salaries**

The proposed Bill includes provisions for allowances for committee members and salaries for the secretariat, which represents a significant and unnecessary financial burden. **Clause 11** provides that members of the Committee shall be paid such allowances and expenses as may be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

The costs associated with these allowances and salaries could be redirected towards direct service delivery, such as purchasing and distributing sanitary towels. By reducing administrative overhead, more funds can be allocated to the primary goal of the Bill which ensuring that girls have access to sanitary towels.

**b. Funding of established structures**

All new structures proposed under the Bill would require significant funding sourced from taxpayers. In the current economic climate, where budgets are tight and resources are limited, allocating additional funds to these structures is neither feasible nor justifiable. The government must prioritize essential services and ensure that every shilling spent delivers maximum value. Taxpayer money should be used efficiently and transparently, and adding new layers of structures does not align with these principles.

### **3. Budgetary constraints and Parliamentary Appropriation of funds**

The Bill's expectation under *clause 16* that funds for the commission be appropriated by Parliament is unrealistic given the existing budgetary constraints. The national budget is already stretched thin, with numerous competing priorities. The country is currently facing severe financial constraints with significant budget deficits and a heavy debt burden. Diverting funds to support the proposed structures would mean sacrificing other critical services and programs. The additional financial commitments required by the proposed Bill are not sustainable and would further strain the country's fragile financial situation. It is crucial to focus on policies and programs that deliver maximum impact with minimal cost, ensuring that taxpayer money is used wisely and effectively.

### **4. Already Existing Institutions for welfare of girls and women**

There are already several established institutions and organizations; both government and non-government, dedicated to the welfare of the girl child including the provision of sanitary towels. These entities have the experience, infrastructure, and outreach necessary to effectively manage the distribution process. Instead of creating new bodies, focus should be placed on strengthening and supporting these existing institutions, thereby avoiding duplication of efforts and wastage of resources. Collaboration with non-governmental organizations and community-based groups could enhance the reach and impact of sanitary towel distribution programs.

### **5. Sanitary Towels as a basic necessity for girls and women**

Sanitary towels are a basic necessity for girls, and their distribution should be managed in a manner that does not impose additional financial burdens on taxpayers. The government ought to explore cost-effective and sustainable methods for ensuring that all girls have access to sanitary towels. The goal should be to provide sanitary towels free of charge and free of bureaucratic complications, ensuring that the girls' needs are met efficiently and effectively. The instant Bill goes contrary to this goal by making it complicated, and costly through the establishment of unnecessary structures, excessive administrative layers, and additional financial obligations.

The Bill not only strains the already limited resources but also hinder the timely and effective distribution of sanitary towels to those in need. Instead of simplifying and streamlining the process, the Bill introduces bureaucratic hurdles that could delay the delivery of essential services and impose unwarranted fiscal burdens on taxpayers.

In conclusion and from the foregoing submissions, we urge the Senate to withdraw the Sanitary Towels Bill, 2024 in its entirety. Please accept the assurance of our highest esteem and consideration.

# NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS



## MEMORANDUM SUBMITTED BY THE NAIROBI PEOPLE SOCIAL MOVEMENTS AND BUDGET CHAMPIONS

### ON THE PROVISION OF SANITARY TOWELS BILL 2024

#### TO THE SENATE PARLIAMENT

ON 22<sup>ND</sup> JULY 2024

① DDSEC  
DLG  
Kindly deal  
Eg  
23/07/2024



③ Ms. Mwanata  
Kindly deal  
Hobach  
24/07/2024

⑤ DDSEC (VK)  
Kindly deal  
23/07/2024

# NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS

We hereby submit this memorandum capturing our views as the people of this nation. The views and proposals on the equitable ward development bill do not only spur and give directions to equitable development from a citizen lens within the wards but also puts the Wananchi at the fore front in governance and development processes as is the vision of our 2010 constitution.

## General provisions

1. Considering the objective at its first impression of the bill, we propose a change of name to the bill to read,

### END PERIOD POVERTY ACT 2024

2. The bill does not really elaborate its objective and the objective of the inter-ministerial committee; hence we propose the following objective to be included into the bill.
  - Facilitate access to sanitary towels in both public and private institutions.
  - Promote menstrual health and hygiene.
  - Reduce menstrual poverty.
  - Enhance Menstrual Health Education and Accessibility for Women and Girls with Disabilities in Remote Communities.
  - Raise awareness and reduce stigma on menstrual health.
  - Promote environmental sustainability through use of environmentally friendly sanitary products.
  - Recognize access to sanitary products as a basic human right.
  - Implement Systems for Continuous Monitoring and Evaluation of Sanitation Practices and infrastructure to identify areas for improvement.

NO	SECTION	ISSUE	PROPOSED AMENDMENTS
1.	Part 1- short title	The title of the bill requires modification as it currently fails to adequately reflect its focus on addressing the needs of vulnerable women in society. The proposed bill on the provision of sanitary towels should specifically highlight this context to ensure clarity and relevance.	To read “an Act of Parliament to END PERIOD POVERTY through provision of quality, free, sufficient sanitary towels to vulnerable women in the communities, public, private institutions and correctional facilities.
2.	Part 1 section 3	Include both private institutions and vulnerable community women as a benefactor to free sanitary towels	3.This Act shall target vulnerable women in communities, public, private

## NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS

			institutions, all correctional facilities.
3.	Part II section 6 subsection 1 part (b) and (c)	A person qualified as a chairperson should have a working experience in a gender related field not just any university degree , there is also a need to Reduce the working experience from ten years to five years	(b) Holds a degree from a university recognized in Kenya in Health and social sciences (c)has at least five years working experience in a gender related field
4.	Part II section 8 b, c, e, f, g and i	There is a dire need for free sanitary pads to be provided not only to women employed in public institutions but also in all institutions both public and private and also ensure the vulnerable women in informal communities are equally put into consideration. This is very discriminative of unemployed poor women	(b) Co-ordinate together with the Community Health Promoters (CHPs) in the provision of sanitary towels to vulnerable women in the communities, in both public and private institutions and in all correctional facilities. (c)Provide free, sufficient and quality sanitary towels to every woman employed by or studying both public and private institutions, to every woman in the custody of a correctional facility and to poor women in vulnerable communities. (e)receive and act on reports relating to provision of sanitary towels in both public and private institutions, vulnerable communities and all correctional facilities. f) develop a framework to facilitate the availability and distribution of sanitary towels in both public and private institutions, vulnerable communities and all correctional facilities in Kenya g) develop inter-governmental agreements for joint implementation of activities for distribution of sanitary towels to all women in both public and private institutions , vulnerable

## NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS

			communities and all correctional facilities i) develop and manage a national register for both public and private institutions, vulnerable communities and correctional facilities that require supply of sanitary towels
5.	Part II section 13 subsection 2	Typing error, its (h) and (I) and not (g) and (h)	2) The respective county governor shall appoint members of the county interdepartmental committee nominated under subsection (1)(g) and (h) by notice in the gazette
	Part II section 13 subsection 3	Typing error, its (h) and (I) and not (g) and (h)	3) The members of the county interdepartmental committee nominated under subsection (1)(g) and (h) shall hold office and shall not be eligible for re-appointment for another term.
6.	Part II section 14-part a and b	Inclusion of private institutions in the ACT	We propose this reads; a) Advise the respective county government on the provision of sanitary towels to all vulnerable women in all public and private institutions and vulnerable communities. b) Provide free, sufficient and quality sanitary towels to every woman in communities both public and private institutions and correctional facilities.
7.	Part II section 15 subsection 1	The lack of accountability when a misconduct happens	We propose it reads; 15(1) A matter or thing done by a member of the Committee, or any officer, staff or agent of the committee shall be rendered such member, officer, staff or

## NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS

			agent personally liable for any action, claim or demand whatsoever if the matter or thing is done while executing the functions, powers or duties of the committee
8.	Part V section 21 subsection 2 part (b)	Inclusion of private institutions in the ACT	We propose it reads; 2(b) the procedure to be followed in the distribution of sanitary towels to vulnerable women in communities, both public and private institutions, all correctional facilities in Kenya under this act

### General Commentary

We the people of this great nation are cognizant to the Senator's intention to end period poverty among poor and vulnerable girls and women residing mostly in the informal settlements of Kenya who cannot only fend for these menstrual products but also find it hard to have a meal a day.



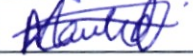
With this backdrop, it is perplexing to learn that the bill is only targeting women employed in the public sector thereby discriminating the target group and the fundamental reason as to why this initiative came to life at the first place.

We therefore plead with the senate to reconsider and ponder on the critical cause for the development of this bill and thereby develop a policy framework that responds to the need of poor and vulnerable women and girls contrary to the proposed target of publicly employed women who most times have access to these products.

This is Hereby signed by representatives of Nairobi people movements and Muungano wa Wanavijiji from the different settlements in Nairobi and wish to invite the senate committee to extend an olive branch for further deliberations on the proposed bill through the following contacts.

# NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS

We hereby put forth this memorandum and avail ourself in case of any clarity needed by the senate committee

Name	Settlement	Contact	Signature
ROSELINE ASENA	MUKURU	0726036470	
STEPHANIE KALDI	KAYOLE	0703507073	
Edwin Ndeda	Kibra	0713218885	
NICOLE ADHIAMBO	MUKURU	0700060182	
Mambidi Hessa	Kawangware	0791980142	

## NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS



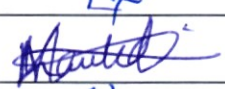
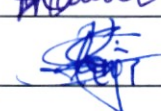

		(vi) Is on open contracting and prioritize contractors residing in each of the respective wards
Part V section 17	The fine proposed for misappropriation of the proposed fund is minimal	We propose that it reads. “Any person who misappropriates any funds or assets from the fund or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this act commits an offense and shall, upon conviction, be liable to imprisonment for a term of not less than five years or to a fine of not less than one million shillings, or both.
Schedule 3 section 3 subsection 4	On conflict of interest	We propose the following. That a person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one million shilling or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment and be removed from the committee permanently
Schedule 6	Lack of an oversight role by citizens on the committees’ functions and proceedings	We propose that Minutes of all meetings by the committee shall be kept and entered in records and must be publicized to the citizens upon request
Part III section 7		

### Proposition on additional roles for the ward committees

1. The committee be mandated to oversee project implementation as per set standard and BQs.
2. The committee mandated to provide feedback to community on selected projects and status of financial allocations.
3. Providing quarterly feedback on project implementation
4. Receive complaints from community that may arise during implementation on behalf of the CEC member.
5. Conduct assessment of all stalled projects within the ward to influence project allocation and prioritization.

## NAIROBI PEOPLE SOCIAL MOVEMENT AND BUDGET CHAMPIONS

This is Hereby signed by representatives of Nairobi people movements and Muungano wa Wanavijiji from the different settlements in Nairobi and wish to invite the senate committee to extend an olive branch for further deliberations on the proposed bill through the following contacts.

Name	Settlement	Contact	Signature
NIGOLE ANHIMBO	MUKURU	0700060182	
Edwin Ndeda	Kibra	0713218885	
Maulidi Hassa	Karagware	0791980142	
STEPHANIE KALONJI	KAYOLE	0703507073	
ROSELINE ASENA	MUKURU	0726030470	



**Hennet**  
Health NGOs' Network



**HENNET CSO Memoranda on Sanitary Towel Bill**

Presented to:  
Clerk Of the Senate

Tel: (254-2) 2221291

Email: [clerk.senate@parliament.co.ke](mailto:clerk.senate@parliament.co.ke)

Date: 22<sup>nd</sup> July 2024

① **DSEC**  
Dtg  
—  
kindly deal.  
Eg  
23/07/2024

③ Ms. Mwanate  
Kindly deal  
Wobasi  
24/07/2024

② DDSEC (K)  
Kindly deal  
~~Wobasi~~  
23/07/2024

## CIVIL SOCIETY INPUTS AND COMMENTS

### Introduction

In a meeting hosted on Thur18<sup>th</sup> The Health NGOs' Network (HENNET), convened - civil society partners from across the country and brought together in this virtual meeting, partners reviewed the proposed sanitary towel bill and made recommendations as outlined below.

### Health CSOs Memo on the Sanitary Towel Bill

S/No.	Issue of Concern	Recommendation
Part I Preliminary	<p>The application is broad, which is beneficial, but implementation could be challenging, due to logistical challenges, such as distribution inefficiencies, resource allocation issues, and varying levels of readiness among institutions.</p>	<p>The bill should specify implementation stages or prioritize institutions to manage logistics better.</p> <p><b>Recommendations</b></p> <p>a. Implementation Stages:</p> <ul style="list-style-type: none"> <li>- Pilot Phase: Start with a pilot phase targeting a select number of institutions, such as a mix of urban and rural schools, to assess the logistical needs and challenges.</li> <li>- Phase-wise Rollout: Implement a phase-wise rollout plan, prioritizing institutions based on factors such as the level of need, geographical location, and existing infrastructure.</li> <li>- Evaluation Periods: Include regular evaluation periods between phases to assess progress, identify bottlenecks, and make necessary adjustments.</li> </ul> <p>b. Prioritize Institutions:</p> <ul style="list-style-type: none"> <li>- Needs Assessment: Conduct a thorough needs assessment to prioritize institutions. This assessment should consider factors such as the socio-economic status of the area, current access to sanitary products, and existing support systems.</li> </ul>

- Resource Allocation: Allocate resources based on the priority levels identified in the needs assessment, ensuring that the most vulnerable populations are served first.

- Readiness Criteria: Establish criteria for institutional readiness, including factors like storage facilities, distribution mechanisms, and partnerships with local NGOs or health organizations.

c. Logistical Planning:

- Distribution Network: Develop a robust distribution network involving local government units, NGOs, and private sector partners to ensure efficient and timely delivery of sanitary towels.

- Monitoring and Reporting: Set up a monitoring and reporting system to track the distribution and usage of sanitary towels, allowing for real-time adjustments and accountability.

- Training and Capacity Building: Provide training and capacity-building programs for staff in public institutions to manage the distribution process effectively.

d. Stakeholder Engagement:

- Community Involvement: Engage local communities in the implementation process to ensure cultural sensitivity and community buy-in.

- Feedback Mechanisms: Establish feedback mechanisms for beneficiaries to report issues or

		<p>suggest improvements, ensuring the program is responsive to the needs of the users.</p> <p>Example Implementation Plan</p> <ul style="list-style-type: none"> <li>- Phase 1 (Year 1): Pilot in 10 urban and 10 rural schools with high needs.</li> <li>- Phase 2 (Year 2): Expand to 50 more schools across different counties, incorporating lessons learned from Phase 1.</li> <li>- Phase 3 (Year 3-4): Rollout to all public primary schools, then secondary schools.</li> <li>- Continuous (Year 5+): Annual review and expansion to other public institutions as needed.</li> </ul> <p>By specifying these stages and prioritizing institutions, the bill can address potential implementation challenges more effectively, ensuring that resources are used efficiently and that the most vulnerable populations benefit first.</p>
Part I	AN ACT of Parliament to provide for the provision of quality, free, and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on the provision	<ul style="list-style-type: none"> <li>- Define "public institutions" more precisely, perhaps by listing examples or categories.</li> <li>- Clarify what constitutes "quality sanitary towels" by setting standards or referencing recognized quality marks. These standards can set the stage, especially for the local manufacturing of sanitary towels.</li> </ul>
Part II — Administration And Provision Of Sanitary Towels	There is established the Inter-Ministerial Committee on Provision of Sanitary Towels.	The bill should ensure the Committee is operational promptly after its enactment to kickstart the provision of sanitary towels efficiently.
Part II- section 5(1)	The committee composition- The composition is diverse but heavily reliant on government officials, which could lead to bureaucratic inefficiencies.	-Include more representatives from non-governmental organizations and private sectors, especially those with expertise in women's health and education as well

	Establishing the Committee is essential, but details on how members are selected could be problematic.	as women and girls who are the actual users of the sanitary towel. - Introduce transparent criteria and a selection process to minimize nepotism. Include public participation or oversight in the selection process.
Part II-section 6(1)	Qualification for appointment to the Committee under section- The need to verify that the appointed members meet the specified qualifications and represent a diverse range of expertise in a gender-related field to effectively address the provision of sanitary towels.  - The qualifications are good but could be stricter to ensure competency and integrity.	- Require a more rigorous vetting process, including public disclosure of qualifications and backgrounds. Consider including a clause for continuous professional development such as:  a. Training Programs: Mandate ongoing training and professional development for Committee members. This could include courses on new sanitary technologies, logistics management, and public health strategies.  b. Performance Reviews: Implement regular performance reviews to assess the effectiveness of Committee members and provide feedback for improvement.
Part II-section 7 (1)	Powers of the committee- The powers are broad but necessary for the Committee's functions. However, broad powers without oversight can lead to misuse or abuse of authority.	Recommendation: - Ensure checks and balances are in place by requiring regular audits and public reporting of activities and expenditures.  a. Checks and Balances: - Regular Audits: Mandate regular financial and operational audits conducted by an independent body. These audits should be comprehensive and include reviews of budget allocations, expenditures, and procurement processes.  - Public Reporting: Require the Committee to publish regular reports detailing its activities, decisions, and financial statements. These reports should be accessible to the

		<p>public and reviewed by relevant parliamentary committees.</p> <p>b. Oversight Mechanisms:</p> <ul style="list-style-type: none"> <li>- Ethics Committee: Establish an independent ethics committee to oversee the Committee's activities, ensuring they adhere to ethical standards and avoid conflicts of interest.</li> <li>- Whistleblower Protection: Introduce protections for whistleblowers to encourage the reporting of any misconduct or corruption within the Committee.</li> <li>c. Performance Accountability: <ul style="list-style-type: none"> <li>- Key Performance Indicators (KPIs): Develop KPIs for the Committee's performance, including targets for the distribution of sanitary towels, efficiency metrics, and feedback from beneficiaries.</li> <li>- Annual Review: Conduct an annual review of the Committee's performance against these KPIs, with results published and made available for public comment.</li> </ul> </li> </ul>
Part II-section 8	<p>Functions of the committee- The Committee's functions are extensive and necessary for the successful implementation of the bill. However, there is a risk of overlapping responsibilities with other agencies, which can lead to inefficiencies and confusion.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> <li>- Define the collaboration mechanisms with other government and non-governmental entities clearly to avoid redundancy. a. Collaboration Mechanisms: <ul style="list-style-type: none"> <li>- Memoranda of Understanding (MoUs): Develop MoUs with other government and non-governmental entities that outline clear roles and responsibilities. These agreements should specify how the Committee will collaborate with agencies such as the Ministry of Health, Ministry of Education, and relevant NGOs.</li> </ul> </li> </ul>

- Coordination Meetings: Hold regular coordination meetings with representatives from these entities to discuss progress, address challenges, and ensure alignment of efforts.

b. Avoiding Redundancy:

- Task Force Integration:

Integrate the Committee's tasks with existing government programs focused on women's health, education, and sanitation. This integration can help streamline efforts and leverage existing resources.

- Resource Mapping:

Conduct a resource mapping exercise to identify available resources and existing programs that can support the Committee's functions. This can prevent duplication and optimize the use of resources.

c. Clear Communication Channels:

- Information Sharing:

Establish clear channels for information sharing between the Committee and other stakeholders. This could include regular updates, shared databases, and joint reporting mechanisms.

- Public Awareness Campaigns:

Implement public awareness campaigns to inform communities about the roles and activities of the Committee and its partners, ensuring that beneficiaries understand how to access the services provided.

By implementing these detailed recommendations, the qualifications, powers, and functions of the Committee can be enhanced to ensure effective, transparent, and

		accountable management of the provision of sanitary towels in Kenya.
Part II-section 9	Vacancy in the committee- The process for filling vacancies is outlined, but it could be expedited to avoid long periods of inactivity by reducing the time frame for filling vacancies and including interim measures to ensure continuity.	<p>Recommendations:</p> <p>a. Expedited Time Frame:</p> <p>- Shorten Appointment Period: Reduce the time frame for the appointment of new members to fill vacancies. For example, mandate that vacancies be filled within 30 days of their occurrence.</p> <p>b. Interim Measures:</p> <p>- Interim Appointments: Allow for interim appointments by an authorized body or individual, such as the chairperson or a senior member of the Committee, to ensure continuity. These interim members can serve until the formal appointment process is completed.</p> <p>- Temporary Delegation of Duties: Permit the temporary delegation of duties to existing Committee members or relevant staff to cover the responsibilities of the vacant position. This ensures that critical functions are not delayed or neglected.</p> <p>c. Emergency Protocols:</p> <p>- Emergency Response Team: Establish an emergency response team within the Committee that can be activated to address urgent matters during periods of vacancy. This team could be composed of senior staff or experienced members who can handle additional responsibilities temporarily.</p> <p>- Rapid Recruitment Panel: Form a rapid recruitment panel tasked specifically with expediting the recruitment process for filling vacancies. This panel should have predefined</p>

		protocols to ensure a quick yet thorough vetting process.
Part II -section 10(1), (2), section 11, section 12(1)	-Conduct of business and affairs of the Committee-Self-regulation might lead to inconsistency. - The members of the Committee shall be paid such Remuneration of the members of allowances and expenses as may be determined by the Committee-Remuneration details are vague. The Secretariat's appointment process could be susceptible to bias.	-The schedule is not spelled out leaving room for the committee to conduct other business - Establish a standardized operating procedure and an external oversight mechanism to ensure compliance and consistency - Set clear and competitive remuneration guidelines to attract qualified members while ensuring transparency. Link remuneration to performance metrics. - Ensure the recruitment process is competitive and transparent, with a focus on merit-based appointments.
Part II- section 13 (1)	County interdepartmental committees on the provision of sanitary towels- County-level committees are essential for localized implementation but might face coordination challenges	Recommendation: - Provide clear guidelines and support for the establishment and operation of these committees. Include a feedback loop to the central Committee for continuous improvement.
Part II section 14	Functions of county interdepartmental committees-Functions are comprehensive but might overlap with other local initiatives.	Recommendation: Encourage coordination with existing local health and education initiatives to leverage resources and avoid duplication.
Part II section 15(1)	Protection from personal liability- Protection is necessary but should not shield individuals from accountability.	Recommendation: - Include provisions that protect whistleblowers and ensure that protection from liability does not cover acts of gross negligence or corruption.
Part III section 16	Funds of the committee- Diverse funding sources are necessary but could lead to dependency on volatile sources.	Recommendation: - Secure stable funding from the national budget and encourage sustainable practices. Include provisions for financial transparency and accountability.
Part III sections 18 & 19 (1)	Accounts and audits- annual estimates- Requires compliance with existing financial management laws. - Compliance with public finance laws is necessary but not always sufficient.	Recommendation: Ensure estimates are realistic and include provisions for independent review and public consultation. Recommendation: - Require additional independent audits and public disclosure of audit results to enhance transparency.

Part III section 20(1)	Reports of the committee- Regular reporting is essential for accountability.	<p>Recommendation:</p> <ul style="list-style-type: none"> <li>- Ensure reports are accessible to the public and include detailed performance metrics. Implement a mechanism for feedback from beneficiaries.</li> </ul>
Part V section 21	General provision- regulations- The power to make regulations is necessary but could be abused.	<p>Recommendation:</p> <p>Require public consultation and parliamentary oversight for all significant regulations to ensure they serve the public interest.</p>
Part V section 22	Offences- Addressing offences is crucial but specifics are lacking	<p>Recommendation:</p> <p>Define specific offenses and corresponding penalties clearly. Include anti-corruption measures and safeguards against misuse of funds.</p>
Part V section 23	<p>Amendment to Act No. 14 of the Constitution 2013- Ensuring consistency with other laws is important</p> <p>-There is no specific mention of local manufacturing or provisions to spur local production of sanitary towels. The bill primarily focuses on the distribution, administration, and provision of sanitary towels in public institutions, but does not address the aspect of local production or manufacturing incentives.</p>	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>- Conduct a comprehensive review of related laws and regulations to ensure coherence and avoid legal conflicts.</li> </ul> <p><b>Recommendation:</b></p> <p>i. Amend the bill to include provisions that support local manufacturing, such as:</p> <ul style="list-style-type: none"> <li>- Exemptions from the Eco Levy for locally manufactured sanitary towels, as suggested in the recently withdrawn Finance Bill 2024.</li> <li>- Incentives for local manufacturers, such as tax breaks or subsidies, to encourage production and lower costs.</li> <li>- Collaboration with local industries to ensure sustainable and cost-effective production.</li> <li>- Clear guidelines and transparent processes for awarding contracts to local manufacturers to prevent corruption and ensure fairness.</li> </ul> <p>ii. Establish a monitoring mechanism to oversee the quality and pricing of locally manufactured sanitary towels to prevent corruption and ensure they meet the required standards.</p>

		<p>iii. Encourage public-private partnerships to foster innovation and efficiency in the production and distribution of sanitary towels.</p> <p>This approach would align to make sanitary towels more accessible while supporting local economic growth and reducing dependency on imports.</p>
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### Summary of Contributions and Comments:

- The bill proposes providing free sanitary towels in public institutions and correctional facilities.

### Concerns raised include:

- Lack of inclusivity - The bill focuses on sanitary towels, neglecting other Menstrual Health Products options like tampons and menstrual cups.
- Sustainability - The bill doesn't address how the program will be funded in the long term.
- Duplication of efforts - The bill might create new committees while existing ones already address Menstrual Health management.
- Lack of clarity on implementation - How Menstrual Health Products will be distributed to various locations is unclear.
- Accessibility: The bill doesn't consider how to reach women and girls who are not in public institutions, particularly those in remote areas.
- Sustainability: The bill doesn't mention how the program would be funded in the long term.
- Local manufacturing: The bill doesn't mention encouraging local MHP production.

### Recommendations suggested during the discussion:

- Include various Menstrual Health Products options in the bill.
- Focus on how to ensure sustainable funding and distribution.
- Leverage existing committees instead of creating new ones.
- Address the bigger issue of improving local Menstrual Health Products production.

- Making the bill more comprehensive to address all aspects of Menstrual Health Management, including research and support for vulnerable groups.
- There needs to be a reworking of the Bill based on the comments provided. There is a need for the Bill but with the interest of women and girls in mind.

### **Conclusion**

We hope that you will review, address, and include our concerns raised in this memo. We are in support of the proposed amendments to the Sanitary Towel Bill by the CSOs and networks should take into consideration more time to generate the most suitable and sustaining Procedure for the distribution of Sanitary towels from the Bill. Overall, the bill for not comprehensive enough. It emphasizes the need for a more inclusive and sustainable approach to providing Menstrual Health Products in Kenya.

Yours faithfully,

*mklubaale*



**Dr. Margaret Lubaale**  
Executive Director, ED

Health NGO's Network (HENNET)  
Top Plaza Kindaruma Road.  
Address: P.O Box 30125-00100, Nairobi, Kenya  
Email: [director@hennet.or.ke](mailto:director@hennet.or.ke) | [admin@hennet.or.ke](mailto:admin@hennet.or.ke) | [programs@hennet.or.ke](mailto:programs@hennet.or.ke)  
Phone: +254796785973+254792906273  
[www.hennet.or.ke](http://www.hennet.or.ke) | [Twitter@HennetKenya](https://twitter.com/HennetKenya) | Facebook: @Hennet17.Kenya

# Annexes

## Partners present for the meeting:

Review of Memos on Upcoming Bills Chat Files Details Scheduling Assistant Recaps Attendance Meeting Whiteboard Breakout Rooms Q&A

Join Close

Thursday, July 18, 2024 8:56 AM - 11:08 AM

Download

36

Attended

8:56 AM - 11:08 AM

Start and end time

2h 11m 45s

Meeting duration

1h 2m 18s

Average attendance time

The screenshot displays a meeting interface. At the top, the title is "Review of Memos on Upcoming Bills 2024271...". Below the title, there are controls for "Record", "Upload", "Playlist", "Move to", "Laptop", and "Upload". A "Copy link" button is visible on the right. The main content area shows a document with text, including a section titled "PART II - ADMINISTRATION AND FINANCIALS" and "CHAPTER 10 - SANITARY TOWELS". On the right side of the meeting window, there is a list of participants represented by initials in circles: JM, PW, SA, SM, AM, PM, SS, HC, JN, PN, R, S, RN, BN, and 11. The bottom of the screenshot shows the Windows taskbar with various application icons.

Review of Memos on Upcoming Bills

July 18, 2024 Expires in 116 days 1 view SharePoint App HD

add a description to explain what this video is about

Figure 1 Screenshot of the members who attended the review of the sanitary towel bill



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Part III section 20(1)	Reports of the committee- Regular reporting is essential for accountability.	<p>Recommendation:</p> <ul style="list-style-type: none"> <li>- Ensure reports are accessible to the public and include detailed performance metrics. Implement a mechanism for feedback from beneficiaries.</li> </ul>
Part V section 21	General provision- regulations- The power to make regulations is necessary but could be abused.	<p>Recommendation:</p> <p>Require public consultation and parliamentary oversight for all significant regulations to ensure they serve the public interest.</p>
Part V section 22	Offences- Addressing offences is crucial but specifics are lacking	<p>Recommendation:</p> <p>Define specific offenses and corresponding penalties clearly. Include anti-corruption measures and safeguards against misuse of funds.</p>
Part V section 23	<p>Amendment to Act No. 14 of the Constitution 2013- Ensuring consistency with other laws is important</p> <p>-There is no specific mention of local manufacturing or provisions to spur local production of sanitary towels. The bill primarily focuses on the distribution, administration, and provision of sanitary towels in public institutions, but does not address the aspect of local production or manufacturing incentives.</p>	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>- Conduct a comprehensive review of related laws and regulations to ensure coherence and avoid legal conflicts.</li> </ul> <p><b>Recommendation:</b></p> <p>i. Amend the bill to include provisions that support local manufacturing, such as:</p> <ul style="list-style-type: none"> <li>- Exemptions from the Eco Levy for locally manufactured sanitary towels, as suggested in the recently withdrawn Finance Bill 2024.</li> <li>- Incentives for local manufacturers, such as tax breaks or subsidies, to encourage production and lower costs.</li> <li>- Collaboration with local industries to ensure sustainable and cost-effective production.</li> <li>- Clear guidelines and transparent processes for awarding contracts to local manufacturers to prevent corruption and ensure fairness.</li> </ul> <p>ii. Establish a monitoring mechanism to oversee the quality and pricing of locally manufactured sanitary towels to prevent corruption and ensure they meet the required standards.</p>

		<p>iii. Encourage public-private partnerships to foster innovation and efficiency in the production and distribution of sanitary towels.</p> <p>This approach would align to make sanitary towels more accessible while supporting local economic growth and reducing dependency on imports.</p>
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**Summary of Contributions and Comments:**

- The bill proposes providing free sanitary towels in public institutions and correctional facilities.

Concerns raised include:

- Lack of inclusivity - The bill focuses on sanitary towels, neglecting other Menstrual Health Products options like tampons and menstrual cups.
- Sustainability - The bill doesn't address how the program will be funded in the long term.
- Duplication of efforts - The bill might create new committees while existing ones already address Menstrual Health management.
- Lack of clarity on implementation - How Menstrual Health Products will be distributed to various locations is unclear.
- Accessibility: The bill doesn't consider how to reach women and girls who are not in public institutions, particularly those in remote areas.
- Sustainability: The bill doesn't mention how the program would be funded in the long term.
- Local manufacturing: The bill doesn't mention encouraging local MHP production.

**Recommendations suggested during the discussion:**

- Include various Menstrual Health Products options in the bill.
- Focus on how to ensure sustainable funding and distribution.
- Leverage existing committees instead of creating new ones.
- Address the bigger issue of improving local Menstrual Health Products production.

- Making the bill more comprehensive to address all aspects of Menstrual Health Management, including research and support for vulnerable groups.
- There needs to be a reworking of the Bill based on the comments provided. There is a need for the Bill but with the interest of women and girls in mind.

### **Conclusion**

We hope that you will review, address, and include our concerns raised in this memo. We are in support of the proposed amendments to the Sanitary Towel Bill by the CSOs and networks should take into consideration more time to generate the most suitable and sustaining Procedure for the distribution of Sanitary towels from the Bill. Overall, the bill for not comprehensive enough. It emphasizes the need for a more inclusive and sustainable approach to providing Menstrual Health Products in Kenya.

Yours faithfully,

*mklubaale*



**Dr. Margaret Lubaale**  
Executive Director, ED

Health NGO's Network (HENNET)  
Top Plaza Kindaruma Road.  
Address: P.O Box 30125-00100, Nairobi, Kenya  
Email: [director@hennet.or.ke](mailto:director@hennet.or.ke) | [admin@hennet.or.ke](mailto:admin@hennet.or.ke) | [programs@hennet.or.ke](mailto:programs@hennet.or.ke)  
Phone: +254796785973+254792906273  
[www.hennet.or.ke](http://www.hennet.or.ke) | [Twitter@HennetKenya](https://twitter.com/HennetKenya) | Facebook: @Hennet17.Kenya

# Annexes

## Partners present for the meeting:

Review of Memos on Upcoming Bills | Chat | Files | Details | Scheduling Assistant | Recap | Attendance | Meeting Whiteboard | Breakout rooms | Q&A | Join | Close | Download

Thursday July 18, 2024 8:56 AM - 11:08 AM

36 Attended	8:56 AM - 11:08 AM Start and end time	2h 11m 45s Meeting duration	1h 2m 18s Average attendance time
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The screenshot shows a meeting recording interface. The main content is a document titled "Review of Memos on Upcoming Bills" with several paragraphs of text. A section titled "PART II - ADMINISTRATION AND PROVISION OF SANITARY TOWELS" is highlighted in yellow. Below this, there are numbered points: "1. This Act shall apply to all public institutions and..." and "2. The Commission shall be a body..." The right side of the screen shows a list of participants with their initials and names: A, JM, PW, SA, SM, AM, PM, SS, HC, JN, PN, R, S, RN, BN, and I.

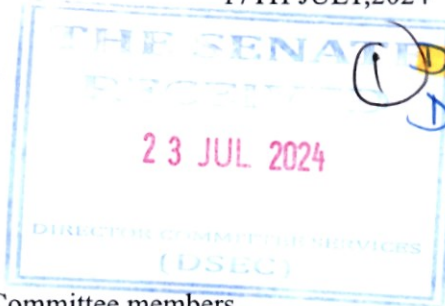
Review of Memos on Upcoming Bills  
July 18, 2024 Expires in 116 days 1 view SharePoint App HD Documents Recordings  
Add a description to explain what this video is about

Figure 1 Screenshot of the members who attended the review of the sanitary towel bill

MEMORANDUM TO THE SENATE OF KENYA REGARDING THE ISSUES ON THE PROVISION OF SANITARY TOWELS BILL, 2024

17TH JULY, 2024

The Clerk of the Senate  
Parliament Buildings  
P.O BOX 41842  
00100 Nairobi



1. Preamble

Honourable Chair and Committee members,

I am responding to your invitation sent out by the Clerk of the Senate inviting the input of the public on the Provision of Sanitary Towels Bill, 2024 (Senate bills No. 7 of 2024).

As a Kenyan citizen who advocates for Accountability, good governance, gender equality and a strong democracy, I have considered this bill and hereby submit my considered findings, commentary, and response to the above bill.

2. CONCERNS AND APPRECIATIONS OF THE PROVISION OF SANITARY TOWELS BILL, 2024

- a) The concern of the Bill creating Interministerial committees and county interdepartmental committees just to advise the government on how to distribute the sanitary towels is wanting. They have already stated that these sanitary towels will be distributed to public institutions and correctional facilities so what will they be advising on?
- b) The concern by this Provision of Sanitary towels bill, 2024 to appoint a 13-member interministerial committee, appointed on a 3year contract and a further 9-person committee in each county interdepartmental committee will be a duplication of roles of the ministry of gender affairs and the office of the women representatives on the county level. There is no need for all these persons to advise and distribute the sanitary towels on the ministry and county level.
- c) The concern of this bill seeking funding from the National assembly to pay salaries of 436 individuals who have duplicating roles is absurd. At a time where our country is seeking a reduction of burden on the taxpayers' it will be a slap on the face for the citizens of Kenya to add to that burden at this time.
- d) We appreciate the idea of the proposer of this bill is to provide free sanitary towels in public institutions and correctional facilities. However, I find this discriminatory. There are a lot of women in this country who cannot afford sanitary towels and they aren't in the public institutions and correction facilities. There needs to be a way to make free pads accessible to every woman in this country.
- e) The concern of this bill is that it does not provide which company the sanitary towels will be purchased from and at what price. It is our concern that as we've seen with government institutions, they will purchase low quality products at high prices and that there is already someone in line hence

② DDSEC (VK)  
Kindly deal  
23/07/2024  
Ms. Mwanate  
Kindly deal  
Wobesa  
24/07/2024

why this bill is being hurriedly passed through the Senate. We do not accept anything that lacks transparency.

### **3. OUR RECOMMENDATIONS TOWARDS THE PROVISION OF SANITARY TOWELS 2024**

Honourable Senators, after careful consideration, these are my recommendations concerning the Provision of sanitary towels bill 2024.

I. That the Senate entirely withdraws this Bill entirely as proposed by Gloria Orwoba which is under recommendation by the Senate. This is because it lacks transparency and it is discriminative in nature. It only provides for those in public institutions and correctional facilities forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money the it should accommodate all women in the country.

II. That the idea of providing free sanitary towels to women is noble. Instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution. There should be transparency on the tendering of the Sanitary towels purchased and the distribution of the same.

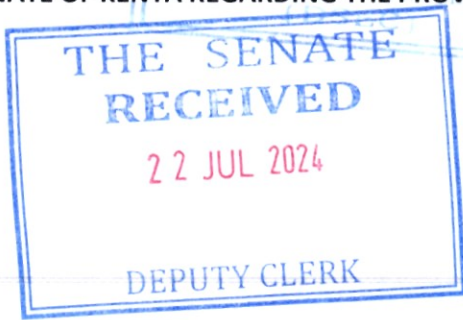
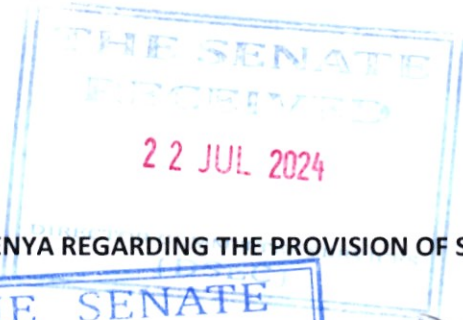
III. We want to reduce the burden on the taxpayers' as much as possible so seeking funding from the National assembly only negates that. We urge the drafters of this bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers.

### **4. CONCLUSION**

Honourable members, I thank you for considering this response and my recommendations. I appreciate the drafter of this bill and we hope that they can go back to the drawing board and use the already existing structures to execute this noble cause.

Kind regards,





**MEMORANDUM TO THE SENATE OF KENYA REGARDING THE PROVISION OF SANITARY TOWELS BILL, 2024**

**The Clerk of the Senate**  
Parliament Buildings  
P.O. BOX 41842  
00100, Nairobi

① DSFC  
DKG  
—  
Kindly deal.

**1. INTRODUCTION**

We, the young people of Kamkunji Constituency, are responding to your invitation to submit a memorandum on the Provision of Sanitary Towels Bill, 2024 (Senate Bill No. 7 of 2024). Below are our findings and recommendations regarding the Bill.

**2. CONCERNS AND APPRECIATION OF THE PROVISION OF SANITARY TOWELS BILL 2024**

**Appreciation:**

- We appreciate the initiative of the proposer of the Bill to provide sanitary towels in public institutions and correctional facilities. This is a significant step towards addressing period poverty in Kenya.

② DPSEC (VK)  
Kindly deal

**Concerns:**

**1. Limited Scope:**

- The Bill focuses solely on public institutions and correctional facilities. This focus is discriminatory, as many women outside these institutions also struggle to afford sanitary towels.

③ Ms. Mwanade  
Kindly deal  
Hobash  
23/07/2024

22/07/2024

**2. Committee Formation:**

- The proposal to create an inter-ministerial committee and county interdepartmental committees to advise the government on distribution is questionable.
  - We acknowledge the inclusion of county representatives, ensuring comprehensive representation.
  - However, the Bill does not specify the source of the sanitary towels, despite Section 8 emphasizing distribution as a primary function.
  - Clarification is needed on the advisory role of these committees if their main function is distribution.

**3. Duplication of Roles:**

- The formation of a 13-member inter-ministerial committee and 9-member county interdepartmental committees duplicates existing roles handled by the Ministry of Gender Affairs.

#### **4. Financial Implications:**

- Funding from the National Assembly to pay committee members' salaries contradicts current austerity measures. The budget allocated for these committees could be better utilized for other pressing issues, saving taxpayer money.

#### **5. Quality and Transparency:**

- The Bill lacks provisions regarding the quality, quality assurance, and minimum standards of the distributed sanitary towels. Transparency in these areas is crucial to prevent corruption in the purchase and distribution process.

### **3. RECOMMENDATIONS**

Based on our concerns, we offer the following recommendations:

#### **1. Inclusivity:**

- The Senate should recognize the discriminatory nature of the Bill and ensure that taxpayer money caters to all women, not just those in public institutions and correctional facilities.

#### **2. Utilization of Existing Frameworks:**

- To reduce the tax burden, we recommend leveraging existing systems and frameworks, such as the Ministry of Gender Affairs, for distribution. This would prevent unnecessary duplication of roles and expenses.

#### **3. Redirection of Funds:**

- The budget allocated to the special committee for the distribution of sanitary towels in public institutions and correctional facilities should be redirected to distribute sanitary towels across health centers.

#### **4. Sustainability Plan:**

- A clear sustainability plan is essential to ensure the initiative's longevity beyond the tenure of committee members. The current Bill lacks such provisions.

#### **5. Bill Rejection:**

- Given the technical complexities, discriminatory nature, and lack of a clear sustainability plan, we recommend a total rejection of the Bill. Instead, existing systems and frameworks under the Ministry of Gender Affairs should be utilized.

### **CONCLUSION**

We appreciate the opportunity to provide our concerns and recommendations regarding the Provision of Sanitary Towels Bill, 2024. We hope you will consider these points and ask the proposer to withdraw the Bill in favor of using existing systems and frameworks under the Ministry of Gender Affairs.

Sincerely,

[YOUTH ADVISORY COMMITTEE]  
KAMKUNJI SUB-COUNTY

NAIROBI, KENYA

RESIDENTS OF KAMUKUNJI CONSTITUENCY, NAIROBI COUNTY

No	Names	ID No	Contacts	
1.	Alice Wachera	42230083	0797160589	AK
2.	Hellen Kwaizimbi		0769298776	AK
3.	Yasmi meki	38715754	0768016992	AK
4.	Mary Wangari		0111333428	AK
5.	Margret Muthoni		0726496150	AK
6.	Nancy Wambui	36623038	0796529080	AK
7.	Lucy Wangari	32621966	0726191333	AK
8.	Joseph Mwangi	33792073	0799603830	AK
9.	Janet Kipara	41120010	0716517793	AK
10.	Jane Njeri	27551159	0757300555	AK
11.	Mary Muthoni	32621967	0793613104	AK
12.	Theresa Atieno	37397982	0717684586	AK
13.	Lavender AKOth	41629998	0712961380	AK
14.	Knight Ngina	23028769	0112904574	AK
15.	Emma NYAKIO	33302880032	0715823279	AK
16.	Emmanuel Lupao	32113819	0768071321	AK
17.	Doreen Nyongesa	36950611	0715880870	AK
18.	MABAFU JOYCE	23061952	0756618260	AK
19.	Wellington Moi	39119441	0724565679	AK
20.	Emice Adhiambo	20377898	0715848589	AK
21.	brack Sidisoaka	26368854	0705924544	AK
22.	DORRIS NDOTI	28214532	0742585172	AK
23.	JOHN MUYA	28399602	072805755	AK
24.	JACKSON WANGARI	<del>2810272878618</del>	0796678549	AK
25.	Wycliffe Sava	23278118	0702889683	AK
26.	Joash Oring	32594605	0720076393	AK
27.	James Kamau	22957671	0710511818	AK
28.	Mary Ndinda	26455871	0111501220	AK
29.	Grace Wambui	27199920	0797691319	AK
30.	Gladwell Omwanjira	37040575	0720765972	AK
31.	ESTHER MUKWANA	7423177	0715611081	AK
32.	PETER GACHIE	34658444	0714287575	AK
33.	ESTHER WANJIRU	13793339	0707884953	AK
34.	IRENE NJOKI	41170963	0112010596	AK
35.	Graph Lureka	28411096	0727805424	AK
36.	Setifa Mukwang	0489578	0759276673	AK
37.	JONAS WACERA	40469702		AK

38.	Mary Omuneri	33720545	0725350551	mo
39.	EDWIN KAMBOI	34137392	0741734712	ca
40.	MAXWEL MALLA	40642240	0946253608	sp
41.	Glady's Wambui	13728994	0724103096	ca
42.	Asha Kianjiku	268904664	0726083232	ca
43.	Florence Kambui	23129052	0715965886	ca
44.	Rajab Suleiman	14721727	0706119715	Re
45.	Lucy Nanyika	25313275	071434449	ky
46.	Janet Mwangi	23465599	0740852836	ca
47.	David Andalo	29376318	0105344084	ca
48.	Phenny Nyaboke	25989407	0799945515	mo
49.	Beatrice Kianjiku	36515432	0791245523	pa
50.	Jane Nabwire	28573525	0740366378	wa
51.	Kinnie Njani	33882778	0715823279	ky
52.	Jane Mugure	3343483	0713024467	aw
53.	Praxidis Ongayo	26368854	0715843589	wa
54.	Ann Klamcitha	24057450	0706136460	ca
55.	John Karuku	28401512	0714627412	wa
56.	Benedetta Mbenek	13796663	0797200975	ky
57.	Ibrahim Mohamed	22457424	0729339673	tu
58.	Tarqeen Mumbua	38009901	0728393010	ca
59.	Hellen Indekwa	29437362	0701092086	ca
60.	Agnes Adhiambo	29326746	072982573	wa
61.	Jascah Kianja	29588393	0748997800	ca
62.	Sophia Wanda	20594523	0716322364	ca
63.	Philip Mbiti	1678462	0714666370	wa
64.	Darcas Kianjiku	34742981	070790577	ca
65.	Purity Kianjira	25515075	070762012	ca
66.	Lilian Rairanga	25556384	0726577290	wa
67.	Nzilani Mutune	25358385	0708119551	wa
68.	Brenda Okwara	31977305	0716381930	ca
69.	Everlyne Demesi	27067632	0728796431	wa
70.	Rose Angomgo	20375565	0720086569	ky
71.	Doris Adoti	28214532	0711354245	ca
72.	Vain Lombui	32823451	0705924516	ca
73.	Violet Wambui	22836486	07464501123	ca
74.	Racheal Mura	11439139	0700423131	ca
75.	Mwendy Mulin	35614992	0715241538	ca
76.	Beth Kianjiku	2113666	07272475329	ca
77.	Eunice Mugure	28453859	0728834334	ca
78.	Mary Wairimu	2802408	0726762432	ca

79. Ailye Wambui

80. Cynthia

79	JEROME	Moibare	078821169078821169	0716653043	0153447
80	ANNE	Muhuri	07143353150		
81	MARY	Njeri	0726916471		
82	LIANG	Limou	0705780743		
83	CHRISTINE	Mathew	0719212672		
84	ANN	NDUNG	07022655171		
85	PAULINE	JOYCE	011925992		
86	KENNEDY	MARKEY			
87	SUSAN	NDUKU			
88	VINCENT	OKOLA			
89	ARTHUR	MWANGI	0796137925		
90	NAVY	MWANGI	0115660993		
91	ISABEL	OPENDO	0712511577		
92	RYAN	KAMUNY	0799912252		
93	DIANE	OLAGO	0792318052		
94	MARGARET	KAMUNY	0715318157		
95	DAVID	MWANGI	07440244984		
96	ANGELINE	MWANGI	0714014935		
97	ANN	MWANGI	0710516976		
98	FRAN	MWANGI	0795065426		
99	ANNABEL	NDUKU	0746522041		
100	MARY	MWANGI	0704687683		
101	ELVIS	MWANGI	0745605483		
102	PENINIA	MWANGI	0725555666		
103	RAJIV	NDUKU			
104	AGNES	MWANGI			
105	EMILY	MWANGI	0704463226		
106	MARGARET	ADHAMBHO	0726604894		
107	ROSE	MWANGI	0718571060		
108	JANE	MWANGI	0710689798		
109	MARGARET	MWANGI	0707150185		
110	MARGARET	MWANGI	0704016335		
111	MARGARET	MWANGI	0768397089		
112	OPARA	ABICHO	013711141		
113	ROSE	MWANGI	0724904333		
114	LILIAN	MWANGI	07299224895		
115	LYDIA	MWANGI	0705336580		
116	CAROLINE	MWANGI	0795144045		
117	NATASHA	MWANGI	0704122167		
118	AGNES	KARITO	0710790071		
119	ANNE	MWANGI	0799190191		

120	Hellen Nyachwaya	0718129446	<del>101</del> 30964679
121	Josphine Kavoo	0718549724	<del>101</del>
122	Jane waite	0757590985	<del>101</del>
123	MOREEN JAGYA	0798677404	<del>101</del>
124	Faith syombwa	0712369433	<del>101</del>
125	Annastacia Mberetsa	0713728839	<del>101</del>
126	Francis syokau	07165135050	<del>101</del>
127	Jane Wanjiru	0705153474	<del>101</del>
128	Ann Mubiobi	071659727	<del>101</del>
129	Nelly Wanjiku	0719853118	<del>101</del>
130	Jane Wambui	0700902426	<del>101</del>
131	Peninah Nasambu	0759744577	<del>101</del>
132	Rose Wangari	0707759963	<del>101</del> 30053125
133	Rose Jachenda	0727113274	<del>101</del>
134	Natasha Kibuyi	0115220467	<del>101</del> 36984456
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136	Douglas ONYONKA	0700423131	<del>101</del>
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140	Miriam Muthoni	0700015302	<del>101</del>
141	Jackline Wamuyu	0717725711	<del>101</del>
142	Ndugu Mwangi	0723408220	<del>101</del>
143	Caroline Kalisi	0704530203	<del>101</del>
144	Alice Wambui	0113783245	<del>101</del>
145	Hannah Muthoni	07584661914	<del>101</del>
146	Robert Mwangi	07118296681	<del>101</del>
147	Amina Abdalla	0745824125	<del>101</del>
148	Irene Wairimu	07177046455	<del>101</del>
149	Benson Mwangi	07911239663	<del>101</del>
150	Shame Abdalla	0743539290	<del>101</del>
151	Martha Wangari	0795758 0795757869	<del>101</del>
152	Martha Afanti	0712965121	<del>101</del>
153	Elizabeth Mutindi	0715452605	<del>101</del>
154	CAROLINE BATHIRI	0795144045	<del>101</del>
155	Naitha Wairera	0702969607	<del>101</del>
156	EMILYNE Achieng	0711583485	<del>101</del>
157	ELIZABETH mutindi	0715071482	<del>101</del>
158	Wendy MUKIRI	0712475328	<del>101</del>
159	JULIE Ndugu		<del>101</del>
160	Janet Waireri	07041638846	<del>101</del>

Subject CRADLE Memoranda on Provision on Sanitary Towels Bill

From Shantal Onyango <shantal.vonyango@gmail.com>

To

Cc: mwanateshaban@gmail.com <mwanateshaban@gmail.com>, kimisoi@live.com <kimisoi@live.com>, clerk senate <clerk.senate@parliament.go.ke>

Date Thursday August 1, 2024 10:59:03 PM



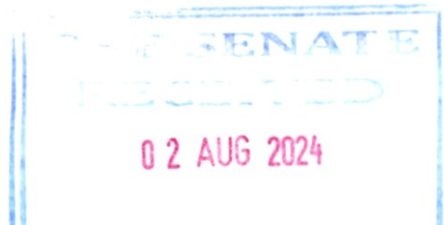
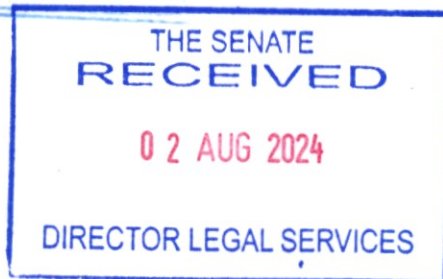
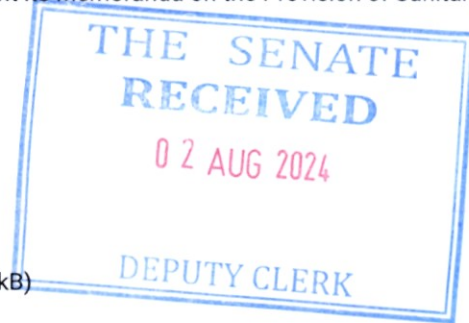
CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Sir,

The CRADLE, The Children Foundation shall honor the invite to present its Memoranda on the Provision of Sanitary Towels Bill. Please find attached our Memoranda.

Kind Regards  
Shantal Onyango  
Legal Officer,  
The Cradle, The Children Foundation

Attachments  
Memorandum on the provisions of sanitary towels bill (1).docx (190 kB)



*DSEC*

*DLS*

*kindly deal*

*J 02/08/2024*

*Mr. Othman*

*You are dealing*

*J 02/08/2024*

*DSEC-VK*

*Please deal*

*05/08/24*

*Ms. Mwanate  
Kindly deal  
05/08/2024*

THE NATIONAL ARCHIVES  
COLLECTION OF  
RECORDS



702 Dhanjay Apartments  
Hendred Avenue  
P.O Box 10101-00100  
+254722201875  
[info@thecradle.ke](mailto:info@thecradle.ke)

## **MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL**

Title/ Clause	provision	Proposed Amendment	Justification
Insert new clause 5(I)(b)	5(1) The committee shall comprise of- (a) The chairperson (b) The principal secretary responsible for gender or their representative designated in writing	Insert new clause (b) immediately after clause (b) to read (b) The principal secretary responsible for children matters or their representative designated in writing	There is no representation from the ministry responsible for children matters within the committee.
Amend clause 5(1)(III)	5(1) (iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector.	Delete sub-clause 5(1)(iii) and replace with “a person representing the private sector nominated by the Cabinet Secretary for Gender”	The umbrella body representing the largest number of organizations in the private sector may vary from time to time.  There are different private organizations that have nothing to do with distribution of sanitary towels, it should hence only be limited to those with relevant expertise
Insert new clause 5(1) (m)(n)	5(1) The committee shall comprise of- a) The chairperson b) The principal secretary responsible for gender or their representative designated in writing c) The principal secretary responsible for basic education or their representative designated in writing d) the Principal Secretary responsible for finance or	Insert new subclause (m) and (n) immediately after subclause (l) to read—  (m) One person nominated by the cabinet secretary to represent intersex matters; and (n) One person nominated by the cabinet secretary to represent persons with disability.	There needs to be representation of persons with disability and intersex persons.

	<p>their representative designated in writing;</p> <ul style="list-style-type: none"><li>e) the Principal Secretary responsible for correctional facilities or their representative designated in writing;</li><li>f) the Principal Secretary responsible for higher education or their representative designated in writing;</li><li>g) the Principal Secretary responsible for vocational and technical training or their representative designated in writing;</li><li>h) the Principal Secretary responsible for public health or their representative designated in writing;</li><li>i) the Attorney-General or their representative designated in writing;</li><li>j) the Chairperson of the National Gender and Equality Commission or their representative designated in writing;</li><li>k) the Director General for Health or their representative designated in writing; and</li></ul>		
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	<p>l) three persons, not being public officers, of whom-</p> <p>(i) one shall be nominated by the Council of County Governors;</p> <p>(ii) one shall be nominated by a public benefit organization concerned with matters related to gender; and</p> <p>(iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector.</p>		
Amend clause 4 (1)	4(1) there is established the Inter-Ministerial Committee on provision of sanitary towels	Amend to include where exactly this committee will be domiciled Is it under the ministry of health, gender or education	There needs to be centralized locality where this committee shall sit.
Amend clause 6(1)(c)	6(1) a person is qualified for appointment as the chairperson or a member of the committee under section 5(1)(i) if the person A) is a Kenyan citizen B) holds a degree from a university recognized in Kenya	Amend clause 6(1)(c) by deleting the words "ten" and replace with five so as to read—  (a) has at least five years working experience in a gender related field;	The requirement locks out many eligible young qualified individuals from such opportunities.

	<p>C) has at least ten years working experience in a gender related field;</p> <p>D) has not been an employee of a nominated entity, where applicable, in the preceding five years; and</p> <p>E) meets the requirements of chapter six of the constitution</p>		
Insert new clause 8 (b)	<p>The committee shall</p> <p>(a) advise the government on the provision of sanitary towels in all public institutions and correctional facilities;</p> <p>(b) co-ordinate the provision of sanitary towels to all public institutions and correctional facilities</p>	<p>Insert new clause 3(b) immediately after 8(a) to read as—</p> <p>(b) Advise the cabinet secretary on budgetary estimates for implementation of Acts of Parliament in relation to the provision of sanitary towels</p>	<p>The government needs to have appropriate figures in relation to the budgetary allocations necessary for adequate provision of sanitary towels.</p>
Insert new clause 8 (c)	<p>The Committee shall— (a)advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;</p> <p>(b) co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;</p> <p>(c)provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every</p>	<p>Insert new clause (c) immediately after clause 8(b) to read—</p> <p>(c)advise government on creation of local manufacturing of sanitary towels and measures that can be taken to boost the industry.</p>	<p>This is in line with Vision 2030 expressly the manufacturing industry</p>

	<p>woman in the custody of a correctional facility;</p> <p>(d) in consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;</p> <p>(e) receive and act on reports relating to provision of sanitary towels in public institutions and correctional facilities;</p>		
Amend clause 8(c)	<p>8. The committee shall-</p> <p>(c) Provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;</p>	<p>Delete the words “woman” and replace with “female person” and</p> <p>Insert the words “intersex person” immediately after the words “every woman” to read—</p> <p>8. (c) Provide free, sufficient and quality sanitary towels to every person or intersex person employed by or studying in a public institution and to every female person or intersex person in the custody of a correctional facility;</p>	<p>There needs to be an express provision relating to provision of sanitary products to intersex persons.</p> <p>Use the words female to include both women and girls.</p>
Insert new clause 8 (j)	<p>The Committee shall— (a) advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;</p> <p>(b) co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;</p>	<p>Insert clause (j) immediately after” (I) to read—</p> <p>(j) Conduct continuous education to demystify the cultural and religious stigma attached to menstruation; and</p>	<p>The committee ought to conduct awareness campaigns to end period stigma on menstruation.</p>

	<p>(c)provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;</p> <p>(d)in consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;</p> <p>(e)receive and act on reports relating to provision of sanitary towels in public institutions and correctional facilities;</p> <p>(f) develop a framework to facilitate the availability and distribution of sanitary towels in all the public institutions and correctional facilities in Kenya;</p> <p>(g)develop inter-governmental agreements for joint implementation of activities for distribution of sanitary towels in all public institutions and correctional facilities;</p> <p>(h)co-operate with all other relevant institutions for efficient procurement and distribution of sanitary towels;</p> <p>(i)develop and manage a national register for all public institutions and correctional facilities that</p>		
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	<p>require supply of sanitary towels; and  (j) perform any other function conferred on it by this Act or any other written law.</p>		
<p>Insert new clause 13 (2) (j) &amp;(k)</p>	<p>13 (1) There is established, in each county, county interdepartmental committees on provision of sanitary towels. (2) A county interdepartmental committee established under subsection (1) shall be comprised of—  (a)the county executive committee member responsible for gender matters who shall be the chairperson; (b)the county executive committee member responsible for children welfare or their representative designated in writing  (c)the county executive committee member responsible for education or their representative designated in writing;  (d)the county executive committee member responsible for health their representative designated in writing;  (e)the county commissioner or their representative designated in writing;  (f)the gender officer in charge of the county;</p>	<p>Insert new clause 13(2) (j) &amp;(k) immediately after (I) so as to read:  13 (1)  (j) a person nominated by the county executive committee member on gender to represent intersex persons  (k) a person nominated by the county executive committee member on health to represent persons with disabilities</p>	<p>There needs to be representation of intersex persons and persons with disabilities.</p>

	<p>(g) a prisons officer attached within the county nominated by the Commissioner-General of Prisons;</p> <p>(h) a person nominated by, and representing, public benefits organizations operating in the respective county with knowledge in matters relating to the rights of persons with disabilities; and</p> <p>(i) a representative of the Committee who shall be the secretary.</p>		
<p>Insert new clause</p>		<p>Insert new clause</p> <p>(1) The Cabinet Secretary for Gender shall create regulations and rules with the aim to encourage local manufacturing of sanitary towels.</p>	<p>It is important to boost local manufacturing for instance by requiring that local manufacturers are prioritized in procurement processes.</p>

THE SENATE RECEIVED  
05 AUG 2024  
DIRECTOR COMMITTEE SERVICES (DSEC)



THE SENATE RECEIVED  
02 AUG 2024  
CLERK'S OFFICE

**MINISTRY OF EDUCATION**  
**Office of the Principal Secretary, State Department for Basic Education**

Telegrams: "EDUCATION" Nairobi  
Telephone: Nairobi 254-20-318581  
Fax: 254-20-214287  
Email: ps@education.go.ke  
When replying please quote

JOGOO HOUSE "B"  
HARAMBEE AVENUE  
P. O. BOX 30040  
NAIROBI

MOE.CONF/G9/11/VOL.III

29<sup>th</sup> July, 2024

**J. M. Nyengenyne**  
Clerk of the Senate  
Clerks Chambers  
Parliament Buildings  
P. O. Box 41842-00100  
NAIROBI

THE SENATE RECEIVED  
05 AUG 2024  
DIRECTOR COMMITTEE SERVICES (DSEC)

Dear *Nyengenyne*

STAKEHOLDER ENGAGEMENT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILL No. 7 OF 2024)

Reference is made to letter Ref. No. SEN/DSEC/SCLSW/2024/7 dated 11<sup>th</sup> July, 2024 from the Clerk of the Senate on the above mentioned subject (copy of letter and bill attached).

Attached herewith are the comments from the State Department for your further action.

Yours *Sincerely*

*[Signature]*  
Dr. Belio R. Kipsang, CBS  
**PRINCIPAL SECRETARY**

THE SENATE RECEIVED  
05 AUG 2024  
DEPUTY CLERK

Encls

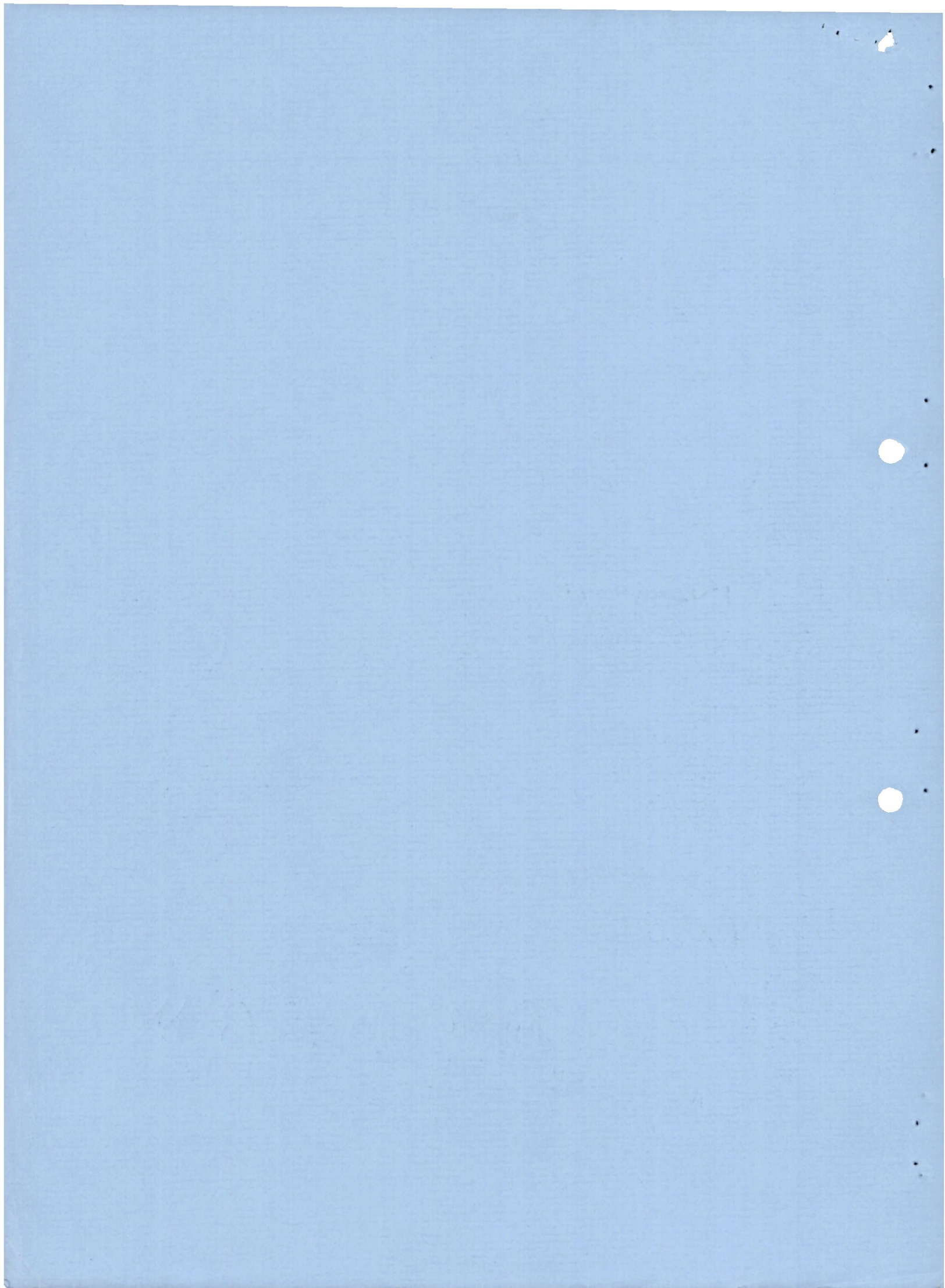
*3. Ms. Mwanate  
Kindly deal.  
Wobasi  
05/08/2024*

*1 DSEC  
DKG*

*Kindly deal.*

*Eg 05/08/2024*

*2 DSEC-VK  
Power deal  
05/08/24*





**MINISTRY OF EDUCATION  
STATE DEPARTMENT FOR BASIC EDUCATION**

TELEGRAMS: "EDUCATION", NAIROBI  
TELEPHONE: NAIROBI 254 -318581  
FAX: 254 - 20 - 218427  
WHEN REPLYING PLEASE QUOTE

JOGOO HOUSE "B"  
HARAMBEE AVENUE  
P.O. BOX 30040-00100  
NAIROBI

**SENATE BILLS 2024: THE PROVISION OF SANITARY TOWELS BILL, 2024**

**Comments by Principal Secretary State Department for Basic Education**

**Introduction**

The Executive Order No. 2 of 2023 mandates the Ministry Education to provide policy, legal and administrative advice and direction on all matters related to education in the country.

In the pursuit of this mandate, the Ministry is guided by various goals, two of which are of high significance to the matter of provision of Sanitary towels to learners, namely:

- (i) **Expand access to quality education, training and research opportunities for all:** GOK is committed to providing and relevant education to all learners as enshrined in its constitution. The education sector is mandated to ensure access, equity, inclusivity, quality and relevance in education and training; and,
- (ii) **Mainstream crosscutting, pertinent and contemporary issues into education:** Achievement of the Ministry's objectives is dependent on both internal and external operating environment, thus focus on developing an education and training regimen that is resilient and capable of withstanding the emergent shocks such as COVID – 19, climate change, big data. The lessons learnt from managing recent emergencies show their impact on efforts to achieve education for all by limiting capacity of learning institutions and parents, as well as welfare and of learners among other aspects.

It is in this context that the Ministry has put in place initiatives targeting the **health, nutrition and hygiene of learners as strategic interventions**. Sanitary towels are a component of hygiene. Female learners constitute the largest proportion of users and the most vulnerable as they are dependent on parents and guardians, and as is often the case in low income families, government programmes and well-wishers come in handy.

### **Background to MOE Sanitary Towels Programme**

The MOE runs several programmes under the three strategic interventions of health, nutrition and hygiene, with the support of GOK as well as Development Partners. Sanitary towels support the education for the girl child and ensures education performance indicators are met. These indicators are; **increase of enrolment, retention, transition and completion of education**. When girls lack sanitary towels, it leads to absenteeism in school and, lack of concentration hence impacts their education negatively.

Up until, Financial Year 2022/23, MOE (State Department for Basic Education) was responsible for procurement and distribution of sanitary towels to learners in public education institutions under GOK allocation, the last one being of **Ksh. 470,000,000** at the peak of the programme, the Ministry support extended to **1,682,492 girls** across schools in the country. This was supplemented by Development Partners such as UNICEF and others. During the following Financial Year, the GOK allocation to the MOE for sanitary towels was withdrawn, allocated to State Department for Gender, which left the state department for education relying on the limited partners support, to the detriment of vulnerable learners.

The MOE position as the appropriate home for the programmes is informed by the under mentioned considerations:

- (i) The interventions, such as sanitary towels, require availability of accurate data to enable efficient procurement, targeting and distribution. The target population being learners means that the **data is domiciled in the Ministry of Education**.
- (ii) As a health product used by young people, determination and monitoring quality for safety is important. The MOE **maintains daily contact with the learners who are the users** of the sanitary products, and is therefore in the best position to monitor and assess potential health and safety risks to learners, who spend a larger part of their adolescent life within educational institutions.

- (iii) The Ministry of Education is responsible for health and hygiene of learners within the learning institutions and **must have full control of any items or products availed for use by learners in these institutions.**
- (iv) The Ministry of Education has the **structures necessary for the procurement, distribution, monitoring** quality and availability of sanitary towels for all target beneficiaries in educational institutions across the country at no cost. These structures are:
- Quality Assurance & Standards Directorate
  - Schools Health, Nutrition and Wash Unit, where hygiene component is domiciled
  - Fully operational Regional, County and Sub County offices across all parts of county
  - The County Director is secretary to the County Education Boards in the 47 Counties. The Boards are chaired by County Commissioners and have participation of a wide array of stakeholders.
  - School Health Committees for each school responsible for health and hygiene matters are supervised by the area Education Officer at Sub-County.

There is therefore no need to create a parallel structure outside the afore-stated one for the procurement distribution and monitoring of sanitary towels to public education institutions. It is also clear that learners who are the most vulnerable need to have timely access to sanitary towels due to their circumstances. Lack of access to sanitary towels will have a negative impact on their health and educational outcome. **It is only sensible that a viable and efficient programme to provide sanitary towels be under Ministry of Education.**

Dr. Belio R. Kipsang, CBS  
**PRINCIPAL SECRETARY**

# SENATE BILLS 2024- THE PROVISION OF SANITARY TOWELS BILL, 2024

## Comments by Principal Secretary, State Department for Basic Education

Section	Clause	Provision in Bill	Proposal	Rationale
	Long Title		Amend to read "Public educational Institutions ,	-The largest population in need of sanitary towels is found in education institutions. This is also where they spend the longest adolescent life as learners.
1.	Short Title		Amend short Title to read "Provision of Sanitary Towels to Public education Institutions.	-The circumstances of adolescent learners in public education Institutions are not comparable to those in Correctional facilities as the latter are catered for their needs under appropriated budgets for persons under lawful detention.
2.	Interpretation		<p>-Cabinet Secretary – means the Cabinet Secretary responsible for education.</p> <p>-Committee means – the inter-ministerial Technical Committee on provision of Sanitary Towels to Public Education Institutions established under section 4(1).</p> <p>-County Education Board – means,</p>	

			the County Education Board established under the section 18 of Education Act 2013.	
3.	Application		This Act shall apply to Public Education Institutions.	The Department's is of the view that it is not necessary for a new structure as there exists adequate structures to from the Ministry level up to sub county and down to the education institutions were the greatest proportion of targeted users (mainly learners) are. A strategic level coordination point (Committee) is cost-effective, efficient and less-bureaucratic compared to the suggested "body corporate" entity.
4(1)	Inter-ministerial Committee on provision of Sanitary Towels to Education Institutions		Amend to read" There is established on Inter Ministerial Technical Committee for provision of Sanitary Towels to Public Education Institutions.	
4(2)			Delete section 4(2) and insert 'The Committee shall be an administrative coordination mechanism chaired by Principal Secretary Basic Education for purposes of provision of sanitary towels to public education institutions.	
5(1) (a)	Composition of Committee		-The Committee shall comprise of the PS Basic Education who shall be the Chairperson  - Amend (b), (d), (f), (g), and (l) to read representatives of respective PS's for Gender, Finance, Health, TVET, Higher Education and three other persons nominated by the CS from outside Government.	

			-Delete ©, (e), (l), (j), (k)	
5(2)			Amend to read "The Cabinet Secretary shall gazette the chairperson and members of the Committee.	
5(3) &(4)			Delete Section 5(3) and (4)	
6.	Qualification for appointment to the Committee		Amend – delete (b), (c), 7 (d) and insert – "has not been an employee of a public entity"	This will ensure the committee benefits from a wide range of views from persons outside Public Service.
7.	Powers of the Committee		Delete Section (7)	The Committee is not a body Corporate
8.	Functions of the Technical Committee		- Amend by Deleting the words correctional facilities in the entire section (8) and insert 'Public Education Institutions in stated functions.  - Delete items 8©, 8(d), 8(f) – 8(i)	Persons in correctional facilities are not vulnerable in the sense of learners as they are under legal custody for which resources to meet their needs are covered under law governing their incarceration.
9.	Vacancy in the Committee		-Amend section a(i) to read- "The appointment of a member of Committee appointed under sect 5(i) (l) shall lapse if the holder"  -Amend section 9(2) by deleting reference to "the chairperson".	

10	Conduct of business		Amend section 10 by deleting and insert ' the business and affairs of the Committee shall be conducted in accordance with regulations issued by the Cabinet Secretary (1) to read	This is an Inter-departmental committee composed of largely public officials whose remuneration terms are covered under their appointment. The Cabinet Secretary will guide via regulations on remuneration of non-public service members and conduct of business of the committee
11	Remuneration of Committee members		Amend sect 11 to insert "committee members appointed under sect 5(i) (l)"	
12	Secretariat		Delete sect 12	
13.	County Inter-Departmental Committee on Provision of Sanitary Towels		- Amend to read - "Role of County Education Board".  -Amend by deleting sections 13, 14 and 15 and insert "The Committee shall work with the County Education Board in the execution of its functions under this act	There already exists the County Educational Board chaired by National Government Administration responsible for coordination of inter-departmental activities, and which has all line MDAs and Stakeholders. This is the body responsible for review of all matters pertaining to education
16-20	Funds of the Committee		-Amend to read "Accounting for funds appropriated for Sanitary Towels  -Delete section 16 – 20 and insert as follows:  - "The accounting officer responsible for education institutions shall	The PFMA is the primary law on use of public funds received to be expanded on the matters as the Sanitary Towels

			<p>prepare estimates for purposes of obtaining allocation from National Treasury for Procurement of adequate Sanitary Towels each Financial Year”</p> <p>-“Notwithstanding funds appropriated by National Treasury the Accounting Officer may receive support in financial or material form towards the Sanitary Towels Programme for development Partners and Stakeholder”</p>	
21.	Regulations		- Amend section 21 to read “The Cabinet Secretary shall make regulations for the carrying out of provisions this Act”	
23.	Amendment of Education Act 2013		-Delete section 23	Not necessary, the functions of the County Education Board are comprehensive and already anticipate emerging issues such as distribution of sanitary towels if called upon.

12 JUL 2024  
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VERY URGENT

Telegraphic Address  
'Bunge', Nairobi  
Telephone 2848000  
Fax: 2243694  
E-mail: [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)

The Senate  
Clerk's Chambers  
Parliament Buildings  
P. O. Box 41842 -00100  
NAIROBI, Kenya

**PARLIAMENT**  
**OFFICE OF THE CLERK OF THE SENATE**

SEN/DSEC/SCLSW/2024/70

11<sup>th</sup> July, 2024

Hon. Ezekiel Machogu, CBS,  
Cabinet Secretary,  
Ministry of Education,  
P.O. Box 30040 - 00100,  
**NAIROBI.**



Dear Sir,

**RE: STAKEHOLDER ENGAGEMENT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)**

The Senate Standing Committee on Labour and Social Welfare is established under standing order 218 of the Senate Standing Orders. The Committee is mandated to consider all matters related to *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare, national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

The Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024) was read a First Time in the Senate on Wednesday, 3<sup>rd</sup> July, 2024 and was thereafter committed to the Senate Standing Committee on Labour and Social Welfare for consideration.

Pursuant to the provisions of Article 118 and standing order 145(5) of the Senate Standing Orders, the Committee hereby invites you to submit your views on the Bill at a meeting of the Committee to be held on **Thursday, 18<sup>th</sup> July, 2024 at Committee Room 2, First Floor, Bunge Tower, Parliament Buildings, Nairobi at 11.00 a.m.** You may be accompanied to the meeting by any officer(s) who may assist you in making submissions on the Bill.

You are requested to send written submissions and any documents to be referred to during the meeting on or before **Tuesday, 16<sup>th</sup> July, 2024, by email**, on the address [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke) and copied to [laboursocialwelfarecomm.senate@parliament.go.ke](mailto:laboursocialwelfarecomm.senate@parliament.go.ke) on or before 16<sup>th</sup> July, 2024.

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

DA - coordinate preparation of the relevant submissions by the respective Directorate \* This should Directorate of primary & secondary education is also crucial in

Still  
15/7/24

Ms. Mwanate Shaban, Clerk Assistant (Cell Number- 0726953257; Email: [mwanate.shaban@parliament.go.ke](mailto:mwanate.shaban@parliament.go.ke)), is the Clerk to the Committee and is responsible for all arrangements relating to this matter.

Yours faithfully,

For: *Ef.*  
**J. M. NYEGENYE, CBS,**  
**CLERK OF THE SENATE**

Copy to-

✓ **Dr. Belio Kipsang, PhD, CBS,**  
Principal Secretary,  
State Department for Basic Education,  
Ministry of Education,  
P.O. Box 30040 – 00100,  
**NAIROBI.**

**Dr. Esther T. Mutoria, PhD,**  
Principal Secretary,  
State Department for Technical Vocational Education & Training,  
Ministry of Education,  
P.O. Box 30040 – 00100,  
**NAIROBI.**

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 44 (Senate Bills No. 7)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2024**

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**NAIROBI, 1st March, 2024**

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**THE PROVISION OF SANITARY TOWELS BILL,  
2024**

**ARRANGEMENT OF CLAUSES**

*Clause*

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- 1—Short title.
- 2—Interpretation.
- 3—Application.

**PART II—ADMINISTRATION ON PROVISION OF  
SANITARY TOWELS**

- 4—Inter-Ministerial Committee on Provision of Sanitary Towels.
- 5—Composition of the Committee.
- 6—Qualification for appointment to the Committee.
- 7—Powers of the Committee.
- 8—Functions of the Committee.
- 9—Vacancy in the Committee.
- 10—Conduct of business and affairs of the Committee.
- 11—Remuneration of the Committee.
- 12—Secretariat to the Committee
- 13—County interdepartmental committees.
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- 15—Protection from personal liability.

**PART III—FINANCIAL PROVISIONS**

- 16—Funds of the Committee.
- 17—Financial year.
- 18—Annual estimates.
- 19—Accounts and audit.
- 20—Reports of the Committee.

**PART III—GENERAL PROVISIONS**

21—Regulations.

**PART III—GENERAL PROVISIONS**

22—Offences.

23—Consequential amendments.

**SCHEDULE**

**THE PROVISION OF SANITARY TOWELS BILL,  
2024**

**A Bill for**

**AN ACT of Parliament to provide for the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on provision of sanitary towels; and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I— PRELIMINARY**

1. This Act may be cited as the Provision of Sanitary Towels Act, 2024.

Short title.

2. In this Act—

Interpretation.

“Cabinet Secretary” means the cabinet secretary responsible for gender affairs;

“Committee” means the Inter-Ministerial Committee on Provision of Sanitary Towels established under section 4;

“county interdepartmental committee” means a county interdepartmental committee on the provision of sanitary towels established under section 13(1);

“sanitary towel” includes tampons and menstrual cups; and

“Secretariat” means the Secretariat to the Inter-Ministerial Committee on Provision of Sanitary Towels appointed or deployed pursuant to section 12.

3. This Act shall apply to all public institutions and correctional facilities.

Application.

**PART II — ADMINISTRATION AND PROVISION  
OF SANITARY TOWELS**

4. (1) There is established the Inter-Ministerial Committee on Provision of Sanitary Towels.

Inter-Ministerial  
Committee on  
Provision of  
Sanitary Towels.

(2) The Committee 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) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

5. (1) The Committee shall comprise of—

Composition of  
the Committee.

- (a) the chairperson;
- (b) the Principal Secretary responsible for gender or their representative designated in writing;
- (c) the Principal Secretary responsible for basic education or their representative designated in writing;
- (d) the Principal Secretary responsible for finance or their representative designated in writing;
- (e) the Principal Secretary responsible for correctional facilities or their representative designated in writing;
- (f) the Principal Secretary responsible for higher education or their representative designated in writing;
- (g) the Principal Secretary responsible for vocational and technical training or their representative designated in writing;
- (h) the Principal Secretary responsible for public health or their representative designated in writing;
- (i) the Attorney-General or their representative designated in writing;
- (j) the Chairperson of the National Gender and Equality Commission or their representative designated in writing;
- (k) the Director General for Health or their representative designated in writing; and

(1) three persons, not being public officers, of whom—

- (i) one shall be nominated by the Council of County Governors;
- (ii) one shall be nominated by a public benefit organization concerned with matters related to gender; and
- (iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector.

(2) The Cabinet Secretary shall appoint the Chairperson and members of the Committee nominated under subsection (1)(i) by notice in the *Gazette*.

(3) The Chairperson and members of the Committee appointed under subsection (1)(i) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(4) The members of the Committee shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

6. (1) A person is qualified for appointment as the chairperson or a member of the Committee under section 5(1)(i) if the person—

Qualification for appointment to the Committee.

- (a) is a Kenyan citizen;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years working experience in a gender related field;
- (d) has not been an employee of a nominating entity, where applicable, in the preceding five years; and
- (e) meets the requirements of Chapter Six of the Constitution.

(2) A person shall not be appointed as a Chairperson or a member of the Committee under section 5(1)(i) if the person—

- (a) is an undischarged bankrupt;

- (b) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (c) holds a public office at the time of appointment; or
- (d) has previously been removed from a public office on account of any lawful reason.

7. (1) The Committee has the powers necessary for the performance of its functions under this Act.

Powers of the Committee.

(2) In particular and without prejudice to the generality of the power conferred under subsection (1), the Committee shall have power to—

- (a) manage, control and administer the assets of the Committee in such manner and for such purposes as best promotes the purpose for which the Committee is established;
- (b) receive any gifts, grants, donations or endowments made to the Committee or any other moneys in respect of the Committee and make disbursements from them in accordance with this Act; and
- (c) approve the opening, operating and closing of bank accounts of the Committee with the approval of the National Treasury.

8. The Committee shall—

Functions of the Committee.

- (a) advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;
- (b) co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;
- (c) provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;
- (d) in consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;
- (e) receive and act on reports relating to provision of sanitary towels in public institutions and correctional facilities;

- (f) the preparation of the budget for the Committee; and
- (g) the performance of any other duties as may be assigned by the Committee.

**13.** (1) There is established, in each county, county interdepartmental committees on provision of sanitary towels.

County interdepartmental committees on provision of sanitary towels.

(2) A county interdepartmental committee established under subsection (1) shall be comprised of—

- (a) the county executive committee member responsible for gender matters who shall be the chairperson;
- (b) the county executive committee member responsible for children welfare or their representative designated in writing
- (c) the county executive committee member responsible for education or their representative designated in writing;
- (d) the county executive committee member responsible for health their representative designated in writing;
- (e) the county commissioner or their representative designated in writing;
- (f) the gender officer in charge of the county;
- (g) a prisons officer attached within the county nominated by the Commissioner-General of Prisons;
- (h) a person nominated by, and representing, public benefits organizations operating in the respective county with knowledge in matters relating to the rights of persons with disabilities; and
- (i) a representative of the Committee who shall be the secretary.

(2) The respective county governor shall appoint members of the county interdepartmental committee nominated under subsection (1)(g) and (h) by notice in the *Gazette*.

(3) The members of the county interdepartmental committee nominated under subsection (1)(g) and (h) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

**14.** A county interdepartmental committee shall —

- (a) advise the respective county government on the provision of sanitary towels in all county public institutions;
- (b) provide free, sufficient and quality sanitary towels to every woman employed by or studying in the respective county public institution;
- (c) provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county;
- (d) assist and collaborate with the Committee in the performance the functions of the Committee in the respective county;
- (e) provide a platform for collaboration between the National government and the respective county government on provision of sanitary towels in the respective county;
- (f) make recommendations to the Committee on any matters relating to the provision of sanitary towels in the county;
- (g) provide information that may be required by the Committee on any matter concerning the provision of sanitary towels in the county; and
- (h) perform any other function conferred on it by this Act or any other written law.

Functions of  
county  
interdepartmental  
committees.

**15. (1)** A matter or thing done by a member of the Committee or any officer, staff or agent of the Committee shall not render such member, officer, staff or agent personally liable for any action, claim or demand whatsoever if the matter or thing is done in good faith for executing the functions, powers or duties of the Committee.

Protection from  
personal liability.

(2) Subsection (1) shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their

- (f) develop a framework to facilitate the availability and distribution of sanitary towels in all the public institutions and correctional facilities in Kenya;
- (g) develop inter-governmental agreements for joint implementation of activities for distribution of sanitary towels in all public institutions and correctional facilities;
- (h) co-operate with all other relevant institutions for efficient procurement and distribution of sanitary towels;
- (i) develop and manage a national register for all public institutions and correctional facilities that require supply of sanitary towels; and
- (j) perform any other function conferred on it by this Act or any other written law.

9. (1) The office of the chairperson or member of the Committee appointed under section 5(1)(l) shall become vacant if the holder—

Vacancy in the Committee.

- (a) dies;
- (b) resigns from office by notice, in writing, to the Cabinet Secretary;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of fine;
- (d) has been absent from three consecutive meetings of the Committee without notice to the chairperson; or
- (e) is removed in accordance with subsection (2).

(2) The chairperson or member of the Committee appointed under section 5(1)(l) may be removed from office by the Cabinet Secretary for—

- (a) violation of the Constitution or any other written law;
- (b) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (c) failing to declare their interest in any matter being considered by the Committee;

- (d) physical or mental incapacity to perform the functions of the office;
- (e) incompetence; or
- (f) being adjudged bankrupt.

(3) When a vacancy arises in the office of the chairperson or member of the Committee under subsection (1) or (2), the Cabinet Secretary shall make an appointment to fill the vacancy within two months in accordance with this Act.

**10.** (1) The business and affairs of the Committee shall be conducted in accordance with the Schedule.

Conduct of business and affairs of the Committee.

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

**11.** The members of the Committee shall be paid such allowances and expenses as may be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Remuneration of the members of the Committee.

**12.** (1) There shall be a Secretariat to the Committee which shall comprise of the Secretary to the Committee and such public officers as the Cabinet Secretary may, in consultation with the Cabinet Secretary responsible for education and with the approval of the Committee, deploy.

Secretariat to the Committee.

(2) The Secretary to the Committee shall be competitively recruited and appointed by the Committee on such terms and conditions as the Committee shall, in consultation with the Salaries and Remuneration Commission, determine.

(3) The Secretary shall be the head of the Secretariat and be responsible for—

- (a) the day to day administration of the affairs of the Committee;
- (b) the implementation of the decisions of the Committee;
- (c) the efficient administration of the Secretariat;
- (d) the management of staff of the Secretariat;
- (e) the maintenance of accurate records on financial matters and resource utilisation;

interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written law.

**PART III— FINANCIAL PROVISIONS**

**16.** The funds of the Committee shall comprise of—

Funds of the Committee.

- (a) monies appropriated by the National Assembly;
- (b) such monies as may accrue to or vest in the Committee in the course of the exercise of its powers or the performance of its functions under this Act; and
- (c) all monies from any other source provided for, donated or lent to the Committee.

**17.** The financial year of the Committee shall be the period of twelve months ending on the thirtieth of June in every year.

Financial year.

**18.** The annual estimates of the Committee shall be prepared and approved in accordance with the Public Finance Management Act, 2012.

Annual estimates.

No. 18 of 2012.

**19.** (1) The Committee shall cause to be kept all proper books and records of accounts relating to the income, expenditure, assets and liabilities of the Committee.

Accounts and audit.

(2) The accounts of the Committee shall be prepared and audited in accordance with the Public Finance Management Act, 2012 and Public Audit Act, 2015.

No. 18 of 2012.  
No. 34 of 2015.

**20.** (1) The Committee shall prepare annual reports in a format prescribed by the Public Sector Accounting Standards Board and submit the same to the National Treasury, the Controller of Budget and the Commission on Revenue Allocation.

Reports of the Committee.

(2) The Committee shall continuously and at least once every quarter monitor and report to the cabinet Secretary on its performance, with a summary of performance reported through the Committee's annual report on the basis of a clear outcome-based performance framework developed by the National Government.

**PART V — GENERAL PROVISIONS**

**21.** (1) The Cabinet Secretary may, in consultation with the Committee and the Council of County Governors, make regulations generally for the better carrying into effect of any provisions of this Act. Regulations.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary shall make Regulations to provide for—

- (a) the procedure to be followed by the Committee in exercising any powers conferred upon it by this Act; and
- (b) the procedure to be followed in the distribution of sanitary towels to public institutions under this Act.

(3) For the purposes of Article 94(6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; and
- (b) the authority of the Cabinet Secretary to make regulations is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

**22.** A person who rebrands or resales sanitary towels distributed by the Committee or a county interdepartmental committee commits an offence and is liable, on conviction— Offences.

- (a) for a first offence, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both; and
- (b) for a second or subsequent offence, to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years or to both.

**23.** Section 18 of the Basic Education Act is amended in subsection (1) by inserting the words “in consultation with the Inter-Ministerial Committee on Provision of Sanitary Towels established under the Provision of Sanitary Towels Act” immediately before the words “prepare and submit” appearing in paragraph (k). Amendment to  
Act No. 14 of  
2013.

**SCHEDULE**

**(s.10(1))**

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND  
AFFAIRS OF THE INTER-MINISTERIAL COMMITTEE ON  
PROVISION OF SANITARY TOWELS**

- (1) The Committee shall meet at least once in every three months to conduct the business of the Committee.
- (2) The Chairperson shall preside over all meetings of the Committee and in the absence of the Chairperson, the members present at the meeting shall appoint one among their number to act as chairperson for purposes of that meeting.
- (3) The quorum for a meeting of the Committee shall be five members.
- (4) The Committee may from time to time co-opt into its membership any person whose skills and expertise are necessary for the performance of any particular issue currently before the Committee.
- (5) The decisions at a meeting of the Committee shall be made by a majority of the members present but in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) Subject to the provisions of this Act, the Committee may regulate its own procedure.
- (7) The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the chairperson or the person presiding at the meeting.

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the Objects and Reasons for the Bill**

The purpose of the Bill is to provide for the provision of quality, free and sufficient sanitary towels in all public institutions.

**Part I** of the Bill (clauses 1 to 3) contains the preliminary provisions of the Bill. It provides the title of the Bill, the definition of terms and the application of the Bill.

**Part II** (clauses 4-15) contains provisions on the administration and provision of sanitary towels. It provides for the establishment of the Inter-Ministerial Committee on provision of Sanitary Towels. It provides for the establishment and functions of the Committee; its powers and functions; the membership of the Committee and its administration including the appointment of the secretariat. It also provides for the establishment of county interdepartmental committees on provision of sanitary towels in each county and stipulates their functions.

**Part III** (clauses 16-20) contains financial provisions. It stipulates the sources of funds for the committee, the preparation and approval of annual estimates for the Committee, auditing of the accounts of the Committee and annual and regular reporting by the Committee.

**Part IV** (clause 21-23) of the Bill contains General provisions. It empowers the Cabinet Secretary responsible for gender affairs to make regulations for the better carrying out of the provisions of the Bill once enacted. It also creates offences for persons who rebrand or resale sanitary towels provided by the committees.

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

Section 21 of the Bill delegates legislative powers to the Cabinet Secretary responsible for gender affairs, who is required to make regulations for the better carrying out of the provisions of the Bill once enacted.

The Bill does not limit fundamental rights or freedoms

### **Statement on how the Bill concerns county governments**

The Bill concerns county governments in that it mandates county governments to provide sanitary towels to its employees and to students enrolled in vocational institutions under their respective control.

The Bill therefore affects the functions and powers of county governments in terms of 110(1)(a) of the Constitution.

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

The Bill deals with matters other than those listed in the definition of a money Bill under Article 114 (3) of the Constitution and is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 15th February, 2024.

GLORIA ORWOBA,  
*Senator.*



MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION  
STATE DEPARTMENT FOR CORRECTIONAL SERVICES  
Office of the Principal Secretary

Telegrams: "HOME" Nairobi  
Telephone: +254- 20-2228411  
Email: ps@correctional.go.ke  
Website: [www.coordination.go.ke](http://www.coordination.go.ke)  
When replying please quote:

Teleposta Towers, 28<sup>th</sup> Flr.  
Wing C - Entrance  
Kenyatta Avenue Str.  
P. O. Box 30478-00100  
NAIROBI

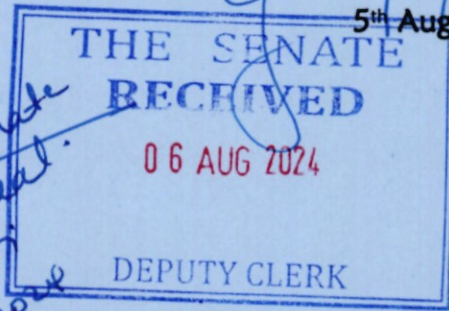
① DSEC:DLG  
Kindly deal.

Ep 06/08/2024

SDC/SEC/ADM/1/86(II)

5<sup>th</sup> August, 2024

Jeremiah M. Nyegenye, CBS  
The Clerk of the Senate  
Parliament Buildings  
NAIROBI



③ Ms. Mwanje  
Kindly deal.  
Wabasi  
Othman

② DSEC (VK)

Kindly deal  
DSEC  
07/08/2024

Dear Clerk,

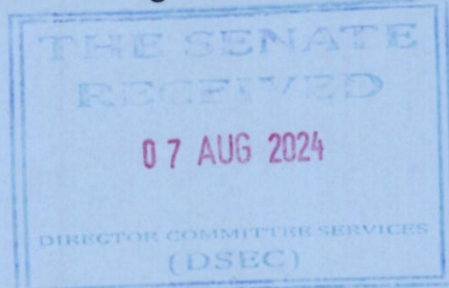
**STAKEHOLDER ENGAGEMENT ON THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)**

Reference is made to the above subject matter.

We acknowledge receipt of letter dated 25<sup>th</sup> July 2024, Ref. SEN/DSEC/SCLSW/2024/86 requesting for our views on the aforementioned Bill.

We have reviewed the aforementioned Bill and wish to submit our views as follows;

1. The State Department for Correctional Services supports the envisaged proposals to advance the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities.
2. Clause 2 of the Bill on interpretation to include and define "correctional facilities" to mean penal institutions established in Kenya Prisons Service and Probation and Aftercare Service.
3. Clause 5 of the Bill provides for the composition of the Inter-ministerial Committee. The membership of the Inter-ministerial Committee should be aligned with the Mwongozo Code of Conduct so as not to offend



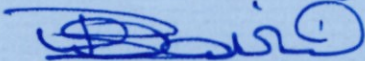
the requirement of maximum number of members in any body corporate.

4. Under clause 13 of the Bill, we propose inclusion of the following in the composition the County interdepartmental committee.

*"a probation officer attached within the county nominated by the Secretary Probation and Aftercare Services"*

The purpose of this letter is to therefore, submit our views on the aforementioned Bill for your consideration.

Thank you for your support.

Yours *Sincerely*  


**DR. SALOME M. BEACCO, CBS**  
**PRINCIPAL SECRETARY**



**MINISTRY OF GENDER, CULTURE, THE ARTS AND HERITAGE**  
**STATE DEPARTMENT FOR GENDER AND AFFIRMATIVE ACTION**  
OFFICE OF THE PRINCIPAL SECRETARY

**Ref.: MGCAH/SDGAA/PROG/10/10**

**Date: 6<sup>th</sup> August, 2024**

**Mr. J. M. Nyegenye, CBS**

Clerk of the Senate  
Parliament Building

**NAIROBI**

Dear *Mr. Nyegenye,*

**RE: STAKEHOLDERS ENGAGEMENT ON THE PROVISION OF SANITARY TOWELS  
BILL, 2024 (SENATE BILLS NO. 7. OF 2024)**

Reference is made to your letter No. SEN/DSEC/SCLSW/2024/87 dated 25<sup>th</sup> July 2024 on the above subject matter.

I would like to highlight that the State Department for Gender and Affirmative Action had previously submitted written submissions for the committee's review and consideration. Unfortunately, the Principal Secretary is currently indisposed and, therefore, unable to attend the scheduled appointment. In lieu of her absence, we seek permission for the Director Gender to represent the State Department and present our views and recommendations on the aforementioned bill during the committee hearing. The Director Gender is well-versed in the matter and is prepared to provide further insights to support our position on this important bill.

The purpose of this letter therefore, is to request your kind consideration in allowing the Director Gender to make a submission before the Standing Committee on Labour and Social Welfare regarding the Provision of Sanitary Towels Bill, 2024.

Yours *sincerely,*

  
**MOSES WUTO**  
**For: PRINCIPAL SECRETARY**

**PROVISION OF SANITARY TOWELS BILL 2024 - INPUT INTO THE DRAFT SENATE BILL**

<b>Article</b>	<b>Current Regulations Proposed for Amendment</b>	<b>Proposed amendment</b>	<b>Rationale/ Justification</b>
PREAMBLE	AN ACT of Parliament to provide for the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; establish the inter-ministerial committee on provision of sanitary towels; and for connected purposes.	Public institutions- The scope of “public institutions” should be clearly defined to include all institutions intended to benefit from the program  Eg public learning institutions such as primary, secondary, special schools and other learning institutions.	A clear scope will bring clarity on the target group during implementation phase
PART II 5. (1)	<p>Composition of the committee</p> <p>Introduce Ministry of Interior as one of the committee members</p> <p>The Chairperson of the National Gender and Equality Commission or their representative designated in writing;</p>	<p>After (a) insert... the Principal Secretary responsible for Interior and Coordination of National Government or their representative designated in writing</p> <p>Delete National Gender Equality Commission</p>	<p>As per Executive Order, Ministry of Interior is responsible for coordination of national government functions in the county level</p> <p>The Commission is charged with the role of oversight and</p>

			<p>compliance with gender equality in MDAs and report to Parliament on the progress.</p> <p>NGEC will report monitor to ensure compliance with sanitary towels provisions requirements</p>
5l(i)	Three persons, not being public officers, of whom one shall be nominated by the Council of County Governors; (ii) one shall be nominated by a public benefit organization concerned with matters related to gender; and (iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector.	The appointing authority to consider introducing clauses on Not more than 2/3 gender principle and affirmative action to bring on board Persons with Disabilities and other disadvantaged groups during appointment under this section	In compliance with the Constitution
6(1) c Qualification for appointment to the Committee	has at least ten years working experience in a gender related field;	Expand the scope of qualifications to include Public Health, Sociology, education to provide a pool of diverse skills	Sanitary towels is also a education and health issue
5. (1) k	The Director General for Health or their representative designated in writing; and	Delete (k) and replace with the Principal Secretary responsible for Public Health	Principal Secretary is responsible for Policy and supervises the

		and Sanitation or their representative designated in writing	Director General for Health
8 b Functions of the Committee.	co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;	Delete <b>co-ordinate</b> and replace with <b>oversee</b>	Coordination is the function of the Secretariat
8 c	provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;	Delete... to every woman employed by.....a public institution	Providing free, sufficient and quality sanitary towels to every woman in employment by the government is not financially sustainable The clause is also discriminatory since government does not provide sanitary towels to women employed by all other institutions.
12 (1) 2	The Secretary to the Committee shall be competitively recruited and appointed by the Committee on such terms and conditions as the Committee shall, in consultation with the Salaries and Remuneration Commission, determine.	Delete competitive and insert the Secretary shall be nominated by the Principal secretary from among the serving directors responsible for Gender.	The secretary is nominated from the government officers will effectively coordinate government staffs deployed to the secretariat. By nominating a serving officer the government will not incur extra cost in remuneration

			This is in line with the PSC Human Resource Policy and Procedure Manual of 2016
13. (1) 2 a-i	County interdepartmental committees on provision of sanitary towels.	Delete the entire membership of the committee and reorganize to adhere to the spirit of devolution and devolved functions and Intergovernmental Relations Act of 2012 (e)the county commissioner or their representative designated in writing should be the chair ; and the (f) the gender officer (National officer in charge of the county should be the Secretary All other members be part of the committee	Sanitary towels programme is a national Government function and therefore the county interdepartmental committees should recognize and reflect the working relations between the National Government and County Government.  National government structures should therefore be in charge of the committees
15. (1) (2) Protection from personal liability.	A matter or thing done by a member of the Committee or any officer, staff or agent of the Committee shall not render such member, officer, staff or agent personally liable for any action, claim or demand whatsoever if the matter or thing is done in good faith for executing the functions, powers or duties of the Committee.  (2)Subsection (1) shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their Functions of county interdepartmental committees. Protection from	This section is ambiguous and makes the officers not personally liable for their actions.	The entire section requires review to clearly indicate what <b>matters</b> are envisaged to result in non-liability

	personal liability. The Provision of Sanitary Towels Bill, 2024 79 interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written		
23 SCHEDULE (s.10(1)) Conduct Of Business And Affairs Of The Inter- Ministerial Committee	(3) The quorum for a meeting of the Committee shall be five members	The quorum should adjusted to at least be nine( 9)	This constitute the 2/3 majority as per 5(1)
PART 111 16.	FINANCIAL PROVISIONS	Insert (d) such monies as may be appropriated by the County Assembly	The county government generates own revenues which can be used to complement the national government funding
Schedule  PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE INTER- MINISTERIAL COMMITTEE ON PROVISION OF SANITARY TOWELS	Item 6. The board shall.....	Delate the word board and insert the committee	The Act is establishing a committee and not a board. To maintain consistence

KCO/WASH/2024/Sanitary Bill/025

24 July 2024

Mr. Jeremiah M. Nyengenyne, CBS  
The Clerk, Senate

Dear Mr. Nyengenyne,

**RE: COMMENTS AND RECOMMENDATIONS ON THE PROVISION OF SANITARY TOWELS BILL 2024 (SENATE BILLS NO.7 OF 2024)**

Greetings from UNICEF.

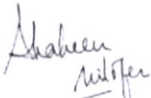
The Office of the United Nations Children's Fund (UNICEF) in Kenya conveys its deep gratitude for the collaboration with the Government of Kenya to advance on the results for children and women in Kenya.

In reference to the Senate Standing Committee on Labour and Social Welfare's call for stakeholder engagement on the provision of Sanitary Towels Bill 2024, UNICEF would like to submit the attached comments and recommendations for consideration. Once it is approved by the Senate and Parliament, the bill will greatly contribute to improved lives for women and girls as they practice menstruation with dignity. Further, providing sanitary products to girls in schools will contribute to improving general health standards and ensure that girls remain and progress in school.

Thank you for the opportunity to review and engage and we look forward to further consultation on the Sanitary Towels Bill 2024.

Thank you for your kind consideration.

Yours sincerely,



Shaheen Nilofer  
Representative

**The Provision of Sanitary Towels Bill 2024**  
**Comments Submitted by UNICEF Kenya**  
**24<sup>th</sup> July 2024**

**1.0 Introduction to Sanitary Towels Bill 2024**

Menstruation is a natural biological process and a key indicator of reproductive health. However, in many Kenyan cultures, it is stigmatized and deemed shameful, or dirty. The continued silence coupled with limited access to information at home and in schools' leaves millions of women and girls with little understanding of their bodies when they menstruate and how to manage menstruation. For those unable to afford proper sanitary products, the consequences could be even more severe.

The self-esteem of vulnerable women and girls is often low, negatively affecting their dignity. Dignity in this context refers to the ability of girls and women to manage menstruation hygienically and privately. According to UNICEF, this should include access to soap and water, private facilities for washing and changing, and facilities for disposing of used sanitary products.

Poor Menstrual Hygiene Management (MHM) in schools significantly impacts adolescent girls' mental health and academic performance. Anxiety and low self-esteem associated with menstruation contribute to absenteeism and poor performance, with girls often missing around 4 days per month of school, which equates to 25% of the school year. Some girls may even drop out early due to menstruation-related issues such as access to sanitary products, affordability, disposal, and lack of facilities. Several factors hinder effective MHM and girls' participation in education: inadequate and expensive menstrual products, cultural practices, taboos, and myths surrounding menstruation, and a lack of proper disposal facilities for used sanitary products. Addressing these challenges is crucial for improving MHM and ensuring that girls can participate fully and effectively in their education.

The Sanitary Towels Bill represents a significant step forward in addressing menstrual health and hygiene in Kenya. The objectives outlined are comprehensive and aim to create a robust framework for ensuring menstrual dignity and health for women and girls. Here's a closer look at how each objective contributes to the overall goal:

**1. Integrated and Coordinated Government Programme:**

- Establishing a coordinated government initiative ensures a unified approach to providing free sanitary products and menstrual education, reaching all girls and women in public institutions (schools & health care facilities).
- Promoting cooperation between different government departments and levels ensures the efficient implementation and sustainability of the programme.
- Ensuring that the provision of sanitary products is not exploited safeguards the integrity of the programme and ensures that resources reach those in need.

**2. Protection and Preservation of Dignity:**

- Recognizing menstrual dignity as a fundamental human right underscores the importance of respecting and supporting the needs of women and girls.

**3. Empowerment of Women and Girls:**

- By providing sanitary products and education, the bill empowers women and girls, enabling them to participate fully in society and the economy.

- Providing sanitary products helps girls stay in school during their menstrual periods, which can significantly improve their academic performance and future opportunities.

#### 4. Promotion of Local Production:

- Encouraging local production of sanitary products supports the local economy, ensures affordability, accessibility, and sustainability of the initiative, and can reduce reliance on imports.

#### 5. Awareness Campaigns:

- Raising awareness about menstrual dignity helps to reduce stigma and educate the broader public on the importance of menstrual health.
- Improving menstrual health and hygiene practices enhances the quality of life for women and girls, leading to better health outcomes.

#### 6. Guidance for Government Approach:

- Establishing broad principles and approaches provides a clear framework for the government to manage menstrual hygiene effectively and efficiently.
- By addressing these objectives, the Sanitary Towels Bill not only aims to improve menstrual health and hygiene but also seeks to create a more inclusive, empowered, and educated society. The initiative's impact extends beyond health, influencing education, economic participation, and overall quality of life for women and girls in Kenya.

### 2.0 Comments and Recommendations

Page	Part	Clause	Comment	Recommendation
69	PART I— PRELIMINARY	1	Needs to accommodate other menstrual products – <i>Provision of Free Menstrual Products.</i>	Change sanitary towels to Menstrual products in the entire bill.
71	PART I— PRELIMINARY	4	Sanitary towels should also include disposal pads and reusable sanitary pads to have a wide choice for girls and women.	Expand the choices for the menstrual products.
72	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	4c	is the borrowing and lending in relation to manufacturing of sanitary towels or purchase.	Make the statement clearer.
72	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	5(1)- Composition of the Committee	<ul style="list-style-type: none"> <li>• In the Inter-Ministerial Committee on Provision of Sanitary Towels, there is need to articulate that the membership also allows for the percentage representation of either gender - number of women in the committee and representation of PWDs.</li> </ul>	The committee to be gender balanced. In addition to the National committee, have county level committees.

			<ul style="list-style-type: none"> <li>• Membership at county level; there is need to include the director of children services and the director education - who are under national but play a critical role in MHM at county level. this also should include the aYP focal person, in addition to the gender focal person also add the RH officers in charge of the county.</li> <li>• Manufacturing of the sanitary towels - can the committee be mandated to streamline and ensure quality and cost of the towels imported or manufactured locally to ensure affordability.</li> </ul>	
73	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	5 (1)- Composition of the Committee	<ul style="list-style-type: none"> <li>• Can the committee also nominate someone from ministry of interior, due to the role they play in ensuring right to education.</li> </ul>	Include Ministry of Interior in the committee
73-78	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	6-15 Composition and functions of the Committee	<ul style="list-style-type: none"> <li>• Consider including a representative of CSO in the Environmental Health Sector (take care of the entire value chain including safe disposal)</li> <li>• 6 (c) this limits the selection of the person to gender while MH is multidimensional (gender, WASH, sanitation, and hygiene)</li> <li>• 8 (a) menstrual products.</li> <li>• 8 (c) change to include MHM friendly sanitation facilities. Clearly define public institutions. Employed persons in the institutions should buy menstrual products. Target both women and girls in and out of school.</li> <li>• 13 (1) there exists in most counties Menstrual Hygiene Steering Committees (created by MHM Policy). This needs to be harmonized.</li> <li>• 13 (2). The SC are domiciled in the departments of health and chaired by the CECM Health. This needs to be harmonized.</li> </ul>	Diversify the composition of the committee as Menstrual Health is multidimensional.

			<ul style="list-style-type: none"> <li>• Include to the membership the departments of trade and industrialization, water and environment and Climate Change (to take care of markets/public spaces, hygiene, and disposal of MH waste products respectively).</li> <li>• 14 (a) define public institutions</li> <li>• 14 (b) exclude employed women from getting free sanitary products.</li> <li>• 15 (1) Remove the blanket immunity to promote accountability in public services.</li> </ul>	
74	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	8 (c)- Functions of the Committee.	<ul style="list-style-type: none"> <li>• Replace women with female.</li> <li>• Employed female can afford sanitary pads. We need to also target vulnerable female at the household level.</li> <li>• Include those in the health Care facilities</li> </ul>	Remove employed staff from receiving free sanitary pads as they can afford.
74	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	8 (d)- Disposal	<ul style="list-style-type: none"> <li>• What about Ministry of Environment who can guide on suitable disposal</li> </ul>	Include Ministry of Environment for sustainable solutions on disposal of sanitary waste
75	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	8(j)-other duties	<ul style="list-style-type: none"> <li>• Another key role is coordination of menstrual Health Education in the public institutions. The focus should be on Menstrual Health and Hygiene which has the 3 components of: affordable quality menstrual products; Education and proper disposal</li> </ul>	Add this role of menstrual Health Education to the committee.
77	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	13 (2)- County interdepartmental committees on provision of sanitary towels	<ul style="list-style-type: none"> <li>• In the committee include county Department of Water, Health and County Director of Education</li> <li>• Also need to include County Director of Education under TSC and MOE as CEC member, education only focuses on TVET and Pre-primary education.</li> <li>• Also include CECs for Water and Health</li> <li>• We should add the number or persons nominated or representing PBOs to 2 or 3 knowledgeable in matters gender, disability rights</li> </ul>	Have an all-inclusive committee with relevant line ministries, Disability and gender inclusive.

			and youth/adolescents (young people)	
78	PART II — ADMINISTRATION AND PROVISION OF SANITARY TOWELS	14- Functions of county interdepartmental committees.	<ul style="list-style-type: none"> <li>The interdepartmental nominated committee can only facilitate provision. How does this connect with MOE, MOH, CP- public institutions, and line ministries that have the final responsibility on determining the need- procurement and distribution.</li> </ul>	All relevant line ministries of water, Health, Education, Gender, Environment and Finance to be involved.
79- 80	PART III— FINANCIAL PROVISIONS	16-22 Funds of the committee	<ul style="list-style-type: none"> <li>16. Include financial provision for the County Committees</li> <li>21 (2) The regulations should also make provision for acquisition of the menstrual products and limit counties to buy from local manufactures, preferable in the counties of use if feasible.</li> <li>22 (a) Also put an offence and condemn the person who obtains or steals the products from the public for resale and any other purposes not contemplated by the Act.</li> </ul>	Include financial provision for county committees and regulations for acquisition of the menstrual products locally at the counties (if feasible).
81	PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE INTER- MINISTERIAL COMMITTEE ON PROVISION OF SANITARY TOWELS	10- SCHEDULE	<ul style="list-style-type: none"> <li>The bill does not include the Ministry of Water responsible for WASH matters.</li> <li>The proposed model of a committee to provide free sanitary towels with accountability responsibility requires operational guidance on viability. Is there a learning from another Country of this modality?</li> <li>10 (1) 7). Remove board and put Committee</li> </ul>	<p>Include Ministry of water in the committee.</p> <p>Develop operational guidelines for the committee.</p>
82	MEMORANDUM OF OBJECTS AND REASONS	Statement of the Objects and Reasons for the Bill	<ul style="list-style-type: none"> <li>The sanitary towels should be provided freely to all pre-adolescent and adolescent girls in public institutions and public health facilities to cater for the many out of schoolgirls.</li> </ul>	Also include out of school vulnerable girls
82	MEMORANDUM OF OBJECTS AND REASONS	Statement on how the Bill concerns county governments	<ul style="list-style-type: none"> <li>No logic of the County governments to provide sanitary towels to its employees, who are already financially able to buy.</li> <li>What about primary and secondary schools</li> </ul>	Include all levels of Education

**Overall comments not falling in specific section:**

- (1) **The bill needs to drive local production and supply chains** of sanitary towels to stimulate jobs and value chains especially for women and youth led companies.
- (2) **Tax policies-** if the bill aims to stimulate local production, the bill must anticipate National Treasury role leading on tax policies that will enable local production.
- (3) **Climate and green considerations** being more vivid in the bill. Drive towards proper mechanisms of production materials that decompose or recyclable or can be consumed by enzymes, disposal mechanisms that don't add global warming e.g through incinerators, how to manage filling up of school latrine pits etc.
- (4) **Given the role of county governments-** will the bill have implications on division of revenue and has this been considered carefully. Further, given this is a money bill, it may require both the Senate and National Assembly, and will have to be reviewed by the National Treasury.
- (5) **On composition of the committee-** there will be need to include the ministry responsible for trade and standards.
- (6) **Any angle around sanitary pads in lens of PWDs and sick people-** not just women and girls
- (7) There is a component of MHM that leaves the adolescent girls and young women vulnerable and predisposed to other outcomes such as pregnancy and HIV; therefore, there is need for a team to look at the menstrual hygiene response for adolescent girls and young women - specifically those vulnerable such as with disability; living with HIV; in ASAL etc
- (8) In the definition - may there be a **definition of sanitary towel vis a vis sanitary pads** - the two are used interchangeably and would be good for the bill to define the similarity or difference
- (9) Instead of free pads for working women, the focus can be on provision of MHM friendly WASH facilities and improved environment to manage menstruation with Dignity such as clean toilets, provision of sanitary towels for emergency use, soap, pain killers, rest room etc in public institutions and correctional facilities.
- (10) **Meaning of Public Institutions** – is this referring to educational institutions only – ref 8 (c)? If so there may be need to expand to other public institutions such as hospitals where many unemployed women (and mostly the most vulnerable) frequent for free or subsidized medical services. Such women can access free menstrual products from health facilities.
- (11) **Inclusion of all employees in public institution** – There is an opinion that menstruators who are employees of public institutions have a better chance of affording menstrual products compared to the unemployed women from vulnerable background.
- (12) **Exclusion of informal learning institutions** – Thousands of children, especially in informal settlements, learn in community or individually owned schools that cost less than the public schools. The most vulnerable children in these resource poor settings are enrolled in such schools. Exclusion of these schools (registered as private) will continue to disadvantage vulnerable girls schooling there. Girls learning in informal schools can be allowed to access sanitary pads through public institutions near them.
- (13) **Consider including a needs assessment criteria** – Findings from the existing sanitary pads programme in public schools, can be used to establish if blanket provision of free sanitary pads to all girls irrespective of their economic background is necessary or there is need for specific targeting depending on vulnerability.
- (14) The role of Non-state Actors needs to be further clarified- This can be done in the unpacking of the bill through regulations (clauses may need more elaboration)
- (15) Institutional arrangements need further consideration (including levels of engagement in government), Either a Semi-autonomous Agency is established or the government nests in the highest offices (Office of the president/deputy) for visibility & political accountability.
- (16) Dual citizenship is allowed by the Kenyan laws so the statement on citizenship needs to be adapted.

- (17) University education from a reputed university, not only in Kenya
- (18) Consideration of what Chapter 6 of the constitution requires of public servants instead of the proposed barring due to pre-employment.
- (19) At the county level- need to pay attention to how a topic can fall through the priorities, need to make the topic politically relevant.
- (20) In appointing members of the county inter departmental committee, women and girls organizations should be consulted.
- (21) Affordability of sanitary towels- The bill proposes to provide sanitary towels to all public schools and facilities, but we know period poverty rates are higher in specific areas of Kenya than others, how will this issue be approached?
- (22) Re-usable versus disposable sanitary towels- This should be well debated considering scarcity of water in many parts of Kenya especially during drought.
- (23) Cash for sanitary towels use? Could also be considered and piloted within existing Humanitarian assistance packages?
- (24) Combining sanitary towels supply with addressing negative social norms & roles in relation to menstruation/period shame.

Comments on Sanitary Towels Bill by UNICEF Kenya  
24 July 2024

?

Isha Jaffer <akibwana08@gmail.com> Mon, Jul 22, 5:01 PM

to clerk.senate, laboursocialwelfarecomm.senate

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MEMORANDUM TO THE SENATE OF KENYA REGARDING THE PROVISION OF SANITARY  
TOWELS BILL, 2024

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22ND JULY, 2024

The Clerk of the Senate  
Parliament Buildings  
P.O BOX 41842  
00100 Nairobi

### 1. Preamble

To the Standing Committee on Labour and Social Welfare,

I am responding to the invitation sent out by the Clerk of the Senate inviting the input of the public on the Provision of Sanitary Towels Bill, 2024 (Senate bills No. 7 of 2024).

As a Kenyan citizen advocating for accountability, good governance, gender equality and austerity, I have considered this bill and hereby submit my considered findings, commentary, and response to the above bill.

### 2. CONCERNS AND APPRECIATIONS OF THE PROVISION OF SANITARY TOWELS BILL, 2024

a) At a time when Kenya is reeling from a high debt load and Kenyans are calling for austerity and more prudent uses of revenues, debts, and tax funds, I find it neither necessary nor appropriate to establish yet another chain of administrative institutions and personnel to distribute something as basic as sanitary towels. I am sure in this country we can propose and advocate for leaner functioning working groups that can handle research, procurement, and distribution in collaboration with already existing government offices and CSOs at both the national and county levels. To push for cumbersome, clunky committees at this time—in the face of an already bloated wage—is insensitive and impractical. Please find another workable solution.

b) I appreciate that the bill seeks to provide free sanitary towels and make them more accessible to the wider public. However, I believe that there needs to be further consultations and greater transparency on

this matter. We have seen time and again in this country how unscrupulous individuals have misused government resources for their own personal gain. Kenyans have said through these protests, enough is enough. It is no longer acceptable to operate on vagueness and for programs, institutions, and individuals to operate in secrecy in a manner that does not benefit the citizens being served. There are many existing organisations who have operated pads campaigns successfully over several years without unnecessary wastage. I am sure there are many lessons that can be drawn there. Please look to them for inspiration.

### **3. OUR RECOMMENDATIONS TOWARDS THE PROVISION OF SANITARY TOWELS 2024**

After careful consideration, these are my recommendations concerning the Provision of sanitary towels bill 2024.

I. That the Senate withdraws this Bill entirely as proposed by Gloria Orwoba. This is because it lacks transparency, is vague in many areas, and it is discriminative in nature as it does not account for all women who need to access sanitary towels in this country. If this is to be financed by taxpayers' money, then it should be reworked with FULL transparency and designed to accommodate all women in the country.

II. That the idea of providing free sanitary towels to women is noble but does not need a new committee of 400+ individuals. This noble idea can be put into action by finding a workable solution within the already existing structures and institutions. Additionally, there should be transparency on the tendering of the sanitary towels purchased and the distribution of the same.

III. We want to reduce the burden on the taxpayers as much as possible so seeking funding from the National assembly only negates that. We urge the drafters of this bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers.

### **4. CONCLUSION**

Sirs and madams, I thank you for considering this response and my recommendations. I appreciate the drafter of this bill and we hope that the Senate can go back to the drawing board and consider other ways to execute this noble goal.

Kind regards,

Concerned Citizen  
Aisha Kibwana

Joyce Ngugi <joycengugi048@gmail.com>

Mon, Jul 22, 5:01 PM

to laboursocialwelfarecomm.senate

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22JULY,2024

The Clerk of the Senate

Parliament Buildings

P.O BOX 41842

00100 Nairobi

1. Preamble

Honourable Chair and Committee members,

I am responding to your invitation sent out by the Clerk of the Senate inviting the input of the public on the Provision of Sanitary Towels Bill, 2024 (Senate bills No. 7 of 2024).

As a Kenyan citizen who advocates for Accountability, good governance, gender equality and a strong democracy, I have considered this bill and hereby submit my considered findings, commentary, and response to the above bill.

## 2. CONCERNS AND APPRECIATIONS OF THE PROVISION OF SANITARY TOWELS BILL, 2024

a) The concern of the Bill creating Interministerial committees and county interdepartmental committees just to advise the government on how to distribute the sanitary towels is wanting.

They have already stated that these sanitary towels will be distributed to public institutions and correctional facilities so what will they be advising on?

b) The concern by this Provision of Sanitary towels bill, 2024 to appoint a 13-member interministerial committee, appointed on a 3year contract and a further 9-person committee in each county interdepartmental committee will be a duplication of roles of the ministry of gender affairs and the office of the women representatives on the county level.

There is no need for all these persons to advise and distribute the sanitary towels on the ministry and county level.

c) The concern of this bill seeking funding from the National assembly to pay salaries of 436 individuals who have duplicating roles is absurd. At a time where our country is seeking a reduction of burden on the taxpayers' it will be a slap on the face for the citizens of Kenya to add to that burden at this time.

d) We appreciate the idea of the proposer of this bill is to provide free sanitary towels in public institutions and correctional facilities. However, I find this discriminatory. There are a lot of women in this country who cannot afford sanitary towels and they aren't in the public institutions and correction facilities. There needs to be a way to make free pads accessible to every woman in this country.

e) The concern of this bill is that it does not provide which company the sanitary towels will be purchased from and at what price. It is our concern that as we've seen with government institutions, they will purchase low quality products at high prices and that there is already someone in line hence why this bill is being hurriedly passed through the Senate. We do not accept anything that lacks transparency.

### 3. OUR RECOMMENDATIONS TOWARDS THE PROVISION OF SANITARY TOWELS 2024

Honourable Senators, after careful consideration, these are my recommendations concerning the Provision of sanitary towels bill 2024.

I. That the Senate entirely withdraws this Bill entirely as proposed by Gloria Orwoba which is under recommendation by the Senate. This is because it lacks transparency and it is discriminative in nature. It only provides for those in public institutions and correctional facilities forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money the it should accommodate all women in the country.

II. That the idea of providing free sanitary towels to women is noble. Instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution. There should be transparency on the tendering of the Sanitary towels purchased and the distribution of the same.

III. We want to reduce the burden on the taxpayers' as much as possible so seeking funding from the National assembly only negates that. We urge the drafters of this bill to seek funding from institutions in

the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers.

#### 4. CONCLUSION

Honourable members, I thank you for considering this response and my recommendations. I appreciate the drafter of this bill and we hope that they can go back to the drawing board and use the already existing structures to execute this noble cause.

Kind regards,

Joyce.

**From:** Kewopa <[info@kewopa.org](mailto:info@kewopa.org)>

**To:** laboursocialwelfarecomm <[laboursocialwelfarecomm.senate@parliament.go.ke](mailto:laboursocialwelfarecomm.senate@parliament.go.ke)>

**Cc:** Leah <[sopiatomoiko@gmail.com](mailto:sopiatomoiko@gmail.com)>; executive <[executive@kewopa.org](mailto:executive@kewopa.org)>

**Date:** Monday, 22 July 2024 4:58 PM EAT

**Subject:** KEWOPA SUBMISSION ON THE PROVISION OF THE SANITARY TOWELS BILL 2024 (SENATE BILLS NO. 7 OF 2024)

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**SENT ON BEHALF OF THE CHAIRPERSON.**

Greetings from the Kenya Women Parliamentary Association (KEWOPA).

Please find attached the submissions from KEWOPA on the provision of the Sanitary Towels Bill 2024 for your review and consideration.

Regards,

Kenya Women Parliamentary Association (KEWOPA) - SECRETARIAT,

Harambee Plaza 8th Floor,

P.O Box 41842-00100,

Nairobi, Kenya.

[www.kewopa.org](http://www.kewopa.org)

Tel: 0748 264294

One attachment • Scanned by Gmail



Kenya Women Parliamentary Association,  
C/O Parliament of Kenya,  
Harambee Plaza 8th Floor,  
PO Box 41842 - 00100, Nairobi, Kenya.  
Cell: 0719561738 • www.kewopa.org

## ANALYSIS, IMPLICATIONS AND RECOMMENDATIONS OF THE PROVISION OF SANITARY TOWELS BILL 2024

Article 43(1) of the Constitution of Kenya guarantees every individual's right to the highest attainable standard of health, including reproductive healthcare. This encompasses menstrual healthcare, access to sanitary towels, and menstrual hygiene. According to USAID statistics, 65% of women and young girls in Kenya cannot afford sanitary towels, compelling them to resort to traditional methods detrimental to their reproductive health. This lack of access also leads to school absenteeism, as girls face stigma from menstrual stains. Ministry of Education data reveals that many girls miss school due to reproductive health issues, with those from poor families missing up to 20% of school days annually because they lack sanitary towels.

Further, data shows that a girl absent from school for four days each month loses 13 learning days per term, amounting to 39 days or six weeks annually. Over three years in primary school (grades 6 to 8), this results in 18 lost learning weeks out of 108. In high school, over four years, a girl can lose 156 learning days, equivalent to nearly 24 weeks out of 144 weeks of learning. This issue affects not only the right to reproductive healthcare but also the right to education and human dignity.

The introduction of the Sanitary Towels Bill is a significant step towards ensuring the enactment of laws and policies for the provision of sanitary towels. Currently, the State Department of Gender, is responsible for procuring and distributing free sanitary towels. The FY 2024/2025 budget allocates Kshs940 million for this purpose. Our analysis of the Bill highlights various issues that, if addressed, will contribute to a harmonised law and policy for the provision of sanitary towels.

CLAUSE	PROVISION	THE IMPLICATION	RECOMMENDATION
Clause 1: Short Title	This clause provides for the citation of the proposed Act to be: the Provision of Sanitary Towels Act.	The title of a bill is mainly influenced by various factors inclusive of the context, cultural norms and societal attitudes. In Kenya, the discussion of sanitary towels has been traditionally considered as a taboo and something that should be of privacy to the female child.	The title of the Bill should be changed to "The Menstrual Health and Hygiene Act." This title will not only focus on the provision of sanitary towels but also other menstrual products to ensure that women's right to reproductive menstrual

CLAUSE	PROVISION	THE IMPLICATION	RECOMMENDATION
		<p>While the Bill is indeed for a plausible and commendable cause of providing sanitary towels, it is needful to give it a holistic and inclusive title. This title should capture not only the provision of sanitary towels but also the broader context of the menstrual cycle and other products which facilitate the health and hygiene of young women and girls undergoing their menstrual cycle.</p>	<p>health as well as hygiene is catered for.</p>
<p>Clause 3: Application</p>	<p>The Bill provides that the Act shall apply to all public institutions and correctional facilities.</p>	<p>Despite this application aiming to ensure that it caters for young girls and women in public schools, secondary schools and universities, as well as correctional facilities there is need to further define “public institutions” to clarify the scope.</p> <p>Moreover, the Bill’s application should be expanded beyond women and young girls in public institutions and correctional facilities, as period poverty affects many others. The Act should expand the application of the Act to indigent women and girls who are not in either public institutions nor correctional facilities so as to ensure access to sanitary towels to all women who cannot afford purchasing sanitary towels. This for instance can include women living in informal</p>	<p>Expand the application to include women who cannot afford to purchase sanitary towels such as those living in informal settlements. Further accessibility to the sanitary towels should be expanded to include level 1 and level 2 hospitals especially in the event the public institutions are closed.</p>

CLAUSE	PROVISION	THE IMPLICATION	RECOMMENDATION
		<p>settlements. These sanitary towels can be provided further in level 1 and 2 hospitals to ensure that they are accessible especially on days when public institutions are closed.</p>	<p>Kenya Women Parliamentary Association, C/O Parliament of Kenya, Harambee Plaza 8th Floor, PO Box 41842 - 00100, Nairobi, Kenya. Cell: 0719561738 • www.kewopa.org</p>
<p>Clause 4 and 8: Inter Ministerial Committee on the Provision of Sanitary Towels</p>	<p>These clauses provide for the establishment of the Inter-Ministerial Committee on the Provision of Sanitary Towels and its functions of the Committee.</p>	<p>The establishment of an inter-ministerial committee focused on the provision and advice of sanitary towels may be unpopular in the current dispensation when ministries are being required to implement austerity measures.</p> <p>Recently, the provision of sanitary towels has undergone significant changes and is currently being coordinated by the Ministry in charge of Gender. Through the Budgets and Appropriations Committee 2024 Report on the Budget Estimates for financial year 2024/2025, the funds for the program were moved to the National Government Affirmative Action Fund.</p> <p>Creating this inter-ministerial committee may duplicate functions already performed by the Ministry of Gender.</p>	<p>This provision should be harmonised and aligned with the already existing mechanism in the Ministry of Gender as well as the National Government Affirmative Action Fund. Further there is need to ensure that these mechanisms are inclusive and have representation for people of different diversities.</p>

CLAUSE	PROVISION	THE IMPLICATION	RECOMMENDATION
<p>Clause 13 and 14: County interdepartmental committees on the provision of sanitary towels</p>	<p>These clauses seek to establish a County interdepartmental committee on the provision of sanitary towels as well as its functions.</p>	<p>The establishment of this committee is further unnecessary especially for just the provision of sanitary towels considering the austerity measures that are being adopted to reduce the creation of additional committees. Rather than creating a new committee, the Bill should rather designate such a function to the county executive committee for gender working in a collaboration with the county executive committee for health.</p>	<p>Harmonise the enumerated function to the already existing structures in the county that is the county executive committee for gender working together with that of health.</p>
<p>Clause 16(a): Funds of the Committee</p>	<p>This clause seeks to establish the interdepartmental committees fund for the performance of the function of providing sanitary towels particularly monies appropriated by the National Assembly.</p>	<p>Budgetary allocations for the provision of sanitary towels and the associated delivery unit have been contentious in previous budget estimates. Initially, the responsibility for provision and delivery was assigned to the Ministry of Education, but there was significant concern that this function should be transferred to the State Department of Gender, which was deemed more appropriate for managing the task.</p> <p>In the Financial Year 2023/2024, the funds were indeed moved to the State Department of Gender; however, the resources and delivery mechanisms failed to fully reach the intended young women and girls, which led to the current proposal to shift these responsibilities to the</p>	<p>In its report on the budget estimates for the Financial Year 2024/2025, the Budgets and Appropriations Committee has directed NGAAF to develop a policy framework for the implementation of the sanitary towels program in collaboration with the 47 Women County MPs by July 30, 2024.</p> <p>Therefore, we recommend harmonising the provisions of this Bill to align with and support the existing efforts to manage the sanitary towels program under NGAAF, ensuring there are no contradictions or overlaps.</p>

CLAUSE	PROVISION	THE IMPLICATION	RECOMMENDATION
		<p>National Government Affirmative Action Fund (NGAAF). Creating a new fund for this purpose would duplicate the existing funds already allocated for sanitary towels, which would be particularly problematic given the austerity measures Kenya is implementing.</p>	<p>Kenya Women Parliamentary Association, C/O Parliament of Kenya, Harambee Plaza 8th Floor, PO Box 41842 - 00100, Nairobi, Kenya. Cell: 0719561738 • www.kewopa.org</p>

It is further imperative to include the following clauses;

- A clause that regulates the pricing of sanitary towels in Kenya. Period poverty primarily stems from the high cost of these products, making them inaccessible for young women and girls. There is thus a need to ensure that the price of sanitary towels is reduced by reducing the amount of taxes levied in their production. Furthermore, sanitary towels should be zero-rated to further reduce the cost of production and ultimately lower the retail price. Finally, provisions to improve local manufacturing of high-quality menstrual products.
- A clause that provides for a clean and healthy environment through appropriate means of disposing menstrual waste in a bid to ensure environmental protection and pollution control.
- A clause that provides for the mandatory inclusion of menstrual hygiene and health as part of the basic primary education curriculum to eradicate myths and misconceptions about menstrual hygiene.
- Provide for a clear and comprehensive framework of the procurement, purchase and distribution of menstrual products as well as the criteria that will be used for the identification of public institutions and correctional facilities.

**From:** We <[wecare518@gmail.com](mailto:wecare518@gmail.com)>

**To:** clerk <[clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)>

**Cc:** laboursocialwelfarecomm <[laboursocialwelfarecomm.senate@parliament.go.ke](mailto:laboursocialwelfarecomm.senate@parliament.go.ke)>

**Date:** Monday, 22 July 2024 4:58 PM EAT

**Subject:** MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL

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## WeCare CBO

Community Based Organization

[wecare518@gmail.com](mailto:wecare518@gmail.com)

254-797-680921

P O BOX PRIVATE BAG, MASENO, KENYA

254-769-022914

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**MEMORANDUM ON THE PROVISION OF SANITARY TOWELS BILL, [Senate Bill  
No.7 of 2024]**

**THE CHAIRPERSON**

**THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**

**Thro'**

**THE CLERK OF THE SENATE**

**PARLIAMENT BUILDINGS**

**P.O. Box 41842 – 00100**

**NAIROBI**

**22nd July 2024**

**FROM;**

**WECARE COMMUNITY-BASED ORGANIZATION**

**P.O.BOX PRIVATE BAG,**

**MASENO, KENYA**

**wecare518@gmail.com**

**+254797680921**

**RE: SUBMISSION OF MEMORANDUM ON THE PROVISION OF SANITARY  
TOWELS BILL, Senate Bill No.7 of 2024.**

### **Introduction:**

WeCare Youth Organization is a registered youth-led community-based organization working to build and strengthen the capacity of citizens, especially young people, women and people with disabilities to meaningfully and effectively participate in the country's governance and development processes through public participation and drive public policy innovation to build a free, just and sustainable community.

The organization co-convenes the Maseno University and Great Lakes University of Kisumu Transparency and Integrity Clubs, which are platforms for students to engage in the country's governance processes while ensuring that youth voices are amplified and considered in the decision-making processes.

### **BACKGROUND**

WeCare Youth Organization and the undersigned partners have reviewed the provision of sanitary towels bill, 2024 herein referred to as "The Bill" as tabled before the house on the 1st of March 2024.

The bill upon approval will be an act of Parliament to provide for the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities; and establish the inter-ministerial committee on the provision of sanitary towels both at the national and county levels of government.

The bill should, first and foremost, define what constitutes public institutions. Additionally, it should consider how to ensure that private institutions also make these products available, framing it as a matter of reproductive health rights.

Based on the concerns raised, it is recommended that the Provision of Sanitary Towels Bill be incorporated into the Sanitary Towels Programme that was first launched in 2011. Further, it is proposed that it should address the broader issues of menstrual health and hygiene, respects individual choices, includes a wider range of menstrual products, and ensures compliance across all institutions, both public and private.

### **Justification:**

1. **Need for Comprehensive Approach:** The incorporation is justified by the need for a more comprehensive legislative framework that goes beyond just sanitary towels. Menstrual health and hygiene encompass a variety of products, including tampons, menstrual cups, and other options. By focusing solely on sanitary towels, the current bill fails to acknowledge the diverse needs and preferences of women and girls.
2. **Respect for Reproductive Health Rights:** It is crucial to frame the provision of menstrual health and hygiene products within the context of reproductive health rights. This approach ensures that all individuals have access to the products of their choice, respecting their dignity and preferences. Legislative efforts should aim to promote inclusivity and choice in menstrual hygiene management.
3. **Alignment with Existing Policies:** This incorporation is also justified by its potential contradiction with existing policy guidelines, particularly those under the Ministry of Education. As a legislative proposal it should align seamlessly with existing policies to avoid confusion and ensure effective implementation across public institutions.
4. **Inclusivity of Private Institutions:** Defining 'public institutions' clearly and ensuring that the bill applies to both public and private institutions is essential for equitable access to menstrual health products. Private institutions should be mandated to provide these products, framing it as a matter of public health and reproductive rights.
5. **Educational and Corrective Facilities Coverage:** While the bill mentions correctional facilities, a revised approach should ensure that all relevant institutions, including educational facilities, healthcare facilities, and correctional facilities, are comprehensively covered. This ensures that menstrual health and hygiene needs are met across various settings where individuals may require access to these products.

### **Proposed Approach**

Incorporation that defines and includes 'Menstrual Health and Hygiene Products' comprehensively. This bill should respect individual choices by covering a range of products such as sanitary towels, tampons, menstrual cups, and others. It should ensure compliance across all public and private institutions, including clear definitions and guidelines for implementation. Emphasize the promotion of reproductive health rights and inclusivity in menstrual hygiene management practices.

By recommending a revised approach, lawmakers can address the broader issues of menstrual health and hygiene in a manner that respects rights, promotes inclusivity, and ensures effective implementation across all relevant institutions in Kenya.

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'AOS', with a horizontal line drawn through the letters.

Arnold S. Osano- Executive Director WeCare Organization.

**From:** Jeanette <[Jnyanjom@fawe.or.ke](mailto:Jnyanjom@fawe.or.ke)>

**To:** laboursocialwelfarecomm <[laboursocialwelfarecomm.senate@parliament.go.ke](mailto:laboursocialwelfarecomm.senate@parliament.go.ke)>

**Cc:** Eamunga <[eamunga@fawe.or.ke](mailto:eamunga@fawe.or.ke)>

**Date:** Monday, 22 July 2024 4:58 PM EAT

**Subject:** FAWE Kenya Submission of Memoranda on Senate Bill No. 7 of 2024

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Greetings from FAWE Kenya,

Kindly find our submission of Memoranda on the Provision of Sanitary Towels Bill, 2024 for your consideration.

Thank you.

Kind Regards,

--

Jeanette Nyanjom

Chief Executive Officer

Forum for African Women Educationalists - Kenya (FAWEK)

Kenya Education Management Institute, Mtama Road, of 5th Parkland Avenue, Highridge Parklands.

Email: [Jnyanjom@fawe.or.ke](mailto:Jnyanjom@fawe.or.ke)

Website: [www.fawe.or.ke](http://www.fawe.or.ke)



[www.fawe.or.ke](http://www.fawe.or.ke)

**MEMORANDUM-THE PROVISION OF SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024).**

**Introduction**

Forum for African Women Educationalists – Kenya Chapter (FAWEK) is a Non-Governmental Organization registered in 1996 under section 10 of the NGO Coordination Act, Laws of Kenya; and a member of the FAWE network of 34 Chapters in 33 countries in Sub-Saharan Africa. FAWEK's vision is to have a just and inclusive society where gender parity and equality in education and training prevails and the mission is to support girls and women in the acquisition of quality education and training for development. FAWE Kenya aims to ensure that Kenyan girls receive quality education for equal chances in life through championing girls' enrolment, retention, performance, and completion in school. Through various initiatives, we focus on contributing to the attainment of Education for All (EFA) and Sustainable Development Goals (SDGs).

Twenty-six years after its founding, FAWE Kenya remains focused and consistent in pursuance of the goal to close the gender gap in education at all levels. The overall mandate of FAWEK is to secure, protect, and enhance the education of girls and women in ways that promote gender parity. FAWEK implements this mandate by advocating for gender equity and equality in education in Kenya and by fostering positive policies, practices, and attitudes toward girl's education.

**FAWE-K** takes cognizance of the Committee's recent call for recommendations and hereby requests the Committee to respectfully consider the following issues that will ensure the provision of quality, free, and sufficient towels in public institutions and correctional facilities.

1. The document has left out guidelines on the provision of adequate information on Menstrual Hygiene Management.
2. Issues on myths, misconceptions and cultural issues concerning Menstruation Hygiene.
3. Sustainability mechanisms, sustainable funding, investing on reusable pads and provision of affordable materials for manufacturing and making of reusable pads within the communities.
4. Clear Budget and accountability of Menstrual Hygiene Budget.
5. Guidelines on domestication of policies managing Menstrual Hygiene Management in the Counties.
6. Zero rated Menstrual Products and raw materials for production.
7. Collaboration strategies with stakeholders.
8. Monitoring, Evaluation and Research framework.

SECTION OF THE BILL	PROPOSED AMMENDMEMENT TO THE BILL	JUSTIFICATION
Part 1 Preliminary. The name of the Bill "The Provision of sanitary towels Bill"	The Bill to be called "Menstrual Hygiene Management Bill"	It should be comprehensive and inclusive to address diverse issues related to menstrual equity and social inclusion, particularly focusing on the needs of girls with disabilities



**Forum for African Women  
Educationalists Kenya**

KENYA EDUCATION MANAGEMENT INSTITUTE  
MTAMA ROAD OFF 6TH PARKLANDS AVENUE,  
HIGHRIDGE - PARKLANDS  
P.O BOX 52597-00200, NAIROBI - KENYA  
TEL: +254 705 474 843  
EMAIL: INFO@FAWE.OR.KE

		who rely on diapers in their daily routines.
Lack of information on Menstrual Health and Hygiene Education.	Access to information regarding myths, misconceptions, and cultural issues related to menstrual hygiene management should be integrated into the school curriculum.	This is essential for promoting health, empowering students, and fostering a more inclusive and informed school environment.
Collaboration.	Consider Partnerships between the National and county Government, the Private sector and the user.	Partnership with the private sector
Sustainability.	The Bill should prioritize sustainable solutions by investing in reusable options directly within schools.	To effectively manage menstruation, public school changing rooms should provide accessible, affordable, appropriate, and high-quality hygiene materials and information.

**m:** Clerk <[clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)>

**To:** Labour <[laboursocialwelfarecomm.senate@parliament.go.ke](mailto:laboursocialwelfarecomm.senate@parliament.go.ke)>

**Date:** Monday, 22 July 2024 6:26 PM EAT

**Subject:** Fwd: SUBMISSION OF MEMORANDA - THE PROVISION OF SANITARY TOWELS BILL, 2024, (SENATE BILL No. 7 of 2024)

Regards

**Clerk of the Senate/ Secretary, Parliamentary Service Commission**

**Email:** [clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)

**Telephone:** +254(20) 28480000

**Parliament Buildings.**

**P.O.Box 41842-00100**

**Nairobi, Kenya**

---

**From:** Lilian <[lilymutinda@gmail.com](mailto:lilymutinda@gmail.com)>

**To:** clerk <[clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)>

**Cc:** aboursocialwelfarecomm <[aboursocialwelfarecomm.senate@parliament.go.ke](mailto:aboursocialwelfarecomm.senate@parliament.go.ke)>

**Date:** Monday, 22 July 2024 5:04 PM EAT

**Subject:** SUBMISSION OF MEMORANDA - THE PROVISION OF SANITARY TOWELS BILL, 2024, (SENATE BILL No. 7 of 2024)

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To the Clerk of the Senate

Further to the invitation to members of the public to submit their views with regards to the proposed , I am writing to reject the bill.

In my humble opinion, the Bill proposed does to solve any problem and in fact only increases further hurdles in the provision of sanitary towels. The existing program under the ministry of Gender, Culture, the arts and Heritage provides sanitary products for school girls. The program has a legal provision under the Basic Education Act of 2016. Therefore any other structure will be a duplication in service delivery and a burden to tax papers.

My proposal is for the Menstrual Hygiene Management Policy of 2019 to be adopted into law and fully implemented. This will cover the ground in all that is needed to advance menstrual hygiene health for girls and women.

Please bring my memoranda to the attention of the relevant Senate committee

Yours sincerely,  
Lilian Mutinda



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – THIRD SESSION**

**THE SENATE**

**SUBMISSION OF MEMORANDUM TO THE CLERK OF THE SENATE**

**– Attn: Standing Committee on Labor and Social Welfare**

**BILL: The Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)**

**INSTITUTION: Legal Advice Center (Kituo Cha Sheria) Kenya**

**DATE: 12<sup>th</sup> July 2024**

<b>S/No</b>	<b>Regulation (Bill) Section/Part No.</b>	<b>Provisions of the Regulations*</b>	<b>Rationale for Amendment Recommendation</b>	<b>Proposed Amendment**</b>
1.	Part I Section 3	This Act Shall apply to all public institutions and correctional facilities.	<p>APBET schools accommodate so many pupils in the informal settlements and are registered with the Ministry of Education. These are low-cost schools some of which are run by community CBOs and have been isolated in the past by county governments in interventions meant to ensure high school retention levels like provision of school free school meals.</p> <p>In Kenya, Alternative Providers for Basic Education and Training (APBET) have been around for</p>	<p>ALL APBET schools be covered in this scheme to enable adolescent girls have access to sanitary towels.</p> <p><i>This Act Shall apply to all public institutions including APBET schools and correctional facilities.</i></p>

			decades. Their focus is providing education access to all children in Kenya, especially those from marginalized and remote areas of the country who cannot access formal schools. APBET schools were established under The Basic Education Act of 2013. Section 39(c)	
2.	Part II Section 8 (a),(b),(c),(d) and (f)	<p>Functions of the committee</p> <p>(a)advise the Government on the provision of sanitary towels in all public institutions and correctional facilities;</p> <p>(b)co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;</p> <p>(c)provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;</p> <p>(d)In consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;</p> <p>(f)Develop a framework to facilitate the availability</p>	<p>Please consider having APBET schools and people living with disability representatives in the committees.</p> <p>Provision of sanitary towels not only to be done in public institutions and correctional facilities but also in ALL APBET schools.</p> <p>Pit latrines be recommended for disposal of the pads as acquiring sanitary disposal bins for institutions may be more expensive in purchase and maintenance especially in informal settlements</p> <p>The distribution framework should be made clear to all the stakeholders; ensure that at least two different brands of sanitary towels are procured to help address cases where girls might have allergic reactions to some sanitary towel brands, Also ensure that every girl receives at least 3 – 6 pieces of panties alongside the sanitary pads. We cannot assume that all can</p>	<p>As above, ALL APBET schools be covered in this program.</p> <p><i>(a)advise the Government on the provision of sanitary towels in all public institutions, APBET schools and correctional facilities;</i></p> <p><i>(b)co-ordinate the provision of sanitary towels to all public institutions, <u>APBET schools</u> and correctional facilities;</i></p> <p><i>(c) provide free, sufficient and quality sanitary towels to women or girls studying in a public institution and to every woman in the custody of a correctional facility;</i></p> <p><i>(d)In consultation with county governments, provide a safe and environmentally friendly mechanism for disposal of sanitary towels; <u>Priority be given to the use of pit latrines for disposal in the various institutions unless otherwise.</u></i></p>

		and distribution of sanitary towels in all the public institutions and correctional facilities in Kenya;	afford panties and having sanitary towels without panties will be of little help.	<i>(f) Develop a framework in <u>consultation with the school administrators or representatives at the sub-county levels to facilitate the availability and distribution of at least 2 different brands of sanitary towels and 3-6 pieces (Determined by the budget) of panties to all girls and young women in all the public institutions and correctional facilities in Kenya;</u></i>
3.	Part II Section 13	(1) There is established, in each county, county interdepartmental committees on provision of sanitary towels.	There are no school representatives included in this committee. To ensure inclusivity, we need to have school representatives from all sub-counties being members of this committee at the county level.	Add a section to include school representatives from respective sub-counties in the committees. We can have one representative per sub-county appointed by schools attending the committee.  <i>(1) There is established, in each county, county interdepartmental committees on provision of sanitary towels. This shall incorporate school representatives coming in as members at the Sub-county level;</i>
4.	Part II Section 14 (b) and (c)	(c) Provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county;	Safe and affordable disposal method to be the use of pit latrines as opposed to sanitary disposal bins which can only be considered if these institutions will be ready to buy and sustain.	<i>(c) Provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county; <u>Recommended disposal method be the use of pit latrines unless the institution is ready to buy and maintain sanitary disposal bins at their cost.</u></i>
5.	Part II Section 15 (1) and (2)	Protection from personal liability:  1) A matter of thing done by a member of the Committee or any	This clause provides an allowance for any committee member to engage in fraudulent deals and claim	<i>1) A matter of thing done by a member of the Committee or any officer, staff or</i>

		<p>officer, staff or agent of the Committee shall not render such member, officer, staff or agent personally liable for any action, claim or demand whatsoever if the matter or thing is done in good faith for executing the functions, powers or duties of the Committee</p> <p>2)Subsection-1 shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written law.</p>	<p>it was done in good faith. For instance; In case a supplier delays in supplying the pads for even a day or just by hours, the respective committee member with be given powers by this clause to contact another supplier to do the same and dismiss the approved supplier for good (In which case part 2 of this allows the committee to only give compensations).</p> <p>We are likely to have scenarios where suppliers get dismissed at will and tenders awarded to those considered 'agent of the committee'</p>	<p><i>agent of the Committee shall not render such member, officer, staff or agent personally liable for any action, claim or demand whatsoever if the matter or thing is done in good faith for executing the functions, powers or duties of the Committee. <u>This should not cover dismissal of approved suppliers of sanitary towels.</u></i></p> <p><i>2)Subsection-1 shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written law. <u>(This power shall be withheld only if the matter in discussion involves dismissal of an approved supplier, to which the supplier will be given time to explain their cause of action and served with two warning letters before any decisions are made).</u></i></p>
6.	Part V Section 21,(2)b	(b)The procedure to be followed in the distribution of sanitary towels to public institutions under this Act.	This should be done in consultation with the respective school administrators at the sub-county and county levels. The schools will propose the best means of transport depending on their geographical locations. This decision should not be left to the committee alone.	<i>(b)The <u>all-inclusive and cheapest/cost-effective</u> procedure to be followed in the distribution of sanitary towels to public institutions under this Act developed and agreed upon by the institution's heads/representatives and the committee.</i>

\*Provide text on the exact wording of the provision in the regulations paragraph or sub-paragraph

\*\* Provide the exact wording of how the proposed amendment to the regulations paragraph or sub-paragraph is proposed to be read.

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FSC



REPUBLIC OF KENYA

THE NATIONAL TREASURY AND ECONOMIC PLANNING

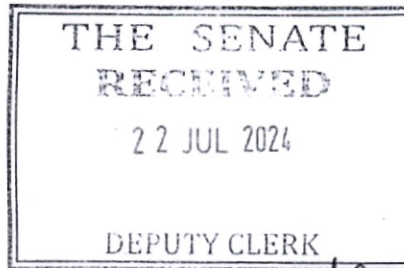
Telegraphic Address: 22921  
FINANCE - NAIROBI  
Fax No. 315779  
Telephone: 2252299  
When replying please quote

THE NATIONAL TREASURY  
P.O. Box 30007 - 00100  
NAIROBI  
KENYA

(2) DSEFC (VK)  
Kindly deal  
22/07/24

Ref: ES 1/014 'D' (14)

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



18<sup>th</sup> July, 2024

(1) DSEFC  
DHS

Dear Clerk

3) Ms. Mwanate  
Kindly deal  
Hobash  
23/07/2024

Kindly deal  
22/07/2024

RE: STAKEHOLDER ENGAGEMENT ON THE PROVISION OF  
SANITARY TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)

Reference is made to your letter Ref. SEN/DSEC/SCLSW/2024/71 dated 11<sup>th</sup> July, 2024 on the above subject.

We note that the Senate Standing Committee on Labour and Social Welfare is requesting for comments on the Bill. The National Treasury has reviewed the Bill and noted that it proposes the provision of quality, free and sufficient sanitary towels in all public institutions. We also note that the Bill provides for the establishment of an Inter-Ministerial Committee on provision of sanitary towels as a body corporate which shall have a Secretariat. The Bill provides for the establishment of similar committees at the county level i.e. the County Interdepartmental Committee on provision of sanitary towels. We further note that the members of the Committees and Secretariat will require be paid allowances and salaries as prescribed by the Salaries and Remuneration Commission.

The Bill proposes provision of quality, free and sufficient sanitary towels in all public institutions and Clause 8 (c) indicates that this is to be provided to every woman employed by or studying in a public institution and every woman in the custody of a correctional facility. In this regard, the scope of public institutions as stated in the Bill is not clear as even Ministries, Departments and Agencies are public institutions. Similarly, it is not justified why there should be free provision of Sanitary Towels to staff employed in these institutions. The main objective of

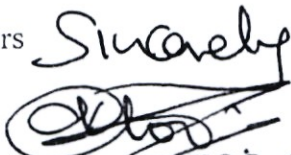
introducing the free sanitary towels especially to learners in basic education was to eliminate the barriers to the right to quality education and promote the realization of the right to basic education. It is not prudent to include other categories of beneficiaries when all the learners in basic education are not yet fully covered by this programme given the resource constraints. Additionally, adults who are working and earning an income should not be provided for free sanitary towels and the Bill should therefore focus on only the special interest groups/indigents.

Further, the establishment of the Committees and Secretariat both at the National and County levels will occasion huge financial implication due to expenses related to compensation of employees, allowances to the Committees and attendant operations and maintenance expenses. This will therefore negate the Government Policy of containing the Public Sector Wage Bill. We are of the view that the proposed functions of the Committee and Secretariat can be carried out through the relevant Government Departments without establishing a body corporate given that the Government is in the process of identifying public bodies with duplicated roles and merging/disbanding them.

Clause (7) of the Schedule (S.10(1)) makes reference to a Board yet there is no mention of a Board in the Bill. Finally, there is no justification in the Memorandum of Objects and Reason why there is need to provide free sanitary towels to all public institutions.

In view of the above, the National Treasury does not support the passage of the Bill in its current form.

Yours



**DR. CHRIS KIPTOO, CBS**  
**PRINCIPAL SECRETARY/THE NATIONAL TREASURY**

Subject RE: sanitary towel bill  
From Ed. G. <ssng36h@gmail.com>  
To clerk senate <clerk.senate@parliament.go.ke>  
Date Monday July 22, 2024 5:13:02 PM

THE SENATE  
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DIRECTOR COMMITTEE SERVICES  
(DGAC)

22 JUL 2024

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26 JUL 2024

In the bill the following amendments to consider:-no need for hiring people for a comitee on the matter of sanitary towels thats an unecessary added cost. its just having the procurement dept in the government thats ment to hanfle such matters we just need an thorough audit of the distributions and purchases of these towels and small group paid by sitting allowance only that determines analyses information from census on how to equitably distribute the towels across the country. and if there has to be a comitee it should consist of people nominated from...umbrella body public benefit organizations council of county governors and national gender and equality commision representatives

① DGAC  
DKS  
kindly deal  
Eg  
23/07/2024

② DSEC  
You may deal  
23/07/2024

③ DSEC - WK  
Please deal  
26/07/24

③ Ms. Mwanate  
Kindly deal.  
Kobachi  
26/07/2024

THE SENATE  
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23 JUL 2024  
DEPUTY CLERK

26 July 2024

The Clerk of the Senate  
PO Box 41842-00100  
Nairobi  
[clerk.senate@parliament.go.ke](mailto:clerk.senate@parliament.go.ke)

*Sent via e-mail*

**Re: The Provision of Sanitary Towels Bill (Senate Bills No. 7 of 2024)**

**Background**

Katiba Institute (KI) is a research and litigation institution established in 2011 with the mission of supporting the implementation of Kenya's 2010 Constitution, helping to resist efforts to undermine that Constitution, and generally assisting in developing a culture of constitutionalism in Kenya.

Following the call for memoranda on the Provision of Sanitary Towels Bill, please find KI's comments below.

**Introduction**

The Provision of Sanitary Towels Bill is intended to provide quality, free, and sufficient sanitary towels in public institutions and correctional facilities. There is no definition of public institutions. An inter-ministerial committee on the provision of sanitary towels will be established. The committee will receive funds appropriated by the National Assembly.

The bill must define what 'public institutions' mean to establish whether these institutions fall under the national government functions. Health is a shared function between the national and county governments. So, the Bill establishes the 47 county interdepartmental committees on providing sanitary towels to ensure a shared implementation mandate. The county committees will have a minimum of 10 members for each county. The Ministerial inter-departmental committee will meet at least once every three months with a prescribed quorum of 5 members. The Cabinet Secretary will determine their allowances and expenses in consultation with the Salaries and Remuneration Committee. The establishment of the committees to implement the provisions of the Bill is superfluous and

implementation should be left to the Ministry of Education and the Ministry of Public Service, Youth and Gender Affairs.

Defining what the public institutions are in the Bill will be key in resolving the issue of how to treat allocations during the revenue division process. It will also inform the nature of intergovernmental arrangements that must be included in the Bill to ensure compliance with the Constitutional imperatives on devolution, including whether intergovernmental agreements are required to facilitate its implementation. Article 201 of the Constitution requires prudence and responsibility in using resources; hence, the efficient implementation of the Bill will clarify the institutions to which it applies and the implementing Ministry at the national level.

It is a welcome reprieve to have funds appropriated directly from the National Assembly to provide sanitary towels, solving the perennial problem of de-prioritisation of the provision of sanitary towels when the monies allocated are at the discretion of the Cabinet Secretaries. This will allow Parliament to appreciate the policy, infrastructure, and resource gaps and hopefully allocate more resources to reach all the intended beneficiaries. Parliament should also address corruption and mismanagement by scrutinising the annual budget reports to ensure transparency and accountability of the funds appropriated.

Once the public institutions have been identified, funds can be distributed through the various ministries and their departments, for example for schools, through the Ministry of Education in the distribution programs, for women and girls, not in school, perhaps through the Ministry of Public Service, Youth and Gender Affairs, or through the State Department of Correctional Facilities. There is no need to create new or multiple duplicate levels of implementation of the Act.

The Basic Education Act No. 17 of 2017 mandates free sanitary towels for schoolgirls, but many in informal and marginalized regions are left out. This Bill can strengthen the implementation of existing policies like the Basic Education Act No. 17 of 2017 by establishing regular monitoring and evaluation mechanisms to ensure compliance and effectiveness.

**Comments**

Item	Reference	Comment/observation	Recommendation
1.	<b>Section 1</b>	<p>The Bill is titled ‘The Provision of Sanitary Towels Bills 2024’</p> <p>A sanitary towel is defined as an absorbent pad worn by women to absorb menstrual blood.</p> <p><i>Provision of Period Products Bill</i> is a better factual term that includes sanitary towels, tampons, menstrual cups, etc.</p>	<p>Deletion of the short title and amend it to read ‘The Provision of Period Products Bill’</p>
2.	<b>Section 2</b>	<p>The definition of ‘sanitary towel’ is incomplete. It is proposed that for the Bill to define key terms antecedent to the provision of sanitary products:</p>	<p>An amendment to include ‘sanitary products’ to mean products, the purpose of which is to absorb or collect menstrual flow and include disposable sanitary pads that comply with the standards contemplated in this Policy Framework.</p> <p>An amendment to define the term ‘Menstruation’ to mean the monthly cycle of changes in the ovaries and the lining of the uterus, preparation itself for fertilisation</p> <p>An amendment to define the term ‘Sanitary dignity’ as the preservation and maintenance of the self-esteem of a girl or</p>

			woman especially during menstruation; An amendment to define 'sanitary waste' as used sanitary products that cannot be re-used or recycled;
3.	<b>Section 3</b>	Section 3 states that 'the Act shall apply to all public institutions and correctional facilities.' The Act does not define the public institutions referred to, which is vague and susceptible to wastage and corruption.	An amendment to define what public institutions are contemplated.
4.	<b>Section 8</b>	The committee membership is way too high and unnecessary. Sanitary products can be distributed to public institutions and correctional facilities through the existing systems and channels. The CS should be allowed to designate a department to oversee implementing provisions of the Bill. The committee's functions fail to prescribe a critical function of monitoring product quality, but even then, nothing in either of the committee memberships is intended to have this capacity.	Deletion of the provision  Mandate CS Health to implement mechanisms for quality checks and control of products issued under the Act.

5.	<b>Section 13</b>	<p>The establishment of the County Interdepartmental Committees is a waste of public resources</p> <p>There are already existing systems that allow for the procurement of these services and how they should be distributed. Unless it can be clearly indicated under the Act the extent to which implementation of the Bill touches on the mandates of counties such as would warrant their involvement and even then only through the relevant departments.</p>	Deletion of the provision
6.	<b>Section 22</b>	<p>There are offences and penalties already prescribed in law that contemplate the elements of 'rebranding or reselling sanitary products.' So, there is no need to prescribe other offences that are too general to miss the nuances of such crimes and the appropriate penalties, including fines, imprisonment, and other legal consequences depending on the severity and specific circumstances of the offence.</p>	<p>Deletion of this provision</p> <p>Section 268 of the Penal Code defines theft as taking any property belonging to another with the intent to permanently deprive the owner of it.</p> <p>Section 322 provides for the offence of handling stolen goods, which includes receiving, retaining, disposing of, or assisting in the disposal of stolen property knowing or having reason to believe it to be stolen.</p>

			<p>Section 66 of the Public Procurement and Asset Disposal Act, 2015 has offences against corrupt conduct which entails engaging in any corrupt conduct or collusion related to the procurement process, including reselling public goods.</p> <p>Section 51 has the offence of unauthorized disposal, which sanctions the unauthorized disposal of public assets, which is prohibited and punishable under this act.</p> <p>Section 39 of The Anti-Corruption and Economic Crimes Act, 2003 provides for the offence of corruption which covers engaging in corrupt activities, including the unauthorized sale of public goods and Section 46 of the Public officers abusing their office for personal gain, such as reselling public goods.</p> <p>The Public Finance Management Act, 2012 at</p>
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			Section 197 prescribes the offence of mismanagement of public funds.
7.	<b>Section 23</b>	Section 23 proposes to insert the words in consultation with the Inter-Ministerial Committee on Sanitary Towels to amend Section 18(1) of the Basic Education Act to provide that the County Education Boards are proposed to consult the inter-ministerial committee before they prepare and submit a comprehensive school termly annual report including Educational Management Information System data to the Cabinet Secretary on all areas of its mandate including education and training services, curriculum, policy implementation and school-based audit report within the County.	Deletion of the provision

**Conclusion**

For the above reasons, we believe the Bill should be revised to reflect our proposed amendments. In doing so now, we expect the Bill to protect women and girls and the marginalised and allow the enjoyment of the right to dignity and the highest attainable standard of the right to education and health.

On behalf of Katiba Institute:

Laura Kwamboka Osinde  
Katiba Institute  
House No. 5, The Crescent, Off Parklands Road  
PO Box 26586-00100  
Nairobi  
[info@katibainstitute.org](mailto:info@katibainstitute.org)



MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION  
STATE DEPARTMENT FOR CORRECTIONAL SERVICES  
*Office of the Principal Secretary*

Telegrams: "HOME" Nairobi  
Telephone: +254- 20-2228411  
Email: ps@correctional.go.ke  
Website: [www.cordination.go.ke](http://www.cordination.go.ke)  
When replying please quote:

Teleposta Towers, 28<sup>th</sup> Flr.  
Wing C - Entrance  
Kenyatta Avenue Str.  
P. O. Box 30478-00100  
NAIROBI

SDC/SEC/ADM/1/86(II)

5<sup>th</sup> August, 2024

**Jeremiah M. Nyegenye, CBS**  
The Clerk of the Senate  
Parliament Buildings  
**NAIROBI**

Dear Clerk,

**STAKEHOLDER ENGAGEMENT ON THE PROVISION OF SANITARY  
TOWELS BILL, 2024 (SENATE BILLS NO. 7 OF 2024)**

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Reference is made to the above subject matter.

We acknowledge receipt of letter dated 25<sup>th</sup> July 2024, Ref. SEN/DSEC/SCLSW/2024/86 requesting for our views on the aforementioned Bill.

We have reviewed the aforementioned Bill and wish to submit our views as follows;

1. The State Department for Correctional Services supports the envisaged proposals to advance the provision of quality, free and sufficient sanitary towels in public institutions and correctional facilities.
2. Clause 2 of the Bill on interpretation to include and define "**correctional facilities**" to mean penal institutions established in Kenya Prisons Service and Probation and Aftercare Service.
3. Clause 5 of the Bill provides for the composition of the Inter-ministerial Committee. The membership of the Inter-ministerial Committee should be aligned with the Mwongozo Code of Conduct so as not to offend

the requirement of maximum number of members in any body corporate.

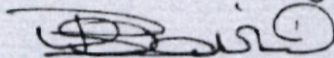
4. Under clause 13 of the Bill, we propose inclusion of the following in the composition the County interdepartmental committee.

*"a probation officer attached within the county nominated by the Secretary Probation and Aftercare Services"*

The purpose of this letter is to therefore, submit our views on the aforementioned Bill for your consideration.

Thank you for your support.

Yours *Sincerely*



**DR. SALOME M. BEACCO, CBS**  
**PRINCIPAL SECRETARY**

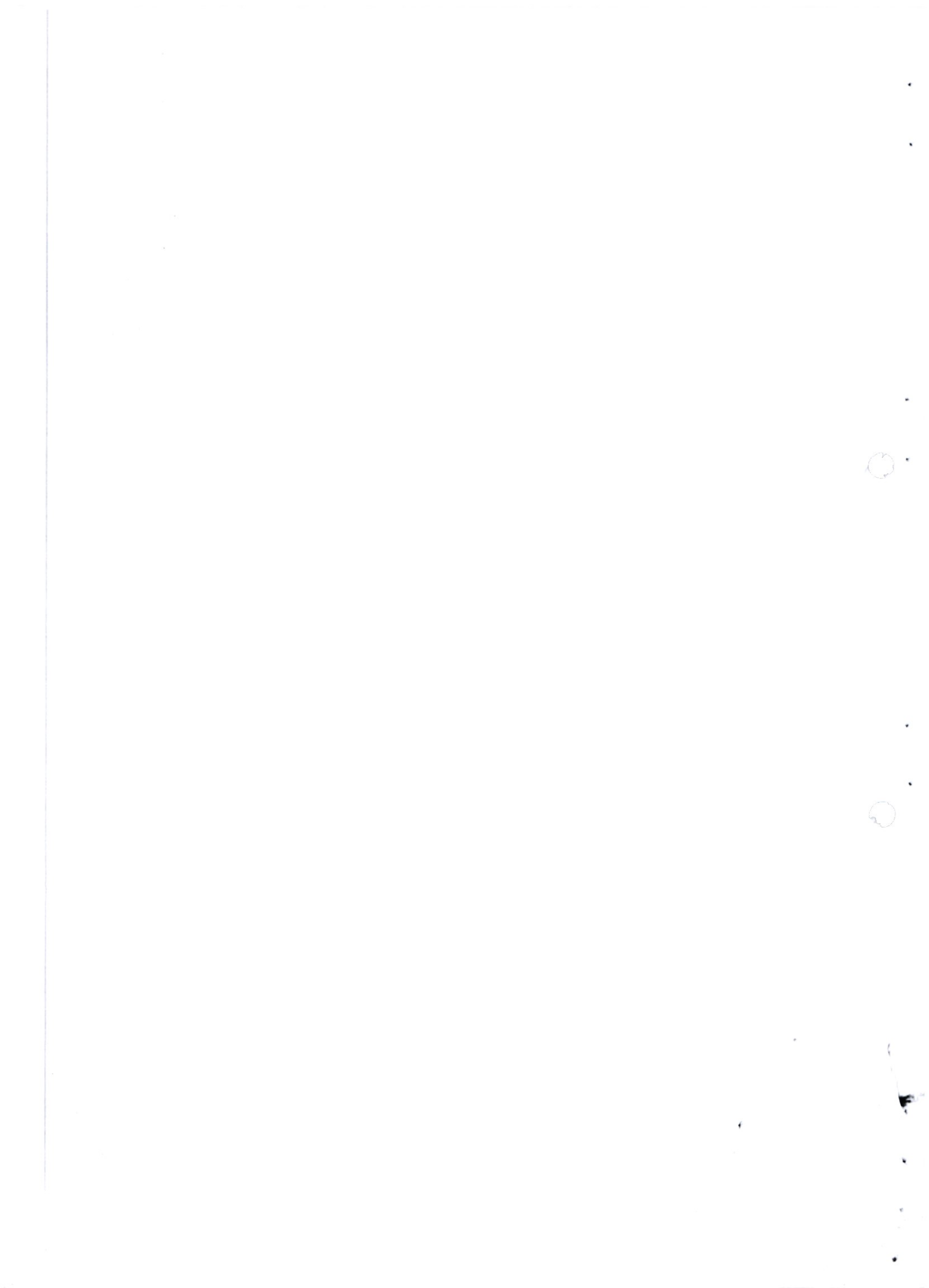


			<p>compliance with gender equality in MDAs and report to Parliament on the progress.</p> <p>NGEC will report monitor to ensure compliance with sanitary towels provisions requirements</p>
5l(i)	Three persons, not being public officers, of whom one shall be nominated by the Council of County Governors; (ii) one shall be nominated by a public benefit organization concerned with matters related to gender; and (iii) one shall be nominated by the umbrella body representing the largest number of organizations in the private sector.	The appointing authority to consider introducing clauses on Not more than 2/3 gender principle and affirmative action to bring on board Persons with Disabilities and other disadvantaged groups during appointment under this section	In compliance with the Constitution
6(1) c Qualification for appointment to the Committee	has at least ten years working experience in a gender related field;	Expand the scope of qualifications to include Public Health, Sociology, education to provide a pool of diverse skills	Sanitary towels is also a education and health issue
5. (1) k	The Director General for Health or their representative designated in writing; and	Delete (k) and replace with the Principal Secretary responsible for Public Health	Principal Secretary is responsible for Policy and supervises the

		and Sanitation or their representative designated in writing	Director General for Health
8 b Functions of the Committee.	co-ordinate the provision of sanitary towels to all public institutions and correctional facilities;	Delete <b>co-ordinate</b> and replace with <b>oversee</b>	Coordination is the function of the Secretariat
8 c	provide free, sufficient and quality sanitary towels to every woman employed by or studying in a public institution and to every woman in the custody of a correctional facility;	Delete... to every woman employed by.....a public institution	Providing free, sufficient and quality sanitary towels to every woman in employment by the government is not financially sustainable The clause is also discriminatory since government does not provide sanitary towels to women employed by all other institutions.
12 (1) 2	The Secretary to the Committee shall be competitively recruited and appointed by the Committee on such terms and conditions as the Committee shall, in consultation with the Salaries and Remuneration Commission, determine.	Delete competitive and insert the Secretary shall be nominated by the Principal secretary from among the serving directors responsible for Gender.	The secretary is nominated from the government officers will effectively coordinate government staffs deployed to the secretariat. By nominating a serving officer the government will not incur extra cost in remuneration

			This is in line with the PSC Human Resource Policy and Procedure Manual of 2016
13. (1) 2 a-i	County interdepartmental committees on provision of sanitary towels.	Delete the entire membership of the committee and reorganize to adhere to the spirit of devolution and devolved functions and Intergovernmental Relations Act of 2012 (e)the county commissioner or their representative designated in writing should be the chair ; and the (f) the gender officer (National officer in charge of the county should be the Secretary All other members be part of the committee	Sanitary towels programme is a national Government function and therefore the county interdepartmental committees should recognize and reflect the working relations between the National Government and County Government.  National government structures should therefore be in charge of the committees
15. (1) (2) Protection from personal liability.	A matter or thing done by a member of the Committee or any officer, staff or agent of the Committee shall not render such member, officer, staff or agent personally liable for any action, claim or demand whatsoever if the matter or thing is done in good faith for executing the functions, powers or duties of the Committee.  (2)Subsection (1) shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their Functions of county interdepartmental committees. Protection from	This section is ambiguous and makes the officers not personally liable for their actions.	The entire section requires review to clearly indicate what <b>matters</b> are envisaged to result in non-liability

	personal liability. The Provision of Sanitary Towels Bill, 2024 79 interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written		
23 SCHEDULE (s.10(1)) Conduct Of Business And Affairs Of The Inter- Ministerial Committee	(3) The quorum for a meeting of the Committee shall be five members	The quorum should adjusted to at least be nine( 9)	This constitute the 2/3 majority as per 5(1)
PART 111 16.	FINANCIAL PROVISIONS	Insert (d) such monies as may be appropriated by the County Assembly	The county government generates own revenues which can be used to complement the national government funding
Schedule  PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE INTER- MINISTERIAL COMMITTEE ON PROVISION OF SANITARY TOWELS	Item 6. The board shall.....	Delate the word board and insert the committee	The Act is establishing a committee and not a board. To maintain consistence



# APPENDIX 5

**THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

**THE PROVISION OF SANITARY TOWELS BILL, 2024  
(SENATE BILLS NO. 7 OF 2024)**

<b>CLAUSE</b>	<b>STAKEHOLDER</b>	<b>PROPOSED AMENDMENT</b>	<b>JUSTIFICATION</b>	<b>COMMITTEE RESOLUTION</b>
Long Title	Ministry of Education, State Department for Basic Education (MOE).	Include “public education institutions” in the long title.	The largest population in need of sanitary towels is found in education institutions. Learners spend the longest time as adolescents in public education institutions.	
1	MOE	Amend the title to read— The Provision of Sanitary Towels to Public Education Institutions.	The circumstances of adolescent learners in education institutions are different from those in correctional facilities and budget lines are different.	
	Katiba Institute	Deletion of the short title and amend it to read ‘The Provision of Period Products Bill’	The Bill is titled ‘The Provision of Sanitary Towels Bills 2024’ A sanitary towel is defined as an absorbent pad worn by women to absorb menstrual blood. Provision of Period Products Bill is a better factual term that includes sanitary towels, tampons, menstrual cups, etc.	
	University of Nairobi (UoN)	Amend the short title to read— The Provision of Menstral Health and Hygiene Products	The proposed law should holistically address menstrual hygiene issues, rather than only focusing on the issue of	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>provision of sanitary towels. Menstral health and hygiene should include access to quality, affordable and acceptable products that women and girls can use while on their menstrual cycle; and it also includes the issue of disposal and sanitation. Therefore, the provision of sanitary towels would necessarily have to go hand in hand with the provision of sanitary bins. For re-usable sanitary towels, there must be provision of water and cleansing agents that can be used to wash the towels. Thus, it is important to broaden the scope of the bill to address menstrual health and hygiene in a holistic manner.</p>	
2	Karen	Amend the definition of “sanitary towel” to read— “sanitary towel” means feminine hygiene products;	The definition should be inclusive to all available products.	
	Katiba Institute	An amendment to include ‘sanitary products’ to mean products, the purpose of which is to absorb or collect menstrual flow and include disposable sanitary pads that comply with the standards contemplated in this Policy Framework.	The definition of ‘sanitary towel’ is incomplete. It is proposed that for the Bill to define key terms antecedent to the provision of sanitary products:	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>An amendment to define the term ‘Menstruation’ to mean the monthly cycle of changes in the ovaries and the lining of the uterus, preparation itself for fertilization</p> <p>An amendment to define the term ‘Sanitary dignity’ as the preservation and maintenance of the self-esteem of a girl or woman especially during menstruation;</p> <p>An amendment to define ‘sanitary waste’ as used sanitary products that cannot be re-used or recycled;</p>		
	MOE	The definition of the Cabinet Secretary should be amended to mean the CS responsible for education.	The circumstances of adolescent learners in education institutions are different from those in correctional facilities and budget lines are different.	
		Amend the definition of Committee to mean the Inter-Ministerial Technical Committee on Provision of Sanitary Towels to Public Education Institutions.	The circumstances of adolescent learners in education institutions are different from those in correctional facilities and budget lines are different.	
		Include the definition of County Education Board to mean the County Education Board established under section 18 of Basic Education Act.	The circumstances of adolescent learners in education institutions are different from those in correctional facilities and budget lines are different.	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	State Department for Technical Vocational Education and Training.	Amend the definition of “sanitary towel” to read— “sanitary towel” means absorbent pads used by women to absorb menstrual blood, encompassing sanitary pads, tampons, and menstrual cups.	This definition provides clarity by explicitly identifying the types of products included under the term “sanitary towels,” ensuring comprehensive coverage and consistent understanding in the application of the law.	
		It is necessary to provide a precise legal definition for “Public Institution” to delineate the scope of entities covered under this law.	This definition will help to avoid confusion and ensure that all institutions falling within its purview understand their obligations and responsibilities under the law.	
	Attorney General	Provide definitions for—  (a) public institution; and (b) correctional facility.	This is to provide clarity on the institutions that the Bill shall apply to.	
	State Department for Correctional Services	Insert the definition of “correctional facilities” to mean penal institutions established under Kenya Prisons Service and Probation and Aftercare Service.		
	UoN	Insert the following definitions— <ul style="list-style-type: none"> <li>▪ Sanitary towels should be included in a broad definition of menstrual health products.</li> <li>▪ The term sufficient should be defined.</li> <li>▪ There should be a definition of the terms “public institutions” and “correctional facilities”.</li> <li>▪ There should be an eligibility criteria.</li> </ul>	The definition given of sanitary towels is very limited. Thus, rather than define sanitary towels, the Act should define menstrual health products as follows: products used to manage menstrual flow, which include reusable and disposable sanitary towels, tampons, menstrual caps,	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>reusable and menstrual underwear.</p> <p>It is important to define the term "sufficient" in the Act as follows: the amount of sanitary products a woman or girls needs to manage her menstrual cycle every month. This is because the menstrual flow of each individual girl or woman is different- for one girl, one packet of 7 sanitary towels is sufficient but another may require 3 packets, coming to a total of 21 sanitary towels in a month.</p> <p>Providing explicit definitions for "public institutions" and "correctional facilities" enhances clarity and precision in the application of the Act. This ensures that all relevant entities understand their obligations under the law.</p> <p>By defining these terms, the Act aligns with existing legal frameworks and eliminates ambiguity, thereby facilitating smooth implementation and compliance.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>Incorporating definitions from relevant Acts promotes consistency and coherence. This approach leverages established legal terminologies and interpretations, reducing the potential for conflicting definitions and ensuring that the Act integrates seamlessly with existing legislation. This alignment fosters legal certainty and aids in the effective enforcement of the Act's provisions.</p> <p>The eligibility criteria will be used to determine the women and girls who are in need of free sanitary towels, since not all the women and girls in the country need free sanitary towels.</p> <p>The interpretation section should define the eligibility criteria, and a new section should be included in the Act which explains how the eligibility criteria will be implemented.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	State Department for Gender and Affirmative Action.(DGAA)	Define public institutions as used in the Bill.	This will bring clarity on the target group.	
	Kenya Association of Manufacturers.(KAM)	<p>Amend the definition of period products to read as follows—</p> <p>“period products” means locally manufactured articles the purpose of which is to absorb or collect menstrual flow, and include tampons, sanitary towels, period underwear, and menstrual cups”.</p> <p>In the alternative, Define each term separately as follows: I. Sanitary Towels (Pads): Absorbent pads worn in the underwear to absorb menstrual flow.</p> <p>II. Tampons: Cylindrical absorbent material inserted into the vagina to absorb menstrual blood.</p> <p>III. Menstrual Cups: Reusable bell-shaped cups inserted into the vagina to collect menstrual blood</p>	<p>The term ‘period products’ is more inclusive and broader. This allows for a wider range of products which can be readily available.</p> <p>The inclusion of locally manufactured items will also spur the creation of jobs, and the growth of the local industry.</p> <p>This inclusive definition ensures that all types of menstrual hygiene products are covered, promoting a comprehensive approach to menstrual health and hygiene management</p>	
3	MOE	The Bill should apply to Public Education Institutions only.		
	Katiba Institute	Section 3 states that ‘the Act shall apply to all public institutions and correctional facilities.’ The Act does not define the public institutions referred to, which is vague and susceptible to wastage and corruption.	An amendment to define what public institutions are contemplated.	
	Legal Advice Center (Kituo Cha Sheria) Kenya.	ALL APBET schools be covered in this scheme to enable adolescent girls have access to sanitary towels. This Act Shall apply to all public	APBET schools accommodate so many pupils in the informal settlements and are registered	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		institutions including APBET schools and correctional facilities	with the Ministry of Education. These are low-cost schools some of which are run by community CBOs and have been isolated in the past by county governments in interventions meant to ensure high school retention levels like provision of school free school meals. In Kenya, Alternative Providers for Basic Education and Training (APBET) have been around for decades. Their focus is providing education access to all children in Kenya, especially those from marginalized and remote areas of the country who cannot access formal schools. APBET schools were established under The Basic Education Act of 2013. Section 39(c).	
PART II	KAM	Rename the Part to read— Inter-Ministerial Committee on Provision of Menstrual Products	The term "menstrual products" is more inclusive and comprehensive than "sanitary towels." Menstrual products encompass a wider range of items, including sanitary towels, tampons, menstrual cups, and other alternatives that individuals may use based on their personal preferences,	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			needs, and cultural practices. This inclusivity ensures that the committee addresses the diverse requirements of all individuals concerned.	
4	Attorney General	The Committee should not be established as a corporate body.	This is to align the Bill to the drafting practice and applicable laws.	
	MOE	Amend 4 (1) to read— The Inter-Ministerial Technical Committee on Provision of Sanitary Towels to Public Education Institutions.	There are adequate structures from the Ministerial level down to school level. A coordination committee is cost effective and less bureaucratic as compared to a body corporate.	
		Amend 4 (2) to read— The Committee shall be an administrative coordination mechanism chaired by the Principal Secretary for Basic Education for provision of sanitary towels to public education institutions.	There are adequate structures from the Ministerial level down to school level. A coordination committee is cost effective and less bureaucratic as compared to a body corporate.	
5	Nathan D. Ngumi	Have only <i>one</i> representative from the Ministry of Health, say the Principal Secretary for Public Health.	The Committee has two representatives from the Ministry of Health. This is duplication.	
	State Department for Correctional Services	Align the membership of the Committee with Mwongozo Code of Conduct on maximum number of membership.		
	UoN	The number of committee members be revised downwards	This adjustment aligns with the principles set forth in the Mwongozo Code of	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	MOE	<p>Under 5 (1) include PSs for Basic Education, Gender, Finance, TIVET, Higher Education and three other persons nominated by CS from outside the government.</p> <p>Delete (c), (e), (i) (j) and (k).</p>	<p>Governance, which advocates for leaner and more effective governance structures.</p> <p>There are adequate structures from the Ministerial level down to school level.</p> <p>A coordination committee is cost effective and less bureaucratic as compared to a body corporate.</p>	
		<p>Amend 5 (2) to read— The Cabinet Secretary shall gazette the chairperson and members of the committee.</p>	<p>There are adequate structures from the Ministerial level down to school level.</p> <p>A coordination committee is cost effective and less bureaucratic as compared to a body corporate.</p>	
		<p>Delete (3) and (4).</p>	<p>There are adequate structures from the Ministerial level down to school level.</p> <p>A coordination committee is cost effective and less bureaucratic as compared to a body corporate.</p>	
	Cradle	<p>Include the following membership to the Inter-Ministerial Committee—</p> <ul style="list-style-type: none"> <li>(a) the Principal Secretary for children matters or a representative;</li> <li>(b) a representative of the private sector nominated by the Cabinet Secretary for Gender</li> <li>(c) a person to represent intersex persons;</li> </ul>	<p>There is no representation from Ministry responsible for children matters, PWDs and the private sector.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		(d) a person to represent PWDs		
	KAM	Reserve one slot for local manufacturers of period products.	Manufacturers are an integral player in the provision of quality sanitary wear. • They therefore need to be included in the Committee for their input to be clearly captured.	
	The Ministry of Labour and Social Protection.	Include the Principal Secretary in charge of children matters in the Committee.	The Principal Secretary in charge of children matters is in charge of the welfare of all children in Kenya.	
	DGAA	<p>Insert the following to the Inter- Ministerial Committee—</p> <p>(a) a representative of the Ministry of Interior and Coordination;</p> <p>(b) replace the Director General for Health with the Principal Secretary for Public Health and Sanitation.</p> <p>Remove the Chairperson, National Gender and Equality Commission.</p> <p>Ensure compliance with the one third gender rule and the representation of PWDs and marginalised communities.</p>	<p>Ministry of Interior is responsible for coordination of government functions in the counties.</p> <p>The PS is responsible for policy and supervises the Director General.</p> <p>The Commission oversight gender equality in government and reports to Parliament.</p> <p>This is in compliance with the Constitution.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Policy Action Initiative (PAI).	<p>Add:</p> <p>(iv) one shall be a youth nominated by civil society organizations to represent interests of young people;</p> <p>(j) not more than two-thirds of the committee members shall be of the same gender.</p> <p>Delete subclause (3) and replace with—  (3) The Chairperson and members of the Committee appointed under subsection (1)(l) shall hold office for a non-renewable term of two years</p>	<p>This amendment is proposed in consideration of the current demographic reality in Kenya, where nearly 75 per cent of the 54 million citizens are below the age of 35 years.</p> <p>This is to ensure that the committee adheres to the constitutional principles of gender equality.  We recognize that two years is sufficient time for committee members to make a substantial impact, and with the presence of a full-time secretariat, the committee will not suffer from any staff changes.</p>	
6	State Department for Technical Vocational Education and Training.	Broaden the scope of qualifications for appointment to include expertise in social sciences, education, health, and other relevant fields, thereby ensuring a diverse and comprehensive representation of skills and knowledge within the Committee.	This broader scope ensures that members possess a comprehensive understanding of the socio-economic, educational, and health-related implications of the Committee's decisions and actions	
		<p>Selection of committee members should factor in gender representation and the same provision should be in the legislation</p> <p>Amend 6 (1) (c) to read –  (c) has at least five years working experience;</p>	<p>Period poverty disproportionately impacts women and persons with disabilities, necessitating their active participation in decision-making processes related to the distribution of</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>sanitary towels. By ensuring gender representation within the committee, the legislation will foster a more inclusive and equitable approach, ensuring that diverse perspectives and needs are adequately addressed. This representation is essential for crafting effective and empathetic policies, thereby enhancing the overall efficacy of the Bill.</p> <p>A ten-year working experience may unduly limit the pool of qualified candidates, potentially excluding competent and passionate individuals who can contribute significantly to the committee's mission.</p> <p>The nature of decisions to be made by the committee may not require much experience, specifically on gender issues. This adjustment will enable the inclusion of innovative and contemporary perspectives, ultimately enhancing the effectiveness of sanitary towel distribution initiatives.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	Cradle	Amend 6 (1) (c) to read – (c) has at least five years working experience in a gender related field;	This is to afford young people the opportunity.	
	PAI			
	DGAA	Under subclause (1) expand the scope of qualifications to include Public Health, sociology, education to provide a pool of diverse skills.	Sanitary towels is also an education and a health issue.	
7	MOE	Delete clause 7.	The Committee should not be a body corporate.	
8	State Department for Technical Vocational Education and Training.	Mandate the committee to maintain a database or register to track the status of the provision of sanitary towels.	The rationale for maintaining a database or register to track the status of the provision of sanitary towels is to ensure effective monitoring and accountability in the distribution and utilization of these essential resources.	
		To ensure feasibility and practicality, it is recommended to specify the target beneficiaries under 8 (c).	Adjustment allows for a more targeted approach based on actual need and ensures that resources are directed to those who require them most, thereby maximizing the impact and sustainability of the program.	
	MOE	Substitute correctional facilities with public education institutions.  Delete paragraphs 8 (c), (d) – (i).	Persons in correctional facilities are not vulnerable as learners as they are under legal custody and budget is allocated to cater for their needs.	
	Kituo cha Sheria	The committee membership is way too high and unnecessary. Sanitary products can be distributed to public institutions and correctional facilities	Deletion of the provision Mandate CS Health to implement mechanisms for	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>through the existing systems and channels. The CS should be allowed to designate a department to oversee implementing provisions of the Bill. The committee's functions fail to prescribe a critical function of monitoring product quality, but even then, nothing in either of the committee memberships is intended to have this capacity.</p>	<p>quality checks and control of products issued under the Act.</p>	
	UoN	<p>Insert additional functions:</p> <ul style="list-style-type: none"> <li>(a) provide information on free sanitary towels to parents and the community;</li> <li>(b) create awareness on menstrual hygiene management and carry out robust public awareness campaigns aimed at destigmatizing menstruation;</li> <li>(c) conduction of research on menstrual health products;</li> <li>(d) preparation and submission of an annual report to the Cabinet Secretary detailing its activities, findings, and recommendations for improving the provision of sanitary towels</li> <li>(e) drafting minimum standards to be adopted by prison authorities to improve the menstrual health and hygiene of women prisoners.</li> </ul>	<p>Assures students and the general public that there will always be period products in the relevant institutions.</p> <p>This relieves women, girls and all those who menstruate of the stigma, anxiety and discomfort associated with menstruation and its management.</p> <p>This initiative not only supports students and detainees but also alleviates financial burdens on families, fostering a conducive environment for education and societal participation</p> <p>To clear the myths and combat stereotypes surrounding menstruation and period products which can contribute to gender-based discrimination and reduce women's access to</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>education, jobs and overall equality</p> <p>Some people may need targeted support for a variety of reasons</p> <p>By challenging societal norms through targeted education, the Committee empowers individuals to manage their menstrual health with dignity. This proactive approach promotes inclusivity and equality, fostering a community that values and respects menstrual hygiene as a fundamental aspect of individual well-being.</p> <p>Investing in research and development allows the Committee to stay at the forefront of menstrual health innovations. This function encourages the exploration of sustainable and effective sanitary solutions, ultimately leading to improved products and practices.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>Ensures transparency and provides a structured way for the Committee to communicate its progress, challenges, and future plans to the legislature.</p> <p>This enhances the accountability of the Committee and informs policymakers, allowing for data-driven decisions and continuous improvement of the program.</p> <p>To ensure access and to raise awareness among prison staff and prisoners on issues concerning menstrual hygiene.</p>	
	Kituo Cha Sheria	ALL APBET schools be covered in this program.	Please consider having APBET schools and people living with disability representatives in the committees. Provision of sanitary towels not only to be done in public institutions and correctional facilities but also in ALL APBET schools. Pit latrines be recommended for disposal of the pads as	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			<p>acquiring sanitary disposal bins for institutions may be more expensive in purchase and maintenance especially in informal settlements. The distribution framework should be made clear to all the stakeholders; ensure that at least two different brands of sanitary towels are procured to help address cases where girls might have allergic reactions to some sanitary towel brands, Also ensure that every girl receives at least 3 – 6 pieces of panties alongside the sanitary pads.</p>	
	Cradle	<p>Amend clause 8 by inserting the following new paragraphs—</p> <ul style="list-style-type: none"> <li>(a) advise the Cabinet Secretary on budgetary estimates for provision of sanitary towels;</li> <li>(b) advise the government on promotion of local manufacturing of sanitary towels;</li> <li>(c) insert “intersex” persons under paragraph (c);</li> <li>(d) conduct continuous education on menstrual health.</li> </ul>	<p>There is need for adequate funding.</p> <p>Vision 2030 promotes local manufacturing.</p> <p>There is need to include intersex persons.</p> <p>Continuous education on menstrual health will eliminate period stigma and poverty.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	DGAA	In 8 (b) delete the word “coordinate” and replace with the word “oversee”.	Coordination is a function of the Secretariat.	
		In 8 (c) delete the words “to every woman employed by...”.	This is financially unstable and discriminatory.	
	KAM	Amend this clause to recognise the role played by Producer Responsibility Organisations established under the Sustainable Waste Management Act, 2023, to read as follows: (d) in consultation with the registered Producer Responsibility Organisation for sanitary towels under the Sustainable Waste Management Act, provide a safe and environmentally friendly mechanism for disposal of sanitary towels;	The Sustainable Waste Management Act, 2023 provides for extended producer responsibility.  The Committee should therefore be Page 7 of 9 directed to work with the registered PRO responsible for sanitary wear waste stream.  This will reduce bureaucracy, avoid duplication of roles, and ensure the safe disposal of sanitary wear	
	PAI	Include the following paragraphs—  (j) in liaison with relevant state agencies, develop infrastructure for domestic sanitary towel production;  (k) conduct comprehensive community engagement and awareness campaigns on menstrual health and hygiene	As we aim to provide free sanitary towels, we should also prioritize local manufacturing to reduce import costs and create employment opportunities for our youths.  Moreover, public awareness initiatives should not be limited to civil society groups but should also be governmental functions.	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	The Ministry of Labour and Social Protection.	Include the function of awareness creation, education and sensitization on menstrual hygiene and health.		
12	Attorney General	Provide for the appointment or deployment of the secretariat.	This is to align the clause with clause 2.	
	MOE	Delete the entire clause.		
	DGAA	The Secretary should be nominated by the Ministry of Gender.	This is to cut costs and is in line with PSC Human Resource Policy and Procedure Manual, 2018.	
	The Ministry of Labour and Social Protection	Clarify which Ministry will house the secretariat.		
13	State Department for Technical Vocational Education and Training.	Clause 13 (2) (c) should specify whether the Gender Officer responsible for the county is appointed from the county or national government.	<p>The rationale for this recommendation is to enhance efficiency and reduce redundancy by leveraging existing departmental structures for the provision of sanitary towels.</p> <p>Establishing a dedicated budget line within each department, funded by the Treasury based on actual projections, ensures that resources are allocated where needed without creating additional bureaucratic layers.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
	State Department for Correctional Services	Insert the following on the membership of county interdepartmental committee— a probation officer attached within the county nominated by the Secretary Probation and Aftercare Services.		
	UoN	Replace the position of the county executive committee member responsible for children's welfare with a county executive committee member responsible for persons with disabilities.	The inclusion of a representative specifically focused on persons with disabilities ensures a more comprehensive and inclusive approach to addressing the diverse needs of all constituents. This change aligns with the principles of equity and non-discrimination, ensuring that the rights and needs of persons with disabilities are given due consideration in the provision of sanitary towels.	
	Katiba Institute	Deletion of the provision.	<p>The establishment of the County Interdepartmental Committees is a waste of public resources.</p> <p>There are already existing systems that allow for the procurement of these services and how they should be distributed. Unless it can be clearly indicated under the Act the extent to which implementation of the Bill</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			touches on the mandates of counties such as would warrant their involvement and even then only through the relevant departments.	
	MOE	Replace the committee with the County Education Board.	The County Education Board has all line MDAs and stakeholders.	
	Kituo Cha Sheria	Add a section to include school representatives from respective subcounties in the committees. We can have one representative per subcounty appointed by schools attending the committee.	There are no school representatives included in this committee. To ensure inclusivity, we need to have school representatives from all subcounties being members of this committee at the county level.	
	Cradle	Insert the following new paragraphs in 13 (2)— (a) a person to represent intersex persons; (b) a person to represent persons with disabilities.	This is to ensure representation of intersex persons and the persons with disabilities.	
	DGAA	Delete the entire membership of the county committee.	Sanitary towels is a national government programme.	
	The Ministry of Labour and Social Protection.	Include the County Children Officer in the County Inter Departmental Committee.	The County Children Officer is in charge of all children matters within a county.	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
14	KAM	<p>Amend the clause to read— The County Interdepartmental Committees will foster the growth of local menstrual product manufacturing and distribution through innovation and support.</p> <p>Include the following new functions of the Committee—</p> <ol style="list-style-type: none"> <li>(1) The Committee shall remit payment to a supplier of sanitary towels on or before the payment date specified in the written contract governing the supply of said sanitary towels.</li> <li>(2) In the event that the Committee fails to remit payment to a supplier of sanitary towels on or before the payment date specified in subsection (1), the Committee shall, unless otherwise agreed in writing, be obligated to pay interest to the supplier on the outstanding amount due under the contract for the supply of sanitary towels. The interest shall be calculated in</li> </ol>	<p>Incorporating this emphasis into the committee's mandate promotes economic growth, sustainability, accessibility, innovation, empowerment, resilience, and cultural relevance. These benefits collectively enhance the overall well-being of the community and ensure the provision of high-quality, affordable menstrual products.</p> <p>The national and county governments owe billions of shillings in pending payments to suppliers.</p> <p>These substantial amounts continue to accumulate, with no concrete indication that the government intends to settle them soon.</p> <p>We therefore propose for the inclusion of a prompt payment clause to ensure that the manufacturers and suppliers of sanitary towels are paid on time. This will ensure the continuous supply of quality sanitary</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>accordance with the provisions set forth in this section.</p> <p>(3) The Committee shall pay interest under this Act for the period beginning on the day after the payment date and ending on the date on which the payment of the amount due is made.</p> <p>(4) The interest payable under this section shall be at the prevailing rate as set by the Central Bank of Kenya.</p> <p>(5) When procuring sanitary towels, the Committee shall give priority to locally manufactured sanitary towels.</p> <p>(6) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for National Treasury, provide incentives for the local production of sanitary towels.</p> <p>(7) The Committee shall collaborate with businesses and non-governmental organizations to implement educational programs aimed at reducing stigma and increasing awareness of menstrual health and hygiene.</p>	<p>towels, which are vital for girls and women all across the country who may not have access to them.</p> <p>It will also grow the local manufacturing sector, which will lead them to begin exports to the neighbouring markets.</p> <p>Manufacturing is the second largest employer in Kenya, employing 352,000 directly in 2022 (KNBS Data). Manufacturers also contribute significantly to tax revenue, totaling 18% of total tax collected.</p> <p>The impact of manufacturing on the economy is therefore monumental.</p> <p>The local procurement of the sanitary towels and the provision of incentives to support their local production will lead to the creation of thousands of jobs in the subsector as well as more tax revenue contribution.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			Kenya will also become an exporter of sanitary towels to other countries in the region.	
	UoN	<p>Insert the following new functions—</p> <ul style="list-style-type: none"> <li>(a) conduction of regular needs assessments to ascertain the demand and usage of sanitary towels in county public institutions, ensuring resources are allocated efficiently and equitably;</li> <li>(b) design and implementation of educational programs within county public institutions to promote menstrual health awareness, hygiene practices, and destigmatization of menstruation;</li> </ul>	<p>Enables the committee to identify and address gaps in supply and demand, ensuring that resources are used effectively, and that no woman is left without access.</p> <p>Implementing educational programs will foster a more informed and supportive environment around menstrual health, breaking down stigmas and promoting better hygiene practices.</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>(c) establishment of protocols for the emergency provision of sanitary towels in cases of unexpected shortages or disasters, ensuring continuous access for all women in county public institutions;</p> <p>(d) preparation and submission of reports</p>	<p>This is crucial for maintaining uninterrupted access to sanitary towels, especially in unforeseen circumstances such as natural disasters or supply chain disruptions.</p> <p>For better coordination with the committee</p>	
	Kituo Cha Sheria	<p>Amend 14 (c) to read—  (c)Provide a safe and environmentally friendly mechanism for disposal of sanitary towels within the respective county; Recommended disposal method be the use of pit latrines unless the institution is ready to buy and maintain sanitary disposal bins at their cost.</p>	<p>Safe and affordable disposal method to be the use of pit latrines as opposed to sanitary disposal bins which can only be considered if these institutions will be ready to buy and sustain.</p>	
15	DGAA	Delete the entire clause.	<p>Review as it is not clear which matters will result in non liability.</p>	
	Kituo cha Sheria	<p>Amend subclause (2) to the effect that subclause (1) shall not relieve the Committee from liability to pay compensation or damages to any person for any injury suffered by them, their property or any of their interests and arising directly or indirectly from the exercise of any power conferred under this Act or any other written law.</p>	<p>This clause provides an allowance for any committee member to engage in fraudulent deals and claim it was done in good faith.  For instance, in case a supplier delays in supplying the pads for even a day or just by hours, the respective committee member will be given powers by this clause to contact</p>	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
			another supplier to do the same and dismiss the approved supplier for good (In which case part 2 of this allows the committee to only give compensations). We are likely to have scenarios where suppliers get dismissed at will and tenders awarded to those considered 'agent of the committee'	
16	DGAA	Include allocations by county assemblies.	This will supplement national government allocations.	
PART IV	MOE	Delete Part IV and replace with a clause on Accounting for Funds for Provision of Sanitary Towels as follows— (1) The accounting officer responsible for public education institutions shall prepare estimates annual estimates for provision of sanitary towels.  (2) The accounting officer may receive grants from donors and stakeholders for provision of sanitary towels.	This is in line with PFMA.	
21	MOE	Mandate CS to make regulations without consultations.		
	Cradle	Include regulations to encourage local manufacturing of sanitary towels.	This will boost manufacturing in the country.	
	Kituo cha Sheria	Under clause 21 (2) (b)— The all-inclusive and cheapest/costeffective procedure to be	This should be done in consultation with the respective school	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		followed in the distribution of sanitary towels to public institutions under this Act developed and agreed upon by the institution's heads/representatives and the committee.	administrators at the sub-county and county levels. The schools will propose the best means of transport depending on their geographical locations. This decision should not be left to the committee alone.	
22	Katiba Institute	Deletion of this provision.	There are offences and penalties already prescribed in law that contemplate the elements of 'rebranding or reselling sanitary products.' So, there is no need to prescribe other offences that are too general to miss the nuances of such crimes and the appropriate penalties, including fines, imprisonment, and other legal consequences depending on the severity and specific circumstances of the offence.	
23	MOE	Delete clause 23.	Not necessary. The functions of a County Education Board are comprehensive and already anticipate emerging issues.	
	DGAA	Quorum should be at least nine member.	This constitutes 2/3 majority.	

**OTHER SUBMISSIONS**

1. Kenya Women Parliamentary Association noted that—

- (a) the title of the Bill should be changed to “The Menstrual Health and Hygiene Act.” This title will not only focus on the provision of sanitary towels but also other menstrual products to ensure that women’s right to reproductive menstrual health as well as hygiene is catered for;
- (b) the Bill should expand the application to include women who cannot afford to purchase sanitary towels such as those living in informal settlements. Further accessibility to the sanitary towels should be expanded to include level 1 and level 2 hospitals especially in the event the public institutions are close;
- (c) clause 4 and 8 of the Bill on the National Committee should be harmonised and aligned with the already existing mechanism in the Ministry of Gender as well as the National Government Affirmative Action Fund. Further there is need to ensure that these mechanisms are inclusive and have representation for people of different diversities;
- (d) the county interdepartmental committee should harmonise the enumerated function to the already existing structures in the county that is the county executive committee for gender working together with that of health;
- (e) the provision on funds of the committee should be harmonised to align with and support the existing efforts to manage the sanitary towels program under NGAAF, ensuring there are no contradictions or overlaps;
- (f) include a clause that regulates the pricing of sanitary towels in Kenya. Period poverty primarily stems from the high cost of these products, making them inaccessible for young women and girls. There is thus a need to ensure that the price of sanitary towels is reduced by reducing the amount of taxes levied in their production. Furthermore, sanitary towels should be zero-rated to further reduce the cost of production and ultimately lower the retail price. Finally, provisions to improve local manufacturing of high-quality menstrual products;
- (g) include a clause that provides for a clean and healthy environment through appropriate means of disposing menstrual waste in a bid to ensure environmental protection and pollution control;
- (h) include a clause that provides for the mandatory inclusion of menstrual hygiene and health as part of the basic primary education curriculum to eradicate myths and misconceptions about menstrual hygiene; and
- (i) provide for a clear and comprehensive framework of the procurement, purchase and distribution of menstrual products as well as the criteria that will be used for the identification of public institutions and correctional facilities.

2. Katiba Institute submitted as follows—

- (a) defining what the public institutions are in the Bill will be key in resolving the issue of how to treat allocations during the revenue division process. It will also inform the nature of intergovernmental arrangements that must be included in the Bill to ensure compliance with the Constitutional imperatives on devolution, including whether intergovernmental agreements are required to facilitate its implementation. Article 201 of the Constitution requires prudence and responsibility in using resources; hence, the efficient implementation of the Bill will clarify the institutions to which it applies and the implementing Ministry at the national level.
- (b) it is a welcome reprieve to have funds appropriated directly from the National Assembly to provide sanitary towels, solving the perennial problem of de-prioritisation of the provision of sanitary towels when the monies allocated are at the discretion of the Cabinet Secretaries. This will allow Parliament to appreciate the policy, infrastructure, and resource gaps and hopefully allocate more resources to reach all the intended beneficiaries. Parliament should also address corruption and mismanagement by scrutinising the annual budget reports to ensure transparency and accountability of the funds appropriated.
- (c) Once the public institutions have been identified, funds can be distributed through the various ministries and their departments, for example for schools, through the Ministry of Education in the distribution programs, for women and girls, not in school, perhaps through the Ministry of Public Service, Youth and Gender Affairs, or through the State Department of Correctional Facilities. There is no need to create new or multiple duplicate levels of implementation of the Act.
- (d) The Basic Education Act No. 17 of 2017 mandates free sanitary towels for schoolgirls, but many in informal and marginalized regions are left out. This Bill can strengthen the implementation of existing policies like the Basic Education Act No. 17 of 2017 by establishing regular monitoring and evaluation mechanisms to ensure compliance and effectiveness.

3. Ms. Irene Mwelu submissions called for rejection of the Bill and noted that the Bill does not—

- (a) correspond with the local needs of menstruating people in Kenya;
- (b) consider educational programs on sanitation and hygiene, necessary sex education for young girls, education on diseases that menstruating people face like endometriosis, and so many other issues that have not been considered; and
- (c) empower local manufacturers so the costs for provision of sanitary products can be manageable.

4. HENNET made the following submissions that the Bill should—

- (a) specify implementation stages or prioritize institutions to manage logistics better;
- (b) define "public institutions" more precisely, perhaps by listing examples or categories;
- (c) clarify what constitutes "quality sanitary towels" by setting standards or referencing recognized quality marks. These standards can set the stage, especially for the local manufacturing of sanitary towels;
- (d) include more representatives from non-governmental organizations and private sectors, especially those with expertise in women's health and education as well in the committees;
- (e) require a more rigorous vetting process, including public disclosure of qualifications and backgrounds. Consider including a clause for continuous professional development;
- (f) ensure checks and balances are in place by requiring regular audits and public reporting of activities and expenditures of the committees and provision of sanitary towels;
- (g) define the collaboration mechanisms of the committees with other government and non-governmental entities clearly to avoid redundancy;
- (h) reduce the time frame for the appointment of new members to fill vacancies;
- (i) ensure the recruitment process is competitive and transparent, with a focus on merit-based appointments;
- (j) encourage coordination with existing local health and education initiatives to leverage resources and avoid duplication;
- (k) include provisions that protect whistleblowers and ensure that protection from liability does not cover acts of gross negligence or corruption;
- (l) secure stable funding from the national budget and encourage sustainable practices;
- (m) require compliance with existing financial management laws;
- (n) ensure committees' reports are accessible to the public and include detailed performance metrics. Implement a mechanism for feedback from beneficiaries;
- (o) require public consultation and Parliamentary oversight for all significant regulations to ensure they serve the public interest;
- (p) define specific offenses and corresponding penalties clearly. Include anti-corruption measures and safeguards against misuse of funds; and
- (q) include provisions that support local manufacturing.

5. HENNET raised the following concerns –

- (a) Lack of inclusivity - The bill focuses on sanitary towels, neglecting other Menstrual Health Products options like tampons and menstrual cups.
- (b) Sustainability - The bill doesn't address how the program will be funded in the long term.
- (c) Duplication of efforts - The bill might create new committees while existing ones already address Menstrual Health management.
- (d) Lack of clarity on implementation - How Menstrual Health Products will be distributed to various locations is unclear.
- (e) Accessibility: The bill doesn't consider how to reach women and girls who are not in public institutions, particularly those in remote areas.

HENNET made the following recommendations—

- (a) Include various Menstrual Health Products options in the bill.
- (b) Focus on how to ensure sustainable funding and distribution.
- (c) Leverage existing committees instead of creating new ones.
- (d) Address the bigger issue of improving local Menstrual Health Products production.
- (e) Making the bill more comprehensive to address all aspects of Menstrual Health Management, including research and support for vulnerable groups.
- (f) There needs to be a reworking of the Bill based on the comments provided. There is a need for the Bill but with the interest of women and girls in mind.

6. WeCare Youth Organization submitted that the Bill should—

- (a) define what a public institution is;
- (b) be incorporated into the Sanitary Towels Programme launched in 2011;
- (c) address issues of menstrual health and hygiene;
- (d) have a comprehensive approach;
- (e) include private institutions; and
- (f) align with existing policies.

7. Hon. Lilian Gor from Kisii County Assembly submitted that—

- (a) a clear definition of which public institutions is required. Further to that, Include, "homes" as a third distribution channel. Basic Education laws anticipates that all learners are brought to school. The reality is that learners with mental health and other physical health challenges don't attend schools regularly. Some are not registered at all. While the Education Act allows for Home based learning, distribution of sanitary towels and info on menstrual health can also be availed at home;
- (b) the inter-ministerial committee at the county level can use its resources (Community Health Volunteers) to map out, assess and distribute the sanitary towels;
- (c) to minimize chances of duplicating sanitary towels distribution and budgeting roles, a representative from the office of the woman rep(county MP) and that of the women league in respective county assemblies, should be part of the county inter-ministerial committee;
- (d) knowledge on menstrual health hygiene together with availability of water and sanitation services should be frequently availed to the public through local radio stations. Make this an express mandate of the county committee;
- (e) the Bill should make provision of sanitary towels to all women; and
- (f) there should be sustainability in the provision of sanitary towels.

8. Nairobi People Social Movement and Budget Champions submitted that—

- (a) the title of the Bill should be amended to read END PERIOD POVERTY ACT, 2024;
- (b) the Bill does not really elaborate its objective and the objective of the inter-ministerial committee; hence we propose the that the Bill's object should be to—
  - (i) facilitate access to sanitary towels in both public and private institutions;
  - (ii) promote menstrual health and hygiene;
  - (iii) reduce menstrual poverty;
  - (iv) enhance Menstrual Health Education and Accessibility for Women and Girls with Disabilities in Remote Communities;
  - (v) raise awareness and reduce stigma on menstrual health;

- (vi) promote environmental sustainability through use of environmentally friendly sanitary products;
  - (vii) recognize access to sanitary products as a basic human right; and
  - (viii) implement Systems for Continuous Monitoring and Evaluation of Sanitation Practices and infrastructure to identify areas for improvement;
- (c) the Bill should include both private institutions and vulnerable community women as a benefactor to free sanitary towels;
  - (d) a person qualified as a chairperson should have a working experience in a gender related field not just any university degree;
  - (e) there is also a need to reduce the working experience from ten years to five years;
  - (f) there is a dire need for free sanitary pads to be provided not only to women employed in public institutions but also in all institutions both public and private and also ensure the vulnerable women in informal communities are equally put into consideration. This is very discriminative of unemployed poor women;
  - (g) there should be inclusion of private institutions in the committees;
  - (h) liability should not cover criminal activities and misconduct.

9. Kamukunji Youth Advisory Committee submitted that—

- (a) the Bill focuses solely on public institutions and correctional facilities. This focus is discriminatory, as many women outside these institutions also struggle to afford sanitary towels;
- (b) the proposal to create an inter-ministerial committee and county interdepartmental committees to advise the government on distribution is questionable;
- (c) the Bill does not specify the source of the sanitary towels; and
- (d) the formation of a 13-member inter-ministerial committee and 9-member county interdepartmental committees duplicates existing roles handled by the Ministry of Gender Affairs.

10. Forum for African Women Educationalists – Kenya Chapter (FAWEK) submitted that—

- (a) the Bill to be called “Menstrual Hygiene Management Bill”
- (b) the Bill has left out—

- (i) guidelines on the provision of adequate information on Menstrual Hygiene Management;
- (ii) issues on myths, misconceptions and cultural issues concerning Menstruation Hygiene;
- (iii) sustainability mechanisms, sustainable funding, investing on reusable pads and provision of affordable materials for manufacturing and making of reusable pads within the communities;
- (iv) clear Budget and accountability of Menstrual Hygiene Budget;
- (v) guidelines on domestication of policies managing Menstrual Hygiene Management in the Counties;
- (vi) zero rated Menstrual Products and raw materials for production;
- (vii) collaboration strategies with stakeholders; and
- (viii) monitoring, Evaluation and Research framework.

11. Myra submitted that the committees should be scrapped, no person with a criminal record should hold office and that sanitary towels should not be taxed.

12. Samantha Atieno submitted that sanitary towels should be provided to all women and that taxation for sanitary towels should be catered for as well as involving the Ministry of Health in distribution of the sanitary towels.

13. Ms. Claire Samoka made the following submissions—

- (a) that the Bill focuses more on the administrative aspects of who is involved rather than the actual provision. The name should probably be changed to match the contents;
- (b) the Bill should apply to all public institutions, correctional facilities, and children out of school. A collaborative effort between the Children's Department, Education and local structures like *nyumba kumi* at the sub-county can be able to trace them and provide assistance;
- (c) the Kenya Bureau of Standards should be included in the committee as a key player so as to provide quality assurance on the status of sanitary towels being received or purchased and distributed;

- (d) a public-private partnership is needed to ensure consistency in funding. Additionally, increased production of reusable sanitary towels can trim down the cost. We cannot separate menstruation from WASH, so they can be a joint effort. Ensure there are toilets and water points that can be used once the reusables are in influx;
- (e) the government should implement the Kenya Menstrual Hygiene Policy 2019-2030 instead of coming up with other laws.

14. Sharley Imele made the following submissions—

- (a) that the Bill contains more of a structure in forming committees in the county levels and no documentation from whom they will purchase the pads from, pricing and all;
- (b) the committees will seek funding from the National assembly which will further increase the burden on taxpayers;
- (c) the Ministry of Gender Affairs has the capacity to do all these duties stated in this Bill in conjunction with the offices of the women reps in every county;
- (d) that the Senate entirely withdraws this Bill entirely as proposed by Gloria Orwoba which is under recommendation by the Senate. This is because it lacks transparency and it is discriminative in nature. It only provides for those in public institutions and correctional facilities forgetting all the millions of girls who cannot access sanitary towels. If this is to be financed by taxpayers' money the it should accommodate all women in the country;
- (e) that the idea of providing free sanitary towels to women is noble. Instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution. There should be transparency on the tendering of the Sanitary towels purchased and the distribution of the same;
- (f) that the drafters of this bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project. This will ease the burden on the taxpayers.
- (g) the Bill should not duplicate roles yet there are already set structures that can implement provision of sanitary towels; and
- (h) that the Senate should reject the Bill in its entirety.

15. Kenya Association of Manufacturers requested the Senate to amend the Bill to—

- (a) provide a centralized national procurement system. This system would cater for the procurement of sanitary towels at all levels, both at the national and county level. This will also minimize waste and streamline the procurement process.
- (b) for local manufacturers to be eligible and capable of manufacturing the sanitary towels to be pre-qualified by the Committee in consultation with the Ministry of Investments, Trade and Industry. This will ensure that only capable manufacturers are allowed to produce the products and also reduce waste.

16. Felix Jomo Mwangala noted that the Bill—

- (a) is a commendable initiative that aims to address the issue of menstrual hygiene and accessibility to sanitary products, particularly for girls and women from low-income backgrounds;
- (b) should ensure that the provision of sanitary towels is not limited to schools, but also extended to other public institutions, such as health facilities and community centers, to reach a wider population in need;
- (c) evaluate alternatives for towels to include menstrual cups to areas that access is tough and this reusable for over ten years with just warm water rinsing.
- (d) should mandate the development of comprehensive menstrual health education programs, both in schools and at the community level, to destigmatize menstruation and promote better understanding of menstrual hygiene management.
- (e) should include provisions for the sustainable and environmentally-friendly production and distribution of sanitary products, potentially through partnerships with local women-led enterprises. This would not only address the immediate need but also contribute to long-term economic empowerment. We have a banana resource as waste in Taita, Meru, Kisii, let's optimize by building county capacities.

17. Francis K. Mahia made the following submissions—

- (a) that the Bill proposes creation of committees which is against the need for a leaner government;
- (b) that sanitary towels can be provided through the already existing leadership structures in public institutions and correctional facilities. There is no need to add a layer of bureaucracy on top of this for no discernible benefit; and

(c) that the Bill should be rejected and withdrawn.

18. Brenda Ondieki submitted that the Bill—

- (a) does not consider persons who may face additional challenges in accessing the products such as: the disabled, homeless, victims of domestic abuse, places where cultural barriers exist;
- (b) only provides for provision but does not state where and how free products can be obtained. This process should be neither complex nor bureaucratic. Products should be freely accessible from places where individuals are comfortable doing so without having to ask for them or justify why they need them, or the amount needed;
- (c) should be amended to have the committees serve for a period of one year. No extension, no more recruitment to the committees; and
- (d) is not clear about how the products would be accessible in correctional facilities.

19. Karen made the following submissions on the Bill—

- (a) that the committee should only be in charge of provision of hygiene products products and advisory and not borrowing and lending money and purchase of property as this could lead to abuse of power through wasteful resources; and
- (b) that the fine should be in relation to the value of the items (recommended three times) and not a predetermined amount.

20. State Department for Technical Vocational Education and Training made the following submissions—

- (a) that the Bill would benefit from clarifying the definition of "public" to encompass all relevant institutions, establishing clear and transparent criteria for identifying beneficiaries, and revising the proposed administrative structure to mitigate potential cost escalation;
- (b) that detailed provisions on implementation, enforcement mechanisms, and sustainable funding sources are essential for ensuring the effective delivery and longevity of the Bill's objectives;
- (c) that the Bill should establish a Board with clear and comprehensive oversight, this amendment will ensure more structured, accountable, and effective management of the provision of sanitary towels across the country;

- (d) that the Bill should apply to all public educational and training institutions, correctional facilities for youth below the age of 25 years, and all women in correctional facilities;
- (e) that the Bill should include a provision for the allocation of adequate funding to support the free provision of sanitary towels. This funding should cover procurement, distribution, monitoring, and educational programs. The allocation should be reviewed annually to address any changes in demand or cost;
- (f) that the Bill should include correctional institutions are included within the scope of the Committees jurisdiction, thereby ensuring comprehensive oversight and coordination of the provision of sanitary towels across all relevant sectors within the county;
- (g) that the Bill should ensure that the sanitary towels meet high standards of quality, and are sufficient in quantity to meet the needs of the recipients;
- (h) ensuring harmonized and comprehensive legislative changes across all affected acts is essential for the seamless implementation and enforcement of new education policies;
- (i) that in order to avoid duplication of functions and potential conflicts, we recommend that instead of establishing a new Committee, a dedicated budget line be created within each relevant department, funded by the Treasury based on actual projections. This budget line should be managed by the existing departmental structures to ensure streamlined operations and reduce administrative overhead;
- (j) that clarification is essential to ensure comprehensive coverage across all relevant sectors, including ECDE, to address potential gaps in service delivery and ensure equitable access to necessary resources.

21. The Coast Regional Budget Hub rejected the Bill in its entirety.

22. KELIN Kenya, Zamara Foundation, Community Voices Network, Nivalishe Pad Initiative, Activista Nairobi, WAGE Kenya, The Bold Phase Initiative (BPI), Inspire Teenagers Foundation, AYARHEP and Aids Health Care Foundation Kenya made the following submissions—

- (a) Recommended Title Change to "The Provision of Menstrual Products & Health Management Bill, 2024" for clarity, inclusivity, reducing stigma and health management;
- (b) the primary goal of the Bill should extend beyond merely the supply and distribution of sanitary towels. It should aim to eradicate period stigma through comprehensive awareness campaigns about conditions such as endometriosis and adenomyosis. Increased awareness can drive funding

allocation towards research, treatment, and insurance coverage. Additionally, the Bill should address environmental concerns by mandating all public institutions to have incinerators for proper disposal of sanitary products and ensuring that the materials used are environmentally friendly.

Menstrual hygiene and related issues should also be included, recognizing that menstruation encompasses more than just sanitary towels;

- (c) include definitions of: public institutions, menstrual health, reusable sanitary towels;
- (d) the composition of committees should emphasize gender balance and the inclusion of women with lived experiences of menstrual health challenges;
- (e) that the committee not only focuses on the distribution of sanitary towels but also on broader menstrual health education. This education should encompass breaking the stigma surrounding menstruation, promoting menstrual health hygiene, and addressing the environmental impact of menstrual products;
- (f) it is recommended that the Committee at the County level include the County Women Representative, given their role in championing women's affairs at the county level;
- (g) the Bill does not address the quality of the menstrual towels to be provided, considering the government's tendency to procure low-quality products;
- (h) there is no provision for the distribution methods and accessibility of sanitary towels, particularly for young girls and women from marginalized communities;
- (i) the inclusion of a gender audit could be a progressive step to ensure that financial practices are gender-responsive and equitable;
- (j) the Bill should explicitly state that all sanitary towels, whether imported or locally manufactured, will be exempt from taxes. This measure is crucial to ensure affordability and accessibility for all;
- (k) regulation making under the Bill should be inclusive and consultative.

23. Stephanie Njeri and Ed Wazi Kenya stated that they opposed the Bill—

- (a) does not address the need or challenge around Menstrual Health for women and girls;
- (b) lacks a sustainable funding mechanism;
- (c) does not have a detailed logistics plan to ensure that the products reach all intended beneficiaries, especially those in remote and underserved areas, in a timely and equitable manner;
- (d) does not have a comprehensive approach that includes education and awareness about menstrual health;

- (e) does not provide for the involvement of key stakeholders, including healthcare providers, educational institutions, and community organizations, is necessary to develop a more holistic and effective approach to addressing menstrual health needs, not just government actors; and
- (f) lacks a creative approach to menstrual health which is critical.

24. Gatwiri Bundi submitted that—

- (a) the Bill is the perfect example of what she would call “bloatware” legislation; legislation that is unwanted, unneeded;
- (b) and unnecessary in the Kenyan legal landscape;
- (c) the Education Act already requires the government to provide sanitary towels (Sec 39A). The State department for gender is already responsible for logistics, and M&E of the project;
- (d) FREE CONDOMS are distributed competently across the country without the need for a special bill and committee. Why do we need a committee to distribute pads? We do not need a special committee, replicated across 47 counties, to distribute pads; and
- (e) the Ministry of Gender should perform the coordination role.

25. Lilian Mutinda submitted that—

- (a) the Bill proposed does to solve any problem and in fact only increases further hurdles in the provision of sanitary towels;
- (b) the existing program under the ministry of Gender, Culture, the arts and Heritage provides sanitary products for school girls. The program has a legal provision under the Basic Education Act of 2016. Therefore, any other structure will be a duplication in service delivery and a burden to tax papers.
- (c) the Menstrual Hygiene Management Policy of 2019 to be adopted into law and fully implemented. This will cover the ground in all that is needed to advance menstrual hygiene health for girls and women.

26. Whitney Njiru, Njeri Maina, Dorothy Kigen, Mukwanyaga Mwendu, Victoria Ngina, Joyce Ngugi, Isha Jaffer, Glory Kanji, Cynthia Ngángá, Joanne Kirimi, Barbara Muthoka, Faith Kyalo, Roseline Mwangi, Winnie, Angela, Freelancer, Nduku Wambua, Jayla Wairimu, Jemimah Muthoni, Maxine Makenna, Kelvin, Bilha Wanjiku Sylvia, Hellen Mwangeli Mutua, Pauline, James, Wendy Kithinji, Victor Ndambuki, Alvin Mwangi, Tee, Wariara.,

Gasherry, Pauline Rimui, Gabriel Gicheha, Yvette Ndungu, Justine Wanda, Celeste, Geena, Georginah, Marcus, Ashley Wairimu, Femme, Njoroge wa Mumbi , Njeri Maina, made the following submission—

- (a) that the Bill fails to demonstrate how menstrual products will be procured, provided, distributed, accessed, and accounted for;
- (b) to appoint a 13-member interministerial committee, appointed on a 3 year contract and a further 9-person committee in each county interdepartmental committee will be a duplication of roles of the ministry of gender affairs and the office of the women representatives on the county level;
- (c)
- (d) the drafters of the Bill to seek funding from institutions in the country who have already shown interest in this field as a CSR project;
- (e) that the Bill should aim to make sanitary towels accessible to all women in Kenya;
- (f) that funding for provision of sanitary towels has not been addressed in the Bill;
- (g) that there are enough structures on provision of sanitary towels at the national government and county government levels;
- (h) that instead of forming committees of 436 new individuals, the distribution of sanitary towels can be done by people in the ministry of gender affairs in coordination with the offices of the women representatives on the county levels who are already on the payroll to do the distribution;
- (i) that the Bill lacks transparency as it does not specify which company will supply the sanitary towels or their pricing;
- (j) that the Bill calls for creating of 48 committees which is unnecessary;
- (k) that the sanitary towels management program under the Ministry of Gender already does the distribution of the same to public school-going girls.  
Why replicate?
- (l) that the Bill should be rejected by the Senate in its entirety and reintroducing it when it has been well thought through.

27. Rosemarie Bridges made the following submission—

- (a) an audit from the Office of the Auditor General gave robust recommendations to the Ministry of Education on how to improve the sanitary towels program in schools. These recommendations do not include the creation of numerous unnecessary committees at the expense of taxpayers. This Bill is complicating issues, is in bad faith and appears to be a further conduit for the misuse of public funds;

- (b) the Bill proposes various committees including an Interministerial committee which would duplicate the functions of MOE, MOH, Ministry of Youth, State Dept for Gender and Affirmative Action which is unconscionable and unsustainable; and
- (c) distribute sanitary pads, yes, but do it without setting up useless, money draining committees
- (d) the Bills should include capacity building for local companies involved in manufacturing of sanitary products; and
- (e) the entire Provision of Sanitary Towels Bill, 2024 should be done away with, in toto.

28. Tucci Herbert submitted that—

- (a) the Bill is unnecessary and will burden tax payers;
- (b) the function of distribution of Sanitary Towels already exists under the State department of Gender and Affirmative Action: Under the above mentioned, state department exists the directorate of Socio-Economic Empowerment whose core functions include Coordination of the Sanitary Towel distribution program; and
- (c) the proposed Committees will add to an already ballooning wage bill.

29. Wangui Gachigi submitted that—

- (a) The Bill should be implemented under the Ministry of Health as opposed to the Ministry of Gender Affairs. Menstruation is a biological cycle thus a health issue and therefore should be under the department of health. The need to create a committee for the purpose of distribution of pads is unnecessary.
- (b) This Bill should be implemented by the department of the General Ministry of Health in the Ministry of Health.
- (c) In regards to having a national registry, the Ministry of Health is not only capable but also mandated to have such records for easy tracking of registration and distribution of sanitary towels.
- (d) The insistence of creating a county interdepartmental committee is an unnecessary move as it ought to be the responsibility of each Governor with the help of Council of County Governors to ensure that all public institutions and correctional facilities in their respective counties are registered

with the ministry of Health. This will not only utilize the available resources but also reduce the salaries and wages that the country is grappling with.

- (e) The handling and storing of sanitary towels should be done by KEMSA as they already have the warehouses and distribution channels not forgetting depots in different counties. Hence efficient and fast distribution to all constituencies.
- (f) In the wake of #rejectfinacebill2024 and a bloated government expenditure, we should endeavour to create lasting solutions but not create more 'burdens' whilst implementing solutions.
- (g) Sanitary towels should be free as period poverty is a reality to many girls and women in Kenya where they go to dehumizing levels to afford them monthly. It's a Shame. I therefore want to applaud Senator Gloria for this stride forward, thank you.

30. Njoki Mwisya submitted that—

- (a) there is no need to create committees for the distribution and disposal of period products as the Ministry of Gender, Culture, Arts and Heritage;
- (b) there is no need for duplication of roles and effort as there is a Sanitary Towels Programme in Kenya;
- (c) the Menstrual Health Management Strategy document is already in effect with different public officials from the MOH, Ministry of Gender, MOE, et al. quoted in conjunction with county departments, this responsibility and suggestions in part 8 should be embedded in this document except (g). It is very important to review the current state of implementation of the aforementioned strategy document on menstrual health to ensure that the recommendations in this document are considered for uptake with current government structures, and strategy and ensure the implementation under clause 14;
- (d) instead of consulting with the Committee of Sanitary Towels, there should be an added clause on 'Creating an Enabling Environment for MHM for girls in schools' which should include a mechanism for education and empowerment, reporting on the number of girls that miss school or classes due to lack of access of period products, utilization of provided period products and the state of toilets and disposal mechanisms in place under clause 23;
- (e) it is important to ensure the MOH, MOE, Ministry of Gender..., county governments, employers, correctional facilities, etc implement the strategies in the Menstrual Hygiene Management Strategy but also improve the strategies to ensure all women have access to quality period products but also in instances of unexpected periods, they can access products in public facilities;

31. The National Treasury and Economic Planning does not support the passage of the Bill in its current form and submitted that—

- (a) the scope of public institutions as stated in the Bill is not clear as even Ministries, Departments and Agencies are public institutions;
- (b) it is not justified why there should be free provision of Sanitary Towels to staff employed in these institutions;
- (c) the main objective of introducing the free sanitary towels especially to learners in basic education was to eliminate the barriers to the right to quality education and promote the realization of the right to basic education;
- (d) it is not prudent to include other categories of beneficiaries when all the learners in basic education are not yet fully covered by this programme given the resource constraints;
- (e) additionally, adults who are working and earning an income should not be provided for free sanitary towels and the Bill should therefore focus on only the special interest groups/indigents;
- (f) the establishment of the Committees and Secretariat both at the National and County levels will occasion huge financial implication due to expenses related to compensation of employees, allowances to the Committees and attendant operations and maintenance expenses. This will therefore negate the Government Policy of containing the Public Sector Wage Bill;
- (g) the proposed functions of the Committee and Secretariat can be carried out through the relevant Government Departments without establishing a body corporate given that the Government is in the process of identifying public bodies with duplicated roles and merging or disbanding them;  
and
- (h) there is no justification in the Memorandum of Objects and Reason why there is need to provide free sanitary towels to all public institutions.

32. The Ministry of Education submitted that—

- (a) up to financial year 2022/23, the Ministry of Education, State Department of Basic Education, was responsible for procurement and distribution of sanitary towels to learners in public education institutions;
- (b) that State Department of Gender took over the procurement and distribution of sanitary towels in the financial year 2023/24;

(c) it is the most appropriate home for the sanitary towels programme because—

- (i) learners' data is domiciled in the Ministry of Education;
- (ii) MOE maintains daily contact with the learners and is best suited to determine and monitor the quality of the sanitary towels;
- (iii) it is responsible for health and hygiene of learners within learning institutions;
- (iv) it has the necessary structures for procurement, distribution and monitoring of the quality and availability of sanitary towels for learners at no cost. The structures are—
  - a. Quality Assurance and Standards Directorate;
  - b. Schools Health, Nutrition and WASH Unit;
  - c. fully operational regional, county and sub county offices across the country;
  - d. County Educational Boards in all counties; and
  - e. School Health Committees for each school.

33. The Council of Governors rejected the Bill in its entirety and submitted that—

- (a) the Bill establishes Committees for roles which can be undertaken by both the National and county governments government structures;
- (b) there is additional tax burdens on Kenyans for the Committees and the secretariat;
- (c) sanitary towels should be provided to all girls and women;
- (d) there are budgetary constraints in the Bill as formulated.

34. Linda Asena and Gachui Kariuki submitted that—

- (a) the issue the Bill seeks to address is a health issue and should fall under the Ministry of Health;
- (b) menstrual hygiene products suffice as the umbrella name for sanitary serviettes, sanitary towels, cups, liners, discs, tampons, sponges, period panties, and washable pads. Menstrual hygiene Products should in this context be flagged and identified as pharmaceutical products;
- (c) existing structures as given in the 2019 - 2030 Menstrual Hygiene Management Policy should be operationalised;
- (d) an alleged inter-ministerial and inter-departmental county committee on provision of sanitary towels has no business borrowing and lending money;

- (e) the Bill does not cure the issue of period poverty at all;
- (f) the Bill only seeks to expand the Wage Bill and create positions for political players
- (g) at no point has this Bill cited in precise detail how exactly said Menstrual Health Products will be supplied to every woman in Kenya;
- (h) the Bill does not address the dire need for provisions to women who undergo reproductive injuries and procedures;
- (i) we propose that the Bill be rejected and all Legislation regarding Menstruation are channelled through the Ministry of Health as this is a biological function and not a recreational activity and no one should reduce the lived experiences of Kenyan girls and women to political games for social, economic and political capital.

35. The University of Nairobi noted that—

- (a) the Bill should have a couple of guiding principles such as ease of access, dignity and reasonable choice;
- (b) there should be an eligibility criteria that can be used to identify the girls and women who are most in need of free sanitary towels;
- (c) there should be awareness on menstrual health;
- (d) there should be a part on Monitoring and Evaluation.

36. UNICEF made the following submissions—

- (a) replace sanitary towels to menstrual products in the entire Bill;
- (b) expand the choices for the menstrual products;
- (c) the committees to be gender balanced;
- (d) include Ministry of Interior in the committees;
- (e) diversify the composition of the committee as Menstrual Health is multidimensional;
- (f) remove employed staff from receiving free sanitary pads as they can afford;
- (g) include Ministry of Environment for sustainable solutions on disposal;

- (h) add the role of menstrual Health Education to the committees;
- (i) have an all-inclusive committee with relevant line ministries, Disability and gender inclusive;
- (j) all relevant line ministries of water, Health, Education, Gender, Environment and Finance to be involved at the county level;
- (k) include financial provision for county committees and regulations for acquisition of the menstrual products locally at the counties (if feasible);
- (l) the Bill needs to drive local production and supply chains of sanitary towels to stimulate jobs and value chains especially for women and youth led companies;
- (m) In the definition - may there be a definition of sanitary towel vis a vis sanitary pads - the two are used interchangeably and would be good for the bill to define the similarity or difference;
- (n) The Bill excludes informal learning institutions;

37. The Office of the Attorney General made the following submissions—

- (a) that the membership of the committees should adhere to Mwongozo Code;
- (b) the Bill should be redrafted to include children and intersex people;
- (c) that intergovernmental agreements are covered under Intergovernmental Relations Act and the Bill should refer to it;
- (d) that clause 12 of the Bill should be reviewed to take into consideration the powers of Public Service Commission in seconding of staff;
- (e) the role of SRC should be reviewed as the SRC is only mandated to offer advice to county and national governments on remuneration and benefits of public officers; and
- (f) that funding for the committees should be provided.

## LIST OF STAKE HOLDERS

1. The Coast Regional Budget Hub
2. Policy Action Initiative (PAI).
3. UNICEF
4. The Ministry of Education
5. Kenya Women Parliamentary Association
6. Rosemarie Bridges
7. Nairobi People Social Movement and Budget Champions
8. HENNET
9. The Kenya Association of Manufacturers
10. State Department for Gender and Affirmative Action
11. State Department for Correctional Services
12. The Ministry of Labour and Social Protection
13. The Office of the Attorney General
14. State Department for Technical Vocational Education and Training
15. Karen
16. Samantha Atieno
17. Marya
18. Kamukunji Youth Advisory Committee
19. Wangui Gachigi
20. Hon. Lilian Gor from Kisii County Assembly
21. Njoki Mwisyywa
22. Brenda Ondieki
23. Francis K. Mahia
24. Felix Jomo Mwangala
25. Sharley Imele
26. Lilian Mutinda
27. Gatwiri Bundi
28. WeCare Youth Organization
29. Stephanie Njeri
30. Forum for African Women
31. Ed Wazi Kenya
32. Claire Samoka
33. Irene Mwelu
34. The Council of Governors
35. Whitney Njiru
36. Tucci Herbert
37. University of Nairobi, African Women Studies, Economic Empowerment Hub
38. State Department for Gender and Affirmative Action.
39. Kituo Cha Sheria
40. Katiba Institute
41. National Treasury and Economic Planning
42. Linda Asena
43. Gachui Kariuki
44. Whitney Njiru
45. Njeri Maina
46. Dorothy Kigen
47. Mukwanyaga Mwendu,
48. Victoria Ngina
49. Joyce Ngugi

50. Isha Jaffer
51. Glory Kanji
52. Cynthia Ngángá
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54. Barbara Muthoka
55. Faith Kyalo
56. Roseline Mwangi
57. Winnie
58. Angela
59. Freelancer
60. Nduku Wambua
61. Jayla Wairimu
62. Jemimah Muthoni
- 97.
63. Maxine Makenna
64. Kelvin
65. Bilha Wanjiku Sylvia
66. Hellen Mwangeli Mutua
67. Pauline,
68. James
69. Wendy Kithinji
70. Victor Ndambuki
71. Alvin Mwangi
72. Tee
73. Wariara
74. Gasherry
75. Pauline Rimui
76. Gabriel Gicheha
77. Yvette Ndungu
78. Justine Wanda
79. Celeste
80. Geena
81. Georginah
82. Marcus,
83. Ashley Wairimu
84. Femme
85. Njoroge wa Mumbi
86. Njeri Maina
87. KELIN Kenya
88. Zamara Foundation
89. Community Voices Network
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91. Activista Nairobi
92. WAGE Kenya
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94. Inspire Teenagers Foundation
95. AYARHEP
96. Aids Health Care Foundation Kenya